

130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1682

H.P. 1251

House of Representatives, May 6, 2021

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

Received by the Clerk of the House on May 4, 2021. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

ROBERT B. HUNT Clerk

R(+ B. Hunt

Presented by Representative DOUDERA of Camden.
Cosponsored by Senator MAXMIN of Lincoln and
Representatives: BLUME of York, GRAMLICH of Old Orchard Beach, GROHOSKI of
Ellsworth, KESSLER of South Portland, Senator: CARNEY of Cumberland.

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

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, to reduce greenhouse gas emissions to meet the greenhouse gas emissions reduction goals in Title 38, section 576-A and to address and mitigate disproportionate energy burdens on environmental justice populations, frontline communities and utility customers who are underserved by utility or electricity policies, programs and systems due to geography, race, income or other socioeconomic factors.

Sec. 2. 35-A MRSA §102, sub-§5-A is enacted to read:

5-A. Environmental justice. "Environmental justice" means the right to be protected from environmental pollution and to live in and enjoy a clean and healthful environment regardless of ancestry, class, disability, ethnicity, income, national origin or religion. "Environmental justice" includes the equal protection and meaningful involvement of all persons with respect to the development, implementation and enforcement of utility regulations.

Sec. 3. 35-A MRSA §102, sub-§5-B is enacted to read:

5-B. Environmental justice population. "Environmental justice population" means a census tract that meets one or more of the following criteria: the annual median household income in the census tract is not more than 65% of the statewide annual median household income; minority populations comprise 40% or more of the population in the census tract; 25% or more of the households in the census tract lack English language proficiency; or minority populations comprise 25% or more of the population in the census tract and the annual median household income in the census tract is not more than 150% of the statewide annual median household income.

Sec. 4. 35-A MRSA §102, sub-§6-C is enacted to read:

<u>6-C. Frontline communities.</u> "Frontline communities" means communities of color, persons with lower incomes or Indigenous people that experience the consequences of climate change first and to a greater degree than other communities.

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

§103-A. Climate and environmental justice considerations

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

- 1. Greenhouse gas emissions reductions; decarbonization. Facilitate the achievement by the State of the greenhouse gas emissions reduction goals in Title 38, section 576-A and prioritize proceedings and activities that advance decarbonization in the utility sector; and
- 2. Mitigation of energy burdens; environmental justice. Mitigate disproportionate energy burdens and other inequities of affordability and environmental justice experienced by customers.

The commission shall adopt rules to implement this section. Rules must set forth the factors the commission considers and the procedures the commission uses to prioritize proceedings and activities that advance decarbonization in the utility sector as described in subsection 1 and to evaluate and mitigate disproportionate energy burdens and other inequities of affordability and environmental justice experienced by customers as described in subsection 2. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

15 SUMMARY

This bill adds to the purposes of the Public Utilities Commission the reduction of greenhouse gas emissions and the mitigation of disproportionate energy burdens on environmental justice populations, frontline communities and utility customers who are underserved by utility or electricity policies, programs and systems due to geography, race, income or other socioeconomic factors. It also requires the commission, in its execution of its duties, powers and regulatory functions to aid in the facilitation of the achievement of the greenhouse gas emissions reduction goals in the Maine Revised Statutes, Title 38, section 576-A and to prioritize proceedings and activities, when possible, that advance decarbonization in the utility sector and mitigate disproportionate energy burdens and other inequities of affordability and environmental justice experienced by utility customers while ensuring system reliability and resource adequacy.