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An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, funding offered for a limited time under the federal American Recovery and Reinvestment Act of 2009 may be leveraged to provide clean energy improvements on certain properties; and

Whereas, Maine has a short summer construction season for implementing clean energy improvements; and

Whereas, there is a need to facilitate the implementation of clean energy improvements by allowing a municipality to establish a clean energy financing program under which financing for a clean energy improvement is secured by a municipal lien on the real estate; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §3110 is enacted to read:

§ 3110. Clean energy financing programs

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Clean energy improvement" means an improvement to a qualifying real property authorized by a municipality implementing a program established under subsection 2 that creates energy efficiencies identified through the performance of an energy analysis or that generates energy using solar arrays and installations, geothermal installations or wind power installations.

B. "Qualifying real property" means a single-family or multifamily residential dwelling or a commercial or industrial building that a municipality implementing a program established under subsection 2 has determined is eligible for the program.

2. Establish program. Notwithstanding any other provision of law, a municipality may establish on its own or through agreement with other municipalities, counties, nonprofit organizations, private lenders or other entities a clean energy improvement financing program under which financing for a clean energy improvement located on a qualifying real property is secured, with the written agreement of all owners of record of the property, by a municipal lien on the property that takes precedence over all

other claims on the property, excepting only claims for property taxes and liens for nonpayment of sewer or water utility services, and that is enforced by the municipality in the same manner as is a municipal property tax lien.

3. Construction; home rule. Nothing in this section may be construed to limit the home rule authority of a municipality.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

SUMMARY

This bill allows a municipality, on its own or through agreement with other municipalities, counties, nonprofit organizations, private lenders or other entities, to establish a clean energy improvement financing program under which financing for a clean energy improvement located on a qualifying real property is secured, with the written agreement of all owners of record of the property, by a municipal lien on the property that takes precedence over all other claims on the property, excepting only claims for property taxes and liens for nonpayment of sewer or water utility services, and that is enforced by the municipality in the same manner as is a municipal property tax lien. It defines "clean energy improvement" as an energy efficiency improvement or energy generation system that relies on solar arrays and installations, geothermal installations or wind power installations as authorized by the municipality.