

**§10105. Powers, duties and limitations**

**1. Funds.** The trust shall administer programs and funds in accordance with this chapter and other applicable laws.

[PL 2009, c. 372, Pt. B, §3 (NEW).]

**2. Efficiency Maine projects; bonds.** The board shall propose, develop and approve revenue bond projects as Efficiency Maine projects under Title 10, section 963-A, subsection 10-A.

[PL 2009, c. 372, Pt. B, §3 (NEW).]

**3. Bylaws.** The trust shall adopt bylaws, through the board, consistent with this section for the governance of its affairs.

[PL 2009, c. 372, Pt. B, §3 (NEW).]

**4. Chief Procurement Officer rules.** Notwithstanding Title 5, section 1831, the trust is not subject to rules adopted by the Chief Procurement Officer in selecting service providers pursuant to this chapter. The trust shall consider delivery of programs by means of contracts with service providers that participate in competitive bid processes for providing services within individual market segments or for particular end uses.

[PL 2023, c. 516, Pt. B, §51 (AMD).]

**5. Rules.** The board shall adopt rules for establishing and administering the trust and its programs. These rules must include:

A. Provisions for the expenditure of trust funds, including, but not limited to, the development of program budgets, criteria for energy efficiency and conservation programs and other consumer benefit programs, the process for project selection and approval, minimum requirements for project monitoring and verification and the cost-effectiveness tests to be used for measuring and comparing program benefits and costs; and [PL 2009, c. 372, Pt. B, §3 (NEW).]

B. Provisions for the independent evaluation of program expenditures to ensure cost-effectiveness of projects to improve energy efficiency or to reduce greenhouse gases. [PL 2009, c. 372, Pt. B, §3 (NEW).]

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

[PL 2009, c. 372, Pt. B, §3 (NEW).]

**6. Self-dealing prohibited.** In the operation or dissolution of the trust, no part of the net earnings of the trust may benefit any trustee, officer or employee except that the trust may pay reasonable compensation for services rendered and otherwise hold, manage and dispose of its property in furtherance of the purposes of the trust.

[PL 2009, c. 372, Pt. B, §3 (NEW).]

**7. Recommendations; advisory groups.** The trust may make recommendations to the Governor, the Legislature and other public officials regarding energy efficiency, weatherization and renewable energy programs. The trust may establish technical advisory groups as needed for the purposes of gathering technical knowledge on any aspect of energy conservation or policy.

[PL 2009, c. 372, Pt. B, §3 (NEW).]

**8. Powers.** The trust may:

A. Make, modify and carry out any agreement necessary or useful for performing any of its powers, duties or purposes, including without limitation any construction agreement, purchase or acquisition agreement, loan or lease agreement, energy performance contract, partnership agreement, limited partnership agreement, joint venture agreement, participation agreement or agreement with a leasing corporation or other financial intermediary; [PL 2021, c. 600, §1 (NEW).]

B. Obtain any certification, warranty, affidavit or other representation necessary or useful for performing any of its powers or duties; [PL 2021, c. 600, §1 (NEW).]

C. Insure or guarantee performance of any loan agreement or other obligation and procure insurance in aid of any of the trust's purposes; [PL 2021, c. 600, §1 (NEW).]

D. Procure professional services including, but not limited to, audit, banking, legal, communications, energy, engineering, evaluation, financial, information technology, media, research and analysis and website management services; and [PL 2021, c. 600, §1 (NEW).]

E. Acquire, use, improve or dispose of any interest in or type of real or personal property, including by means of grant, purchase, sale, borrowing, loan, lease, foreclosure, mortgage, lien, security interest, assignment or other lawful means, with or without public bidding, and also including the assessment of fees, the receipt of reimbursements for expenses incurred in carrying out its purposes and the expenditure or investment of its funds. [PL 2021, c. 600, §1 (NEW).]

[PL 2021, c. 600, §1 (NEW).]

#### SECTION HISTORY

PL 2009, c. 372, Pt. B, §3 (NEW). PL 2021, c. 600, §1 (AMD). PL 2023, c. 516, Pt. B, §51 (AMD).

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