

MAINE STATE LEGISLATURE

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Date 5/24/23

(Filing No S-134)

MINORITY

ENERGY, UTILITIES AND TECHNOLOGY

Reproduced and distributed under the direction of the Secretary of the Senate

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to S P 91, L D 187, "An Act to Eliminate the Energy Efficiency and Renewable Resource Fund"

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

'An Act to Eliminate the Energy Efficiency and Renewable Resource Fund and to Direct Alternative Compliance Payments to the Maine Energy Resources Development Program'

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 2 MRSA §9, sub-§6, as enacted by PL 2011, c 655, Pt MM, §4 and affected by §26, is amended to read

6. Maine Energy Resources Development Program. The Maine Energy Resources Development Program, referred to in this subsection as "the program," is established to promote energy research and demonstration activities and energy initiatives related to both the use of indigenous, renewable resources and, more efficient use of energy and the achievement of the State's energy and climate goals The Resources Fund, referred to in this subsection as "the fund," is established within the office for the purposes of the program The fund is nonlapsing and receives all funds transferred to the fund by the Public Utilities Commission under Title 35-A, section 3210, subsection 9 for the purposes of the program as well as any other funds appropriated or allocated to the fund and any private funds or federal funds received for purposes of the program The office, as funding allows, shall administer the program ~~The director may accept private money for the purpose of funding the program~~

A The director shall include, in the ~~comprehensive state energy plan~~ annual report under subsection 3, paragraph ~~C-1~~, a report that specifies, in regard to the program, the expenditure of program funds, the purposes for which the funds were used and the amount of the funds and the sources from which the funds were derived

B For all proposed program expenditures of \$10,000 or more, the director shall seek approval for those expenditures from the Governor If the Governor approves, the

COMMITTEE AMENDMENT

1 director shall ~~seek approval for those expenditures from the Legislature under follow~~
 2 the procedures ~~authorizing the transfer of funds set forth in Title 5, section 1585~~

3 **Sec. 2. 35-A MRSA §3210, sub-§9, ¶B**, as amended by PL 2021, c 199, §1, is
 4 further amended to read

5 B The commission shall collect alternative compliance payments to meet the
 6 requirements of subsections 3-A and 3-B made by competitive electricity providers and
 7 shall ~~deposit all funds collected under this paragraph in the Energy Efficiency and~~
 8 ~~Renewable Resource Fund established under section 10121, subsection 2 to be used to~~
 9 ~~fund research, development and demonstration projects relating to renewable energy~~
 10 ~~technologies and to fund rebates for cost effective renewable energy technologies-~~
 11 annually remit the first \$500,000 of the funds collected under this paragraph in each
 12 calendar year to the Resources Fund established in Title 2, section 9, subsection 6 to
 13 be used in a manner consistent with this section With respect to any amounts collected
 14 under this paragraph in excess of \$500,000 in any calendar year, the commission shall

15 (1) At the request of the Governor's Energy Office, in order to meet identified
 16 needs of the Maine Energy Resources Development Program, transfer amounts
 17 requested, up to the amount available, to the Resources Fund established in Title
 18 2, section 9, subsection 6 to be used in a manner that furthers the purposes of this
 19 section, and

20 (2) Apply any remaining funds in a manner that results in a reduction in the
 21 alternative compliance payment amounts or supports programs that increase the
 22 development of renewable energy

23 **Sec. 3. 35-A MRSA §10121**, as amended by PL 2011, c 637, §8, is repealed

24 **Sec. 4. Appropriations and allocations.** The following appropriations and
 25 allocations are made

26 **EXECUTIVE DEPARTMENT**

27 **Maine Energy Resources Development Program N449**

28 Initiative Provides allocations to establish the program and account

29 OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
30 All Other	\$500	\$500
31		
32 OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

33 '
 34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 35 number to read consecutively

36 **SUMMARY**

37 This amendment replaces the bill, which is a concept draft, and changes the title It
 38 expands the purpose of the Maine Energy Resources Development Program within the
 39 Governor's Energy Office to include the achievement of the State's energy and climate
 40 goals and creates a Resources Fund for the program It also specifies that the Resources
 41 Fund may receive funds from alternative compliance payments remitted by the Public

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COMMITTEE AMENDMENT "B" to SP 91, L.D. 187 (S-134)

1 Utilities Commission as well as funds appropriated or allocated to the Resources Fund and
2 private or federal funds. It requires the office to report on the use of program funds in the
3 annual report. The amendment requires the commission to annually remit the first \$500,000
4 in alternative compliance payments made by competitive electricity providers to the
5 Resources Fund within the Governor's Energy Office. For any alternative compliance
6 payment amounts collected in excess of \$500,000, the office may ask the commission to
7 transfer additional funds to the Resources Fund. The commission must use any remaining
8 funds in a manner that results in a reduction in the alternative compliance payment amounts
9 or supports programs that increase the development of renewable energy. The amendment
10 also repeals the law establishing the Energy Efficiency and Renewable Resource Fund.

11 **FISCAL NOTE REQUIRED**

12 (See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 187

LR 1122(03)

An Act to Eliminate the Energy Efficiency and Renewable Resource Fund

Fiscal Note for Bill as Amended by Committee Amendment "B" (S-13A)

Committee: Energy, Utilities and Technology

Fiscal Note Required: Yes

Fiscal Note

Eliminates Energy Efficiency and Renewable Resource Fund - Efficiency Maine Trust
Redirects alternative compliance payments

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

Fiscal Detail and Notes

This bill repeals the Energy Efficiency and Renewable Resource Fund (fund) administered by the Efficiency Maine Trust (EMT). Under current statute, the fund receives revenue from alternative compliance payments to the Public Utilities Commission (PUC) that get transferred to the EMT to be used for various energy efficiency projects. Instead, the bill directs the first \$500,000 in revenues from alternative compliance payments to be credited to the Maine Energy Resources Development Program (MERD) administered by the Governor's Energy Office (GEO). The GEO may also request the transfer of additional revenue from alternative compliance payments in excess of the first \$500,000 if sufficient funds are available. Since revenues from alternative compliance payments have been declining, it is unlikely that significant revenues will be available for MERD. This bill includes an Other Special Revenue Funds allocation to MERD of \$500 starting in the fiscal year 2023-24 to establish the fund and to allow expenditure of any revenue received.