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Date: (Filing No. H- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 250, L.D. 399, “An Act to Amend the Portfolio Requirements for Class II Resources”

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

**'An Act to Amend the Portfolio Requirements for Class II Resources and Require Money Collected from Alternative Compliance Payments to Be Used for Financial Assistance'**

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

**'Sec. 1. 35-A MRSA §3210, sub-§9**, as amended by PL 2021, c. 199, §1, is further amended to read:

**9. Alternative compliance payment.** The commission shall allow competitive electricity providers to satisfy the portfolio requirements for Class I resources under subsection 3-A, Class IA resources under subsection 3-B ~~and~~, thermal renewable energy credits under subsection 3-C ~~and~~ Class II resources under subsection 3 through an alternative compliance payment mechanism in accordance with this subsection.

A. The commission shall set the alternative compliance payment ~~rate~~ rates by rule, ~~which may not be greater than \$50~~, and shall publish the alternative compliance payment ~~rate~~ rates by January 31st of each year. In setting the ~~rate~~ rates, the commission shall take into account prevailing market prices, standard-offer service prices for electricity, reliance on alternative compliance payments to meet the requirements of subsections 3, 3-A, 3-B and 3-C and investment in Class I ~~and~~, Class IA ~~and~~ Class II resources and thermal renewable energy credits in the State during the previous calendar year.

(1) The alternative compliance payment rate for the requirements under subsections 3-A, 3-B and 3-C may not be greater than \$50.

(2) The alternative compliance payment rate for the requirement under subsection 3 may not be greater than \$5.

**COMMITTEE AMENDMENT**

1 B. The commission shall collect alternative compliance payments to meet the  
2 requirements of subsections 3, 3-A and 3-B made by competitive electricity providers  
3 and shall ~~deposit use all funds collected under this paragraph in the Energy Efficiency~~  
4 ~~and Renewable Resource Fund established under section 10121, subsection 2 to be~~  
5 ~~used to fund research, development and demonstration projects relating to renewable~~  
6 ~~energy technologies and to fund rebates for cost-effective renewable energy~~  
7 ~~technologies to provide financial assistance for low-income households in accordance~~  
8 ~~with section 3214, subsection 2.~~

9 C. The commission shall collect alternative compliance payments to meet the  
10 requirements of subsection 3-C made by competitive electricity providers and shall  
11 deposit all funds collected under this paragraph in the Thermal Energy Investment  
12 Fund established under section 10128, subsection 2 to be used to fund incentives and  
13 low-interest or no-interest loans to businesses, municipalities, educational institutions  
14 and nonprofit entities in the State for the installation of new thermal energy-derived  
15 projects.

16 The commission shall adopt rules to implement this subsection. Rules adopted ~~under this~~  
17 ~~subsection to establish the alternative compliance payment rates governed by paragraph A,~~  
18 ~~subparagraph (1)~~ are routine technical rules as defined in Title 5, chapter 375, subchapter  
19 2-A. Rules adopted to establish the alternative compliance payment rate governed by  
20 paragraph A, subparagraph (2) are major substantive rules as defined in Title 5, chapter  
21 375, subchapter 2-A.

22 **Sec. 2. 35-A MRSA §3214, sub-§2, ¶A,** as enacted by PL 1997, c. 316, §3, is  
23 amended to read:

24 A. Receive funds collected by all transmission and distribution utilities in the State at  
25 a rate set by the commission in periodic rate cases; ~~and~~

26 **Sec. 3. 35-A MRSA §3214, sub-§2, ¶A-1** is enacted to read:

27 A-1. Receive funds collected by the commission for alternative compliance payments  
28 in accordance with section 3210, subsection 9, paragraph B; and

29 **Sec. 4. 35-A MRSA §3214, sub-§2,** as enacted by PL 1997, c. 316, §3, is amended  
30 by enacting at the end a new first blocked paragraph to read:

31 The commission may adopt rules to implement this subsection. Rules adopted under this  
32 subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.'

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

35 **SUMMARY**

36 This amendment replaces the bill and changes the title. The amendment directs the  
37 Public Utilities Commission to establish by rule an alternative compliance payment rate for  
38 Class II resources of not greater than \$5. Rules adopted to establish the Class II resource  
39 alternative compliance payment rate are major substantive rules. The amendment also  
40 directs funds received by the commission for Class II alternative compliance payments to

**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT “ ” to H.P. 250, L.D. 399

1 be used to provide financial assistance for low-income households in accordance with the  
2 Maine Revised Statutes, Title 35-A, section 3214, subsection 2.

3

**FISCAL NOTE REQUIRED**

4

**(See attached)**