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Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

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**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

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

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

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

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

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

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

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

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

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

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

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

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

40 (2) Establishment of a process by which the commission will give priority under
41 this section to qualified intervenors or advocates representing environmental
42 justice populations. If the commission establishes such a process by rule, the
43 commission, in consultation with the Department of Environmental Protection,

1 shall include in that rule a definition for "environmental justice populations" that
 2 is consistent with any definition for that term adopted by the department in a
 3 department rule; and
 4 (3) Any other provisions the commission determines necessary for the
 5 implementation of this section.'

6 Amend the bill by inserting after section 3 the following:

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

9 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**
 10 **Maine Environmental Protection Fund 0421**

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

13	GENERAL FUND	2021-22	2022-23
14	POSITIONS - LEGISLATIVE COUNT	0.000	4.000
15	Personal Services	\$0	\$280,696
16	All Other	\$0	\$12,292
17			
18	GENERAL FUND TOTAL	\$0	\$292,988

19 **Maine Environmental Protection Fund 0421**

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

22	GENERAL FUND	2021-22	2022-23
23	All Other	\$0	\$150,000
24			
25	GENERAL FUND TOTAL	\$0	\$150,000

27 **ENVIRONMENTAL PROTECTION,**
 28 **DEPARTMENT OF**
 29 **DEPARTMENT TOTALS**

30		2021-22	2022-23
31	GENERAL FUND	\$0	\$442,988
32			
33	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$442,988

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

37 **SUMMARY**

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

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

8 The amendment also adds an appropriations and allocations section.

9 **FISCAL NOTE REQUIRED**

10 **(See attached)**

COMMITTEE AMENDMENT