

16-502.

(a) (1) [In lieu of the State prosecuting a criminal action under any provision of this title, the Attorney General may bring a civil action in the circuit court against any] A person who violates any provision of this title or any regulation, permit, license, or order issued under this title SHALL BE LIABLE FOR A PENALTY NOT EXCEEDING ~~\$15,000~~ \$10,000, WHICH MAY BE RECOVERED IN A CIVIL ACTION.

(2) IN IMPOSING A PENALTY UNDER THIS SUBSECTION, THE COURT MAY CONSIDER THE FACTORS IN § 9-342(B)(2)(II) OF THIS ARTICLE AND ANY OTHER RELEVANT FACTORS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.

May 21, 2003

The Honorable Thomas V. Mike Miller, Jr.  
Senate President  
State House  
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 394 – Maryland Efficiency Standards Act.

Senate Bill 394 establishes minimum energy efficiency standards for certain new products to be sold in Maryland after March 1, 2005 or installed in Maryland after January 1, 2006. These products include lighting fixtures, unit heaters, ceiling fans, traffic signals, and commercial clothes washers.

The Department of Business and Economic Development opposed this legislation during bill hearings.

The United States Department of Energy (DOE) is responsible for setting energy efficiency standards for the entire country. Maryland does not set standards on a state level that regulate energy efficiency standards of products sold, manufactured, or installed in the state. The federal government should continue its role of regulating energy standards. Promoting energy efficient products is a laudable goal that I encourage. It is not, however, Maryland's prerogative to force energy efficient products on consumers, many of whom cannot afford them.

The ENERGY STAR program, a federal program that identifies and promotes energy efficient products to save energy and reduce greenhouse gas emissions, has fostered a successful partnership between the DOE and the Environmental Protection Agency. Through federal standards and programs such as ENERGY STAR, people around the country can conserve energy and achieve cost saving energy efficiency.

This legislation will dramatically increase the costs of products for various businesses in Maryland. These costs will be passed along to consumers, often those who can least afford the increases. For example, higher energy efficiency standards for commercial