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Resolve, Relating to Federal Stimulus Funds for Energy Programs

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

Whereas, federal legislation providing stimulus funds to the State is expected soon to be enacted; and

Whereas, the State must ensure that such funds designated for critical energy purposes are carefully applied in a timely fashion within the parameters established under federal law; 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

Sec. 1 Legislative review of expenditures of federal stimulus funds relating to energy. Resolved: That, except as otherwise provided in this resolve, a state agency or authority may not expend or encumber any temporary increase in federal funds received by the State or by the agency or authority pursuant to a federal economic stimulus law that are expressly designated for energy-related purposes, referred to in this resolve as "energy stimulus funds," whether or not such funds are subject to state legislative allocation, unless:

1. In the case of energy stimulus funds subject to state legislative allocation, an allocation of those funds has been made. A financial order may not allow the expenditure of such funds prior to the enactment of such an allocation; and

2. In the case of energy stimulus funds not subject to state legislative allocation, either legislation authorizing a plan for the use of the funds is enacted or the Legislature fails to act upon a proposed plan submitted in accordance with section 2 during the legislative session in which that plan is submitted or during any subsequent session to which the legislative instrument allowing for review and action on that proposed plan is carried over.

For purposes of this resolve, "state agency or authority" includes but is not limited to the Governor, a state agency, a state department, the Public Utilities Commission and the Maine State Housing Authority. For purposes of this resolve, "energy-related purposes" includes but is not limited to purposes relating to energy efficiency or conservation, weatherization, fuel assistance, system conversion or augmentation to reduce fossil fuel utilization, the development or support of renewable energy resources or energy transmission or distribution systems or any other energy-related purposes. For purposes of this resolve, "federal economic stimulus law" means the finally enacted version of the federal American Recovery and Reinvestment Act of 2009, pending in Congress on February 11, 2009, or any successor or substantially similar legislation enacted by Congress prior to the repeal of this resolve; and be it further

Sec. 2 Submission of plans for use of new federal funds relating to energy. Resolved: That a state agency or authority receiving or expecting to receive or apply for energy stimulus funds shall, no later than 30 days after the enactment of a federal economic stimulus law, submit to the

Legislature a proposed plan for the use of those funds together with a copy of all relevant federal laws or regulations governing the use of the funds and a written description of any discretion permitted in the application of the funds.

1. If the energy stimulus funds are subject to state legislative allocation, the state agency or authority shall submit the plan and required documents to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Utilities and Energy and the Joint Select Committee on Maine's Energy Future.

2. If the energy stimulus funds are not subject to state legislative allocation, the state agency or authority shall submit 30 copies of the proposed plan and required documents to the Executive Director of the Legislative Council, who shall immediately notify the Revisor of Statutes, who shall draft an appropriate legislative instrument to allow for legislative review and action upon the proposed plan. The Executive Director of the Legislative Council shall provide the copies of the proposed plan and the required documents to the committee of the Legislature to which the legislative instrument is referred; and be it further

Sec. 3 Application. Resolved: That the requirements of sections 1 and 2 do not apply to any energy stimulus funds that are subject to federal requirements or conditions that are inconsistent with the requirements of this resolve such that the application of this resolve to such funds would materially interfere with the State's receipt of such funds. The state agency or authority that receives or expects to receive or apply for energy stimulus funds subject to such federal requirements or conditions shall submit no later than 30 days after the enactment of a federal economic stimulus law a report to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Utilities and Energy and the Joint Select Committee on Maine's Energy Future that identifies such funds, the relevant federal requirements or conditions and the applicable inconsistencies; and be it further

Sec. 4 Repeal. Resolved: That this resolve is repealed June 17, 2009.

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