

# MAINE STATE LEGISLATURE

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# 132nd MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2025

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**Legislative Document**

**No. 1868**

S.P. 738

In Senate, May 5, 2025

### **An Act to Advance a Clean Energy Economy by Updating Renewable and Clean Resource Procurement Laws**

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Received by the Secretary of the Senate on May 1, 2025. Referred to the Committee on Energy, Utilities and Technology pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator LAWRENCE of York.

1       **Be it enacted by the People of the State of Maine as follows:**

2       **Sec. 1. 2 MRSA §9, sub-§8** is enacted to read:

3       **8. Procurement of renewable and clean resources.** Beginning January 1, 2026, and  
4       every 2 years thereafter, the office shall conduct one or more competitive solicitations  
5       during the following 2-year period to procure energy or associated environmental attributes  
6       or a combination of both from renewable and clean resources through long-term contracts  
7       if the office determines procurement is necessary to achieve the emissions reduction and  
8       renewable and clean energy goals of the State and to meet reasonably expected growth in  
9       electricity demand and reliability needs. Unless another entity is designated as the primary  
10       responsible entity or the office has not made a determination in accordance with the office's  
11       comprehensive state energy plan under subsection 3, paragraph C within any 4-year period  
12       after January 1, 2027, the office is the primary entity responsible for initiating and  
13       conducting new procurements for renewable and clean resources, which may include  
14       energy storage as well as related transmission.

15       A. If the office determines one or more competitive solicitations are necessary based  
16       on the comprehensive state energy plan required pursuant to subsection 3 and related  
17       analysis, the office shall initiate solicitations in order to select resources for contracts  
18       under this subsection. The office shall propose the resource types and amounts,  
19       timetables and methods for solicitations of long-term contracts using a competitive  
20       bidding process, and the office shall seek public comment on a draft proposal, in  
21       addition to other means such as requests for information, prior to publishing any final  
22       solicitation.

23       B. The office may hire expert consultants necessary to assist in the development of the  
24       solicitation and evaluation of proposals.

25       C. A solicitation may be coordinated with other state agencies or transmission and  
26       distribution utilities and with other New England states or entities designated by those  
27       states.

28       D. The office may coordinate with other entities, including, but not limited to, state  
29       agencies, the Office of the Public Advocate, expert consultants, transmission and  
30       distribution utilities, other New England states and the independent system operator of  
31       the New England bulk power system, in the evaluation and selection of proposals under  
32       this subsection. In evaluating proposals, the office shall determine if proposals:

33       (1) Provide cost-effective clean energy generation to electric ratepayers in the State  
34       and the region over the term of the contract;

35       (2) Provide the benefits of renewable or clean energy generation or transmission  
36       toward meeting the State's emissions reduction goals;

37       (3) Contribute to the State's economic and workforce development goals;

38       (4) Where possible, avoid, minimize or mitigate environmental impacts and  
39       impacts to low-income populations; and

40       (5) Adequately demonstrate project viability within a commercially reasonable  
41       time frame.

1 E. Transmission and distribution utilities shall enter into negotiations with bidders  
2 whose proposals are selected by the office for a term sheet. Negotiated contracts must  
3 be submitted to the Public Utilities Commission for review and approval.

4 F. If the Public Utilities Commission determines that a proposed contract under  
5 paragraph E is consistent with the term sheet approved by the office, is commercially  
6 reasonable and adequately protects ratepayers, the commission shall approve the  
7 contract and order transmission and distribution utilities to enter into the contract.

8 G. The office may require bidders to pay a reasonable and nonrefundable bidding fee  
9 to defray the office's administrative costs associated with the solicitation. Any bidding  
10 fee must be set forth in the announcement for the applicable solicitation.

11 **Sec. 2. 2 MRSA §9, sub-§9** is enacted to read:

12 **9. Rulemaking.** The office may adopt rules as necessary for the proper administration  
13 of this section. Rules adopted pursuant to this subsection are routine technical rules as  
14 defined in Title 5, chapter 375, subchapter 2-A.

