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Date: (Filing No. H-)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

HOUSE AMENDMENT “ ” to COMMITTEE AMENDMENT “A” to H.P. 1079, L.D. 1509, Bill, “An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2014 and June 30, 2015”

Amend the amendment by inserting after Part MMMMM the following:

'PART NNNNN

Sec. NNNNN-1. 35-A MRSA §10104, sub-§5, ¶B, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

- B. An accounting of:
 - (1) ~~Assessments made on each transmission and distribution utility pursuant to section 10110 during the prior 12 months and projected assessments during the next 12 months and total~~ Total deposits into and expenditures from the program fund during the prior 12 months and projected deposits into and expenditures from the program funds during the next 12 months;
 - (2) ~~Assessments made pursuant to section 10111 during the prior 12 months and projected assessments during the next 12 months and total~~ Total deposits into and expenditures from the natural gas conservation fund during the prior 12 months and projected deposits into and expenditures from the natural gas conservation fund during the next 12 months;
 - (3) Any heating fuel assessments made for the purposes of section 10119 during the prior 12 months and projected assessments during the next 12 months and total deposits into and expenditures from the Heating Fuels Efficiency and Weatherization Fund during the prior 12 months and projected deposits into and expenditures from the Heating Fuels Efficiency and Weatherization Fund during the next 12 months;
 - (4) Total funds received and expended by the State on energy efficiency and weatherization pursuant to the Weatherization Assistance for Low-income Persons Program of the United States Department of Energy and the Low-income

HOUSE AMENDMENT

1 Home Energy Assistance Program of the United States Department of Health and
2 Human Services;

3 (5) The amount and source of any grants or funds deposited in the program fund
4 pursuant to section 10110 during the previous 12 months and the projected
5 amount and source of any such funds during the next 12 months; and

6 (6) Total deposits into and expenditures from the conservation administration
7 fund under section 10110 during the prior 12 months and projected deposits into
8 and expenditures from the conservation administration fund during the next 12
9 months;

10 **Sec. NNNNN-2. 35-A MRSA §10110, sub-§2, ¶B**, as enacted by PL 2009, c.
11 372, Pt. B, §3, is repealed.

12 **Sec. NNNNN-3. 35-A MRSA §10110, sub-§4**, as enacted by PL 2009, c. 372,
13 Pt. B, §3, is repealed.

14 **Sec. NNNNN-4. 35-A MRSA §10110, sub-§5**, as amended by PL 2009, c. 518,
15 §10, is repealed.

16 **Sec. NNNNN-5. 35-A MRSA §10110, sub-§5-A** is enacted to read:

17 **5-A. No assessment for energy efficiency.** Notwithstanding any other provision of
18 law, the Public Utilities Commission may not order a transmission and distribution utility
19 to procure any electric energy efficiency resources for the purposes of this chapter.

20 **Sec. NNNNN-6. 35-A MRSA §10110, sub-§6**, as enacted by PL 2009, c. 372,
21 Pt. B, §3, is repealed.

22 **Sec. NNNNN-7. 35-A MRSA §10110, sub-§7, ¶A**, as enacted by PL 2009, c.
23 372, Pt. B, §3, is repealed.

24 **Sec. NNNNN-8. 35-A MRSA §10110, sub-§8**, as enacted by PL 2009, c. 372,
25 Pt. B, §3, is amended to read:

26 **8. Conservation administration fund.** The trust shall establish a conservation
27 administration fund to be used solely to defray administrative costs. The commission, at
28 the direction of the trust, may annually deposit funds collected pursuant to this section
29 into the administration fund ~~up to a maximum in any fiscal year of up to 9% of total funds~~
30 ~~received pursuant to subsections 4 and 5.~~ Any interest on funds in the administration
31 fund must be credited to the administration fund and any funds unspent in any fiscal year
32 must either remain in the administration fund to be used to defray administrative costs or
33 be transferred to the program fund.

34 **Sec. NNNNN-9. 35-A MRSA §10110, sub-§10**, as enacted by PL 2009, c. 372,
35 Pt. B, §3, is amended to read:

36 **10. Funds held in trust.** All funds ~~collected from electricity consumers pursuant to~~
37 ~~this section are collected under the authority and deposited into the fund~~ for the purposes
38 of this section and are deemed to be held in trust for the purposes of benefiting electricity
39 consumers. ~~In the event funds are not expended or contracted for expenditure within 2~~
40 ~~years of being collected from consumers, the commission shall return the value of those~~

1 ~~funds to consumers by appropriate reductions in the assessment collected pursuant to~~
2 ~~subsection 4.~~

3 **Sec. NNNNN-10. 35-A MRSA §10110, sub-§12**, as enacted by PL 2009, c.
4 372, Pt. B, §3, is repealed.

