**An Act To Implement Recommendations Regarding the Incorporation of Equity Considerations in Regulatory Decision Making**

L.D. 2018

Date: (Filing No. H- )

**Environment and Natural Resources**

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

**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**130th Legislature**

**Second Regular Session**

COMMITTEE AMENDMENT “      ” to H.P. 1500, L.D. 2018, “An Act To Implement Recommendations Regarding the Incorporation of Equity Considerations in Regulatory Decision Making”

Amend the bill by striking out all of section 2 and inserting the following:

'**Sec. 2. 35-A MRSA §1310-A** is enacted to read:

**§1310-A. Intervenor or advocate funding**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advocate" means an individual, group of individuals or organization or entity representing an individual or group of individuals or the interests of an individual or group of individuals that is involved in or has an interest in the outcome of a legislative proceeding.

B. "Legislative proceeding" means a meeting, session or other activity of the Legislature or its committees or subcommittees that, as determined by the commission, concerns or is likely to affect the regulation of public utilities or other entities subject to the jurisdiction of the commission.

**2. Qualification for funding.** Consistent with rules adopted by the commission pursuant to subsection 4, the commission may order or provide funding in accordance with subsection 3 to an intervenor in a commission proceeding or to an advocate in a legislative proceeding upon a finding that:

A. The position of the intervenor in the commission proceeding or of the advocate in the legislative proceeding is not adequately represented by the Office of the Public Advocate or commission staff;

B. With respect to an intervenor, the intervenor is likely to substantially contribute to the commission proceeding and to assist in the resolution of the issues raised in the commission proceeding and participation in the commission proceeding by the intervenor would impose a significant financial hardship on the intervenor; and

C. With respect to an advocate, the advocate is likely to substantially contribute to the legislative proceeding by presenting a position different from the Office of the Public Advocate and commission staff and participation in the legislative proceeding by the advocate would impose a significant financial hardship on the advocate.

**3. Funding sources.** If the commission finds pursuant to subsection 2 that an intervenor in a commission proceeding or an advocate in a legislative proceeding qualifies for funding, the commission may, consistent with rules adopted by the commission pursuant to subsection 4:

A. With respect to an intervenor only, order a utility involved in the commission proceeding to compensate the intervenor. Compensation provided by a utility under this paragraph may be recovered in rates; or

B. With respect to an intervenor or advocate, provide compensation to the intervenor or advocate from the Public Utilities Commission Regulatory Fund established pursuant to section 116 and, with respect to an intervenor only, filing fees, subject to the commission's determination that funds are available for that purpose.

**4. Rules.** The commission shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

A. Rules adopted by the commission pursuant to this subsection must include, but are not limited to:

(1) The process by which the commission will determine whether an intervenor or advocate qualifies for funding;

(2) Identification of which expenses incurred by an intervenor or advocate may qualify for funding, which types of commission proceedings intervenor funding will be available for, which types of legislative proceedings advocate funding will be available for and the point in an eligible commission proceeding or legislative proceeding at which an intervenor or advocate qualifying for funding will be provided with the funding;

(3) The process by which the commission will ensure that funding provided to an intervenor or advocate is used properly and the process by which funding provided to an intervenor or advocate that is not entirely used by the intervenor or advocate may be recovered by the commission; and

(4) The methods by which the commission will ensure that the public is notified about the availability of intervenor and advocate funding under this section.

B. Rules adopted by the commission pursuant to this subsection may include, but are not limited to:

(1) Establishment of a cap on the amount of funding provided to a qualified intervenor for a commission proceeding or provided to a qualified advocate for a legislative proceeding;

(2) Establishment of a process by which the commission will give priority under this section to qualified intervenors or advocates representing environmental justice populations. If the commission establishes such a process by rule, the commission, in consultation with the Department of Environmental Protection, shall include in that rule a definition for "environmental justice populations" that is consistent with any definition for that term adopted by the department in a department rule; and

(3) Any other provisions the commission determines necessary for the implementation of this section.'

Amend the bill by inserting after section 3 the following:

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

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

**Maine Environmental Protection Fund 0421**

Initiative: Provides funding for one Public Service Coordinator I position, 2 Law Clerk positions, one GIS Coordinator position and associated position costs.

|  |  |  |
| --- | --- | --- |
| **GENERAL FUND** | **2021-22** | **2022-23** |
| POSITIONS - LEGISLATIVE COUNT | 0.000 | 4.000 |
| Personal Services | $0 | $280,696 |
| All Other | $0 | $12,292 |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| GENERAL FUND TOTAL | $0 | $292,988 |

**Maine Environmental Protection Fund 0421**

Initiative: Provides funding for facilitator services, travel expenses, facility rentals and meeting expenses.

|  |  |  |
| --- | --- | --- |
| **GENERAL FUND** | **2021-22** | **2022-23** |
| All Other | $0 | $150,000 |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| GENERAL FUND TOTAL | $0 | $150,000 |

|  |  |  |
| --- | --- | --- |
| **ENVIRONMENTAL PROTECTION,** **DEPARTMENT OF** |  |  |
| **DEPARTMENT TOTALS** | **2021-22** | **2022-23** |
|  |  |  |
| **GENERAL FUND** | **$0** | **$442,988** |
|  | \_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_ |
| **DEPARTMENT TOTAL - ALL FUNDS** | **$0** | **$442,988** |

'

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

**SUMMARY**

This amendment, which is the minority report of the committee, amends the intervenor funding provisions included in the bill to provide that similar funding may be made available through the Public Utilities Commission for advocates in a legislative proceeding.

The amendment defines "advocate" to mean an individual, group of individuals or organization or entity representing a group of individuals or the interests of a group of individuals that is involved in or has an interest in the outcome of a legislative proceeding and defines "legislative proceeding" to mean a meeting, session or other activity of the Legislature or its committees or subcommittees that, as determined by the commission, concerns or is likely to affect the regulation of public utilities or other entities subject to the jurisdiction of the commission.

The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**