15 **Sec. 3. 35-A MRSA §116, sub-§10** is enacted to read:

16 **10. Governor's Energy Office special assessment.** Each investor-owned  
17 transmission and distribution utility subject to assessment under this section is subject to  
18 an additional annual assessment on its intrastate gross operating revenues to produce  
19 sufficient revenue for expenditures of the Governor's Energy Office for contracted services  
20 and administrative costs associated with the procurement of renewable and clean resources  
21 pursuant to Title 2, section 9, subsection 8. Revenue produced from the assessments must  
22 be used only for purposes specified in this section.

23 A. The Governor's Energy Office shall submit its budget recommendations, using a  
24 zero-based budgeting process or other process or method directed by the State Budget  
25 Officer, as part of the unified current services budget legislation in accordance with  
26 Title 5, sections 1663 to 1666. The assessments and expenditures provided in this  
27 section are subject to legislative approval. The Governor's Energy Office shall make  
28 an annual report of its planned expenditures for the year and on its use of funds in the  
29 previous year. The Governor's Energy Office may also receive other funds as  
30 appropriated by the Legislature or from other available resources.

31 B. Funds that are not expended at the end of a fiscal year do not lapse but must be  
32 carried forward to be expended for the purposes specified in this section in succeeding  
33 fiscal years.

34 **Sec. 4. 35-A MRSA §3210, sub-§1,** as amended by PL 1999, c. 398, Pt. I, §1, is  
35 further amended to read:

36 **1. Policy.** In order to ensure an adequate and reliable supply of electricity for Maine  
37 residents and to encourage the use of renewable, clean, efficient and indigenous resources,  
38 it is the policy of this State to encourage the generation of electricity from renewable, clean  
39 and efficient sources and to diversify electricity production on which residents of this State  
40 rely in a manner consistent with this section.

41 **Sec. 5. 35-A MRSA §3210, sub-§1-A, ¶B,** as enacted by PL 2019, c. 477, §1, is  
42 amended to read:

1 B. By January 1, 2050, ~~100%~~ 2040, 90% of retail sales electricity in the State will  
2 come from renewable resources and 10% of retail sales electricity in the State will  
3 come from clean resources.

4 **Sec. 6. 35-A MRSA §3210, sub-§2, ¶A-4** is enacted to read:

5 A-4. "Class III resource" or "clean resource" means a Class I resource, a Class IA  
6 resource or a source of electrical generation that:

7 (1) Generates power that can physically be delivered to the control region in which  
8 the New England Power Pool, or its successor as approved by the Federal Energy  
9 Regulatory Commission, has authority over transmission, or to the Maritimes  
10 Control Area; and

11 (2) Has been certified by the Governor's Energy Office in accordance with an  
12 emissions-based definition adopted by rule or order by the Department of  
13 Environmental Protection.

14 **Sec. 7. 35-A MRSA §3210, sub-§2, ¶A-5** is enacted to read:

15 A-5. "Clean energy credit" means a tradable instrument that represents an amount of  
16 electricity generated from an eligible Class III resource.

17 **Sec. 8. 35-A MRSA §3210, sub-§2,** as amended by PL 2019, c. 477, §1, is further  
18 amended by amending the first blocked paragraph to read:

19 The commission shall establish by rule or order standards and procedures necessary to  
20 implement any definition under this subsection, including but not limited to certifications  
21 and performance and verification standards necessary for purposes of paragraphs B-4, D  
22 and E, and excluding paragraphs A-4 and A-5. Rules adopted under this subsection are  
23 routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

24 **Sec. 9. 35-A MRSA §3210, sub-§2,** as amended by PL 2019, c. 477, §1, is further  
25 amended by enacting at the end a new last blocked paragraph to read:

26 The Department of Environmental Protection, in coordination with the Governor's Energy  
27 Office, shall establish by rule or order standards and procedures necessary to implement  
28 the definition under paragraph A-4 and verification standards necessary for purposes of  
29 paragraph A-5. Rules adopted under this subsection are routine technical rules pursuant to  
30 Title 5, chapter 375, subchapter 2-A.