5 **Sec. NNNNN-11. 35-A MRSA §10111, sub-§2**, as amended by PL 2011, c.
6 637, §7, is further amended to read:

7 **2. Funding level.** The natural gas conservation fund, which is a nonlapsing fund, is
8 established to carry out the purposes of this section. ~~The commission shall assess each~~
9 ~~gas utility that serves at least 5,000 residential customers an amount that is no less than~~
10 ~~3% of the gas utility's delivery revenues as defined by commission rule. In accordance~~
11 ~~with the triennial plan, the commission may assess a higher amount. All amounts~~
12 ~~collected under this subsection must be transferred to the natural gas conservation fund.~~
13 Any interest on funds in the fund must be credited to the fund. Funds not spent in any
14 fiscal year remain in the fund to be used for the purposes of this section.

15 ~~The assessments charged to gas utilities under this section are just and reasonable costs~~
16 ~~for rate making purposes and must be reflected in the rates of gas utilities.~~

17 ~~All funds collected pursuant to this section are collected under the authority and~~
18 ~~deposited in the fund for the purposes of this section and are deemed to be held in trust~~
19 ~~for the purposes of benefiting natural gas consumers served by the gas utilities assessed~~
20 ~~under this subsection. In the event funds are not expended or contracted for expenditure~~
21 ~~within 2 years of being collected from consumers, the commission shall return the value~~
22 ~~of those funds to consumers by appropriate reductions in the assessment collected~~
23 ~~pursuant to this subsection.~~

24 Rules adopted by the commission under this subsection are routine technical rules as
25 defined in Title 5, chapter 375, subchapter 2-A.

26 **Sec. NNNNN-12. 35-A MRSA §10116, sub-§1**, as enacted by PL 2009, c. 372,
27 Pt. B, §3, is amended to read:

28 **1. Program and fund.** The trust shall establish the Energy Conservation Small
29 Business Revolving Loan Program, referred to in this subsection as "the program," and
30 the Energy Conservation Small Business Revolving Loan Fund, referred to in this
31 subsection as "the fund." The fund consists of federal capitalization grants and awards
32 made to the State for the purposes for which the fund is established; any amounts that the
33 trust deposits in the fund ~~from the assessment on transmission and distribution utilities~~
34 ~~pursuant to section 10110 or from other program funds, to the extent that use of such~~
35 ~~funds for the program will be consistent with the requirements governing the use of such~~
36 ~~funds; principal and interest received from the repayment of loans made from the fund;~~
37 ~~any interest earned on investment of fund balances; and other funds from any public or~~
38 ~~private source received for the purposes for which the fund is established. The fund is a~~
39 ~~nonlapsing revolving fund account.~~

40 A. The trust shall credit all repayments of loans made to businesses, including
41 interest, penalties and other fees and charges related to fund loans, to the fund
42 account.

1 B. Money in the fund not needed to meet the current obligations of the program must
2 be deposited with the Treasurer of State to the credit of the fund account and may be
3 invested in such manner as is provided by law. Interest received on that investment
4 must be credited to the fund account.

5 C. At the end of each fiscal year, all unencumbered balances in the fund account may
6 be carried forward to be used for the purposes specified in this subsection.

7 **Sec. NNNNN-13. Appropriations and allocations.** The following
8 appropriations and allocations are made.

9 **EFFICIENCY MAINE TRUST**

10 **Efficiency Maine Trust Z100**

11 Initiative: Deallocates all funding as a result of the elimination of the assessments
12 collected by the Public Utilities Commission and transferred to the Efficiency Maine
13 Trust.

14	OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
15	POSITIONS - LEGISLATIVE COUNT	(2.000)	(2.000)
16	Personal Services	(\$161,295)	(\$169,464)
17	All Other	(\$14,179,836)	(\$14,404,090)
18			
19	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>(\$14,341,131)</u>	<u>(\$14,573,554)</u>

20
21 Amend the amendment by relettering or renumbering any nonconsecutive Part letter
22 or section number to read consecutively.

23 **SUMMARY**

24 This amendment removes the ability of the Public Utilities Commission to impose an
25 assessment on transmission and distribution utilities for the purpose of funding the
26 conservation efforts and energy efficiency and demand reduction resources of the
27 Efficiency Maine Trust. It also adds an appropriations and allocations section.

28 **FISCAL NOTE REQUIRED**

29 (See attached)

30 SPONSORED BY: _____

31 (Representative WILLETTE)

32 TOWN: Mapleton