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Date: (Filing No. S- )

**ENERGY, UTILITIES AND TECHNOLOGY**

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**STATE OF MAINE  
SENATE  
130TH LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 432, L.D. 1350, “An Act To Expand Maine’s Clean Energy Economy”

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

**'An Act To Establish an Alternative Compliance Payment for Class II Resources'**

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

**'Sec. 1. 35-A MRSA §3210, sub-§2, ¶A-1,** as amended by PL 2019, c. 477, §1, is further amended to read:

A-1. "Alternative compliance payment rate" means a certain dollar amount per kilowatt-hour set by the commission that a competitive electricity provider may pay to the commission to satisfy the portfolio requirements of subsections 3, 3-A, 3-B and 3-C.

**Sec. 2. 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 for the requirements under subsections 3, 3-A, 3-B and 3-C,~~ and shall publish the alternative compliance payment ~~rate~~ rates by January 31st of each year. In setting the alternative compliance payment rates, the commission shall balance the costs to ratepayers in the State with the interest of renewable resource investors in receiving a reasonable return on their investment. 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

**COMMITTEE AMENDMENT**

1 requirements of subsections 3, 3-A, 3-B and 3-C and investment in Class I and Class  
2 IA resources and thermal renewable energy credits in the State during the previous  
3 calendar year, including investments that may affect the availability or price of Class  
4 II resources.

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

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

18 The commission shall adopt rules to implement this subsection. Rules adopted under this  
19 subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

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

22 **SUMMARY**

23 This amendment replaces the bill. It requires the Public Utilities Commission to  
24 establish an alternative compliance payment rate by rule for competitive electricity  
25 providers to satisfy the portfolio requirements for Class I resources, Class IA resources,  
26 Class II resources and thermal renewable energy credits. In establishing the alternative  
27 compliance payment rates, the amendment adds that the commission must balance the  
28 interests of resource investors with the interests of ratepayers in addition to other factors.

29 **FISCAL NOTE REQUIRED**

30 **(See attached)**