31 **Sec. 10. 35-A MRSA §3210, sub-§3-B, ¶A,** as enacted by PL 2019, c. 477, §1, is  
32 amended to read:

33 A. Except as provided in paragraph B, beginning January 1, 2020, as a condition of  
34 licensing pursuant to section 3203, each competitive electricity provider in this State  
35 must demonstrate in a manner satisfactory to the commission that the percentage of its  
36 portfolio of supply sources for retail electricity sales in this State, other than to  
37 customers who have made an election pursuant to subsection 10 that is in effect with  
38 respect to this subsection, accounted for by Class IA resources is as follows:

39 (1) Two and one-half percent for the period from January 1, 2020 to December  
40 31, 2020;

41 (2) Five percent for the period from January 1, 2021 to December 31, 2021;

- (3) Eight percent for the period from January 1, 2022 to December 31, 2022;
- (4) Eleven percent for the period from January 1, 2023 to December 31, 2023;
- (5) Fifteen percent for the period from January 1, 2024 to December 31, 2024;
- (6) Nineteen percent for the period from January 1, 2025 to December 31, 2025;
- (7) Twenty-three percent for the period from January 1, 2026 to December 31, 2026;
- (8) Twenty-seven percent for the period from January 1, 2027 to December 31, 2027;
- (9) Thirty-one percent for the period from January 1, 2028 to December 31, 2028;
- (10) Thirty-five percent for the period from January 1, 2029 to December 31, 2029;  
and
- (11) Forty percent for the period from January 1, 2030 to December 31, 2030 ~~and each year thereafter.;~~
- (12) Forty-one percent for the period from January 1, 2031 to December 31, 2031;
- (13) Forty-two percent for the period from January 1, 2032 to December 31, 2032;
- (14) Forty-three percent for the period from January 1, 2033 to December 31, 2033;
- (15) Forty-four percent for the period from January 1, 2034 to December 31, 2034;
- (16) Forty-five percent for the period from January 1, 2035 to December 31, 2035;
- (17) Forty-six percent for the period from January 1, 2036 to December 31, 2036;
- (18) Forty-seven percent for the period from January 1, 2037 to December 31, 2037;
- (19) Forty-eight percent for the period from January 1, 2038 to December 31, 2038;
- (20) Forty-nine percent for the period from January 1, 2039 to December 31, 2039;  
and
- (21) Fifty percent for the period from January 1, 2040 to December 31, 2040 and each year thereafter.

Class IA resources used to satisfy the requirements of this paragraph may not be used to satisfy the requirements of subsection 3 or 3-A.

**Sec. 11. 35-A MRSA §3210, sub-§3-D** is enacted to read:

**3-D. Portfolio requirements; Class III resources.** Portfolio requirements for Class III resources are governed by this subsection.

A. Each competitive electricity provider must, in addition to meeting the other portfolio requirements of subsections 3, 3-A, 3-B and 3-C, demonstrate in a manner satisfactory to the commission that it has purchased Class III renewable energy credits in an amount at least equal to the following percentages of its portfolio of supply sources for retail electricity sales in this State:

