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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.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

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.

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

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

4 **§101. Statement of purpose**

5 The purpose of this Title is to ensure that there is a regulatory system for public utilities
6 in the State and for other entities subject to this Title that is consistent with the public
7 interest and with other requirements of law and to provide for reasonable licensing
8 requirements for competitive electricity providers. The basic purpose of this regulatory
9 system as it applies to public utilities subject to service regulation under this Title is to
10 ensure safe, reasonable and adequate service, to assist in minimizing the cost of energy
11 available to the State's consumers ~~and~~, to ensure that the rates of public utilities subject to
12 rate regulation are just and reasonable to customers and public utilities, to reduce
13 greenhouse gas emissions to meet the greenhouse gas emissions reduction goals in Title
14 38, section 576-A and to address and mitigate disproportionate energy burdens on
15 environmental justice populations, frontline communities and utility customers who are
16 underserved by utility or electricity policies, programs and systems due to geography, race,
17 income or other socioeconomic factors.

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

19 **5-A. Environmental justice.** "Environmental justice" means the right to be protected
20 from environmental pollution and to live in and enjoy a clean and healthful environment
21 regardless of ancestry, class, disability, ethnicity, income, national origin or religion.
22 "Environmental justice" includes the equal protection and meaningful involvement of all
23 persons with respect to the development, implementation and enforcement of utility
24 regulations.

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

26 **5-B. Environmental justice population.** "Environmental justice population" means
27 a census tract that meets one or more of the following criteria: the annual median household
28 income in the census tract is not more than 65% of the statewide annual median household
29 income; minority populations comprise 40% or more of the population in the census tract;
30 25% or more of the households in the census tract lack English language proficiency; or
31 minority populations comprise 25% or more of the population in the census tract and the
32 annual median household income in the census tract is not more than 150% of the statewide
33 annual median household income.

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

35 **6-C. Frontline communities.** "Frontline communities" means communities of color,
36 persons with lower incomes or Indigenous people that experience the consequences of
37 climate change first and to a greater degree than other communities.

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

39 **§103-A. Climate and environmental justice considerations**

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

1 **1. Greenhouse gas emissions reductions; decarbonization.** Facilitate the
2 achievement by the State of the greenhouse gas emissions reduction goals in Title 38,
3 section 576-A and prioritize proceedings and activities that advance decarbonization in the
4 utility sector; and

5 **2. Mitigation of energy burdens; environmental justice.** Mitigate disproportionate
6 energy burdens and other inequities of affordability and environmental justice experienced
7 by customers.

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

15 **SUMMARY**

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