

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

24K  
ROS

L.D. 1682

Date: 6/10/21

(Filing No. H- 541)

Majority  
ENERGY, UTILITIES AND TECHNOLOGY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
130TH LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1251, L.D. 1682, "An Act To Require Consideration of Climate and Equity Impacts by the Public Utilities Commission"

Amend the bill by striking out the title and substituting the following:

'An Act To Require Consideration of Climate Impacts by the Public Utilities Commission and To Incorporate Equity Considerations in Decision Making by State Agencies'

Amend the bill by striking out all of section 1 and inserting the following:

'Sec. 1. 35-A MRSA §101, as amended by PL 2013, c. 369, Pt. F, §1, is further amended to read:

**§101. Statement of purpose**

The purpose of this Title is to ensure that there is a regulatory system for public utilities in the State and for other entities subject to this Title that is consistent with the public interest and with other requirements of law and to provide for reasonable licensing requirements for competitive electricity providers. The basic purpose of this regulatory system as it applies to public utilities subject to service regulation under this Title is to ensure safe, reasonable and adequate service, to assist in minimizing the cost of energy available to the State's consumers and, to ensure that the rates of public utilities subject to rate regulation are just and reasonable to customers and public utilities and to reduce greenhouse gas emissions to meet the greenhouse gas emissions reduction levels set forth in Title 38, section 576-A.'

Amend the bill by striking out all of sections 2, 3 and 4.

Amend the bill by striking out all of section 5 and inserting the following:

'Sec. 5. 35-A MRSA §103-A is enacted to read:

**§103-A. Climate requirements**

In executing its duties, powers and regulatory functions under this Title, the commission, while ensuring system reliability and resource adequacy, shall facilitate the

**COMMITTEE AMENDMENT**

ROS

1 achievement by the State of the greenhouse gas emissions reduction levels set forth in Title  
2 38, section 576-A.'

3 Amend the bill by inserting after section 5 the following:

4 **'Sec. 6. Office of Policy Innovation and the Future to incorporate equity**  
5 **considerations and develop related definitions; report.** The Office of Policy  
6 Innovation and the Future, referred to in this section as "the office," in consultation with  
7 other state offices and agencies shall:

8 1. Develop methods of incorporating equity considerations in decision making at the  
9 Department of Environmental Protection, the Public Utilities Commission and other state  
10 agencies; and

11 2. Develop definitions for "environmental justice," "environmental justice  
12 populations," "frontline communities" and any other terms determined by the office to be  
13 necessary for the incorporation of equity considerations in decision making at the  
14 department, the commission and other state agencies.

15 In developing methods of incorporating equity considerations and the definitions  
16 pursuant to this section, the office shall allow for input from the public and stakeholders.

17 On or before February 15, 2022, the office shall submit a report to the Joint Standing  
18 Committee on Environment and Natural Resources and the Joint Standing Committee on  
19 Energy, Utilities and Technology that includes any recommendations regarding methods  
20 of incorporating equity considerations developed under subsection 1 and the definitions  
21 developed under subsection 2, including any suggested legislation. The committees may  
22 each report out a bill to the Second Regular Session of the 130th Legislature based on the  
23 report.'

24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
25 number to read consecutively.

## 26 SUMMARY

27 This amendment removes from the bill the purpose of the Public Utilities Commission  
28 to mitigate disproportionate energy burdens on environmental justice populations, frontline  
29 communities and utility customers who are underserved by utility or electricity policies,  
30 programs and systems due to geography, race, income or other socioeconomic factors. It  
31 removes the requirement that the commission, in its execution of its duties, powers and  
32 regulatory functions, mitigate disproportionate energy burdens and other inequities of  
33 affordability and environmental justice experienced by utility customers while ensuring  
34 system reliability and resource adequacy. It also removes the requirement that the  
35 commission prioritize proceedings and activities that advance decarbonization in the utility  
36 sector.

37 The amendment requires the Office of Policy Innovation and the Future, in consultation  
38 with other state agencies and offices, to develop methods to incorporate equity  
39 considerations in decision making at the Department of Environmental Protection, the  
40 Public Utilities Commission and other state agencies, and to develop definitions for  
41 "environmental justice," "environmental justice populations," "frontline communities" and  
42 any other terms determined to be necessary to capture equity considerations in decision  
43 making at the department, the commission and other state agencies. It requires the office

ROS

COMMITTEE AMENDMENT "A" to H.P. 1251, L.D. 1682

- 1 to allow for input from the public and stakeholders. It requires the office to submit a report
- 2 that includes any recommendations regarding definitions and equity considerations,
- 3 including any suggested legislation, to the Joint Standing Committee on Environment and
- 4 Natural Resources and the Joint Standing Committee on Energy, Utilities and Technology
- 5 by February 15, 2022. It allows each committee to report out a bill to the Second Regular
- 6 Session of the 130th Legislature based on the report.

**FISCAL NOTE REQUIRED**  
**(See attached)**

**COMMITTEE AMENDMENT**



Approved: 06/07/21 *MAC*

# 130th MAINE LEGISLATURE

LD 1682

LR 1299(02)

**An Act To Require Consideration of Climate and Equity Impacts by the Public Utilities Commission**

**Fiscal Note for Bill as Amended by Committee Amendment**

**Committee: Energy, Utilities and Technology**

**Fiscal Note Required: Yes**

*A(H-541)*

---

## Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

This bill requires the Governor's Office of Policy Innovation and the Future to work with state agencies to develop methods that incorporate equity considerations into decision-making and report to the Legislature. Any additional costs to the Governor's Office, or to the Department of Environmental Protection and the Public Utilities Commission to consult with the Governor's Office, are anticipated to be minor and can be absorbed within existing budgeted resources.