1           (1) For calendar year 2031, 1%;  
2           (2) For calendar year 2032, 2%;  
3           (3) For calendar year 2033, 3%;  
4           (4) For calendar year 2034, 4%;  
5           (5) For calendar year 2035, 5%;  
6           (6) For calendar year 2036, 6%;  
7           (7) For calendar year 2037, 7%;  
8           (8) For calendar year 2038, 8%;  
9           (9) For calendar year 2039, 9%; and  
10          (10) For calendar year 2040, and each year thereafter, 10%.  
11          Retail electricity sales pursuant to a supply contract or standard-offer service  
12          arrangement executed by a competitive electricity provider that is in effect on  
13          September 30, 2025 are exempt from the requirements of this subsection until the end  
14          date of the existing term of the supply contract or standard-offer service arrangement.  
15          Class I or IA resources used to satisfy the requirements of this paragraph may not be  
16          used to satisfy the requirements of subsection 3 or 3-A.  
17          B. Suspensions of scheduled increases in the portfolio requirements as provided in  
18          paragraph A are governed by this paragraph.  
19               (1) If by March 31, 2031 and every 2 years thereafter the commission determines  
20               that investment in Class III resources in the preceding 2 calendar years has not  
21               been sufficient for competitive electricity providers to meet the portfolio  
22               requirements under paragraph A and that the resulting use of clean energy credits  
23               pursuant to subsection 8 or the alternative compliance payment mechanism  
24               pursuant to subsection 9, or both of these methods, has burdened electricity  
25               customers in the State without providing the benefits of new Class III resources,  
26               the commission may suspend all or some of the future scheduled increases in the  
27               portfolio requirements under paragraph A.  
28               (2) If the commission finds that more than 10% of the obligations required to  
29               satisfy the portfolio requirements for Class III resources under paragraph A are met  
30               through alternative compliance payments made pursuant to subsection 9 in 3  
31               consecutive calendar years, the commission shall temporarily suspend all or some  
32               of the future scheduled increases in the portfolio requirements under paragraph A.  
33               (3) If the commission suspends any scheduled increases in the portfolio  
34               requirements under paragraph A pursuant to subparagraph (1) or (2), the  
35               commission shall report its rationale for suspension to the joint standing committee  
36               of the Legislature having jurisdiction over energy and utilities matters, the  
37               Governor's Energy Office and the Office of the Public Advocate and make  
38               recommendations for modifications to the schedule of increases. The commission  
39               may resume increases, limited to no more than one percentage point per year over  
40               the previous year, in the portfolio requirements after a minimum of one year unless  
41               otherwise directed by the Legislature.

1 C. No later than March 31, 2027 and annually thereafter, the commission shall submit  
2 a report regarding the status of Class III resources in the State and compliance with the  
3 portfolio requirements under paragraph A to the joint standing committee of the  
4 Legislature having jurisdiction over utilities and energy matters. The report must  
5 include, but is not limited to, a description of Class III resources available to meet the  
6 portfolio requirements under paragraph A, documentation of the loss of any existing  
7 clean generation capacity in the State, the status of implementation of the portfolio  
8 requirements under paragraph A, including any suspensions pursuant to paragraph B,  
9 and recommendations to stimulate investment in Class III resources.

10 The commission shall adopt rules to implement this subsection. Rules adopted under this  
11 subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

12 **Sec. 12. 35-A MRSA §3210, sub-§7**, as amended by PL 2011, c. 283, §1, is further  
13 amended to read:

14 **7. Information.** To the extent that funding is available, the commission shall inform  
15 electricity consumers in this State of the benefits of electricity generated in this State using  
16 renewable and clean resources and of the opportunities available in this State to purchase  
17 electricity that is generated using those resources, including, but not limited to, the green  
18 power offer and other green power supply products and renewable energy credit and clean  
19 energy credit products certified under section 3212-A 3212-B. The commission may not  
20 promote any renewable or clean resources over others. The commission may apply for,  
21 receive and expend grant money from the United States Department of Energy and other  
22 government agencies for this purpose. The commission may create or cause to be created  
23 a brand or logo to identify Maine renewable and clean resources, including the green power  
24 offer and other green power supply products and renewable energy credit and clean energy  
25 credit products certified under section 3212-A 3212-B, to consumers. The commission  
26 shall register any mark or logo created pursuant to this subsection with the United States  
27 Patent and Trademark Office or in accordance with Title 10, chapter 301-A, or both. Any  
28 brand or logo created pursuant to this subsection may only be used in accordance with the  
29 purposes of this subsection as approved by the commission.

30 **Sec. 13. 35-A MRSA §3210, sub-§8**, as amended by PL 2019, c. 477, §1, is further  
31 amended to read:

32 **8. Credit trading.** The commission shall allow competitive electricity providers to  
33 satisfy the portfolio requirements of subsections 3, 3-A, 3-B and 3-C and 3-D through the  
34 use of renewable energy credits and clean energy credits if the commission determines that  
35 a reliable system of electrical attribute trading exists. When renewable energy credits are  
36 used to satisfy the portfolio requirements of subsections 3 and 3-A, the value of a renewable  
37 energy credit for electricity generated by a community-based renewable energy project, as  
38 defined in section 3602, that is participating in the community-based renewable energy  
39 pilot program established in section 3603 and elects the renewable energy credit multiplier  
40 under section 3605 is 150% of the amount of the electricity.

41 **Sec. 14. 35-A MRSA §3210, sub-§9**, as amended by PL 2023, c. 306, §1 and c.  
42 361, §2, is further amended to read:

43 **9. Alternative compliance payment.** The commission shall allow competitive  
44 electricity providers to satisfy the portfolio requirements for Class I resources under  
45 subsection 3-A, Class IA resources under subsection 3-B, thermal renewable energy credits



1 under subsection 3-C ~~and~~, Class II resources under subsection 3 and Class III resources  
2 under subsection 3-D through an alternative compliance payment mechanism in  
3 accordance with this subsection.

4 A. The commission shall set the alternative compliance payment rates by rule and shall  
5 publish the alternative compliance payment rates by January 31st of each year. In  
6 setting the rates, the commission shall take into account prevailing market prices,  
7 standard-offer service prices for electricity, reliance on alternative compliance  
8 payments to meet the requirements of subsections 3, 3-A, 3-B ~~and~~ 3-C and 3-D and  
9 investment in Class I, Class IA ~~and~~, Class II and Class III resources and thermal  
10 renewable energy credits in the State during the previous calendar year.

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

13 (2) The alternative compliance payment rate for the requirement under subsection  
14 3 may not be greater than \$10.

15 B. The commission shall collect alternative compliance payments to meet the  
16 requirements of subsections 3, 3-A ~~and~~, 3-B and 3-D made by competitive electricity  
17 providers and shall use all funds collected under this paragraph to provide financial  
18 assistance for low-income households in accordance with section 3214, subsection 2.

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

26 The commission shall adopt rules to implement this subsection. Rules adopted to establish  
27 the alternative compliance payment rates governed by paragraph A, subparagraphs (1) and  
28 (2) routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

29 **Sec. 15. 35-A MRSA §3210, sub-§11**, as amended by PL 2023, c. 321, §1, is  
30 further amended to read:

31 **11. Report; renewable energy credit portfolio requirements.** By March 31, 2024  
32 and every 3 years thereafter, the Governor's Energy Office shall submit a report to the joint  
33 standing committee of the Legislature having jurisdiction over energy matters based on a  
34 review, conducted in consultation with the commission, of the status and impacts of the  
35 implementation of the portfolio requirements under subsections 3, 3-A, 3-B ~~and~~ 3-C and  
36 3-D. The review must be completed through a public process and must include  
37 consideration of impacts of these renewable portfolio requirements on energy prices and  
38 assessment of benefits, including, but not limited to, on greenhouse gas emissions and the  
39 economy of the State. After reviewing the report required under this subsection, the  
40 committee may report out legislation regarding renewable portfolio requirements.

41 **Sec. 16. 35-A MRSA §3210-C, sub-§1, ¶A**, as amended by PL 2007, c. 293, §1,  
42 is further amended to read:

1 A. "Capacity resource" means any renewable capacity resource, nonrenewable  
2 capacity resource, clean resource or interruptible, demand response or energy  
3 efficiency capacity resource.

4 **Sec. 17. 35-A MRSA §3210-C, sub-§1, ¶A-2** is enacted to read:

5 A-2. "Clean energy credit" has the same meaning as in section 3210, subsection 2,  
6 paragraph A-5.

7 **Sec. 18. 35-A MRSA §3210-C, sub-§1, ¶A-3** is enacted to read:

8 A-3. "Clean resource" has the same meaning as in section 3210, subsection 2,  
9 paragraph A-4.

10 **Sec. 19. 35-A MRSA §3210-C, sub-§3, ¶C**, as amended by PL 2017, c. 134, §2,  
11 is further amended to read:

12 C. Any available renewable energy credits associated with capacity resources  
13 contracted under paragraph A. The price paid by the investor-owned transmission and  
14 distribution utility for the renewable energy credits must be lower than the price  
15 received for those renewable energy credits at the time they are sold by the investor-  
16 owned transmission and distribution utility; ~~and~~

17 **Sec. 20. 35-A MRSA §3210-C, sub-§3, ¶D**, as enacted by PL 2017, c. 134, §2, is  
18 amended to read:

19 D. Transmission capacity, capacity resources, energy or renewable energy credits  
20 pursuant to a regional procurement process in conjunction with other states; and

21 **Sec. 21. 35-A MRSA §3210-C, sub-§3, ¶E** is enacted to read:

22 E. Clean energy credits associated with clean resources. The price paid by the investor-  
23 owned transmission and distribution utility for the clean energy credits must be lower  
24 than the price received for those clean energy credits at the time they are sold by the  
25 investor-owned transmission and distribution utility.

26 **Sec. 22. 35-A MRSA §3210-C, sub-§3**, as amended by PL 2023, c. 516, Pt. B,  
27 §49, is further amended by amending the last blocked paragraph to read:

28 By January 1st of each year, the commission shall submit a report to the joint standing  
29 committee of the Legislature having jurisdiction over energy and utilities matters on the  
30 procurement of transmission capacity, capacity resources, energy ~~and credits~~, renewable  
31 energy credits and clean energy credits in the preceding 12 months under this subsection,  
32 resources procured under section 3210-K and deep-water offshore wind energy pilot  
33 projects under Public Law 2009, chapter 615, Part A, section 6, as amended by Public Law  
34 2013, chapter 369, Part H, sections 1 and 2 and chapter 378, sections 4 to 6. The report  
35 must contain information, including, but not limited to, the number of requests for  
36 proposals by the commission for long-term contracts, the number of responses to requests  
37 for proposals pursuant to which a contract has been finalized, the number of executed term  
38 sheets or contracts resulting from the requests for proposals, the commission's initial  
39 estimates of ratepayer costs or savings associated with any approved term sheet, actual  
40 ratepayer costs or savings for the previous year associated with any procurement, the total  
41 ratepayer costs or savings at the time of the report and the megawatt-hours, renewable  
42 energy credits or capacity produced or procured through contracts. The report must include

1 actual ratepayer costs or savings for the previous year associated with any contract executed  
2 under the Community-based Renewable Energy Act. The report must also include a plan  
3 for the succeeding 12 months pertaining to the procurement of capacity resources, energy  
4 ~~and credits~~, renewable energy credits and clean energy credits, including dates for requests  
5 for proposals, and types of resources to be procured.

6 **Sec. 23. 35-A MRSA §3210-C, sub-§3-A** is enacted to read:

7 **3-A. Regional coordination.** The commission may coordinate with one or more states  
8 to procure, through long-term contracts or other mechanisms, transmission capacity,  
9 capacity resources, energy credits, renewable energy credits or clean energy credits.

10 **Sec. 24. 35-A MRSA §3210-C, sub-§7**, as amended by PL 2009, c. 518, §5, is  
11 further amended to read:

12 **7. Disposition of resources.** An investor-owned transmission and distribution utility  
13 shall sell capacity resources, energy or renewable energy credits or clean energy credits  
14 purchased pursuant to subsection 3 or 3-A or take other action relative to such capacity  
15 resources, energy ~~or credits~~, renewable energy credits or clean energy credits as directed  
16 by the commission.

17 **Sec. 25. 35-A MRSA §3210-C, sub-§9**, as amended by PL 2009, c. 518, §6, is  
18 further amended to read:

19 **9. Contract payments.** Except as provided in paragraphs A and B, contracts for  
20 capacity resources, related energy ~~or credits~~, renewable energy credits or clean energy  
21 credits entered into pursuant to this section must provide that payments will be made only  
22 after contracted amounts of capacity resources, related energy or renewable energy credits  
23 have been provided.

24 A. Contracts with the Efficiency Maine Trust established in section 10103 for energy  
25 efficiency capacity resources and related energy entered into pursuant to this section  
26 may provide that up to 20% of the total payment be made at the start of the contract.  
27 Such contracts must provide that the remaining payments will be made only after the  
28 supplier has demonstrated, according to measurement and verification protocols  
29 specified in rules adopted by the Efficiency Maine Trust Board pursuant to section  
30 10105, subsection 5, that physical installations have been completed and contracted  
31 amounts of capacity resources and related energy have been substantiated.

32 B. Contracts with any entity other than the Efficiency Maine Trust established in  
33 section 10103 for energy efficiency capacity resources and related energy must provide  
34 that payments will be made only after the supplier has demonstrated, according to  
35 measurement and verification protocols specified in rules adopted by the Efficiency  
36 Maine Trust Board pursuant to section 10105, subsection 5, that physical installations  
37 have been completed and contracted amounts of capacity resources and related energy  
38 have been substantiated.

39 **Sec. 26. 35-A MRSA §3210-K** is enacted to read:

40 **§3210-K. Renewable energy procurement; repowering and continued maintenance**  
41 **of existing resources**

42 The commission shall direct investor-owned transmission and distribution utilities to  
43 enter into one or more contracts for energy or renewable energy credits from eligible Class

1 IA resources for the purpose of improving the long-term viability of an existing facility in  
2 accordance with this section.

3 **1. Eligible Class IA resource; definition.** As used in this section, "eligible Class IA  
4 resource" means a Class IA resource, as defined in section 3210, subsection 2, paragraph  
5 A-3, that began commercial operations on or prior to June 30, 2019.

6 **2. Competitive procurement.** The commission shall conduct a competitive  
7 solicitation in order to select eligible Class IA resources for contracts under this section.

8 A. Through competitive solicitation under this section, the commission shall procure  
9 an amount of energy or renewable energy credits from eligible Class IA resources that  
10 is equal to 2% of the retail electricity sales in this State for the period from January 1,  
11 2023 to December 31, 2023, as determined by the commission. The commission shall  
12 initiate the competitive solicitation by December 31, 2025.

13 B. In conducting a solicitation and selecting Class IA resources for contracts under this  
14 section, the commission shall consider the benefits to ratepayers and the benefits to the  
15 State's economy, including those benefits to the economy listed in section 3210-G,  
16 subsection 1, paragraph C, subparagraph (2), divisions (a) to (h).

17 C. If the commission concludes that a solicitation is not competitive or, following a  
18 review of bids received, that a bid or bids are not in the public interest, the commission  
19 may make a determination not to award a contract.

20 **3. Contract terms.** A contract entered into pursuant to this section may not be for  
21 more than 10 years, unless the commission finds a contract for a longer term to be prudent.

22 **Sec. 27. 35-A MRSA §3212-B, sub-§1,** as enacted by PL 2021, c. 40, §1, is  
23 amended to read:

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

26 A. "Green power supply" means electricity or renewable energy credits or clean energy  
27 credits for electricity generated from renewable capacity resources as defined in section  
28 3210, subsection 2, paragraph B-3, including electricity generated by community-  
29 based renewable energy projects as defined in section 3602, subsection 1.

30 A-1. "Clean energy credit" has the same meaning as in section 3210, subsection 2,  
31 paragraph A-5.

32 B. "Renewable energy credit" has the same meaning as in section 3210, subsection 2,  
33 paragraph B-2.

34 **Sec. 28. 35-A MRSA §3212-B, sub-§2,** as enacted by PL 2021, c. 40, §1, is  
35 amended to read:

36 **2. Certification; information in bill inserts.** Information regarding the availability  
37 of the green power offer and of green power supply products ~~and~~ renewable energy credit  
38 products and clean energy credit products that are certified by the commission may, at the  
39 option of the provider of the offer or the product and with the cooperation of the  
40 transmission and distribution utility, be presented through inserts in customer bills issued  
41 by transmission and distribution utilities. The costs of the inserts, including but not limited  
42 to printing and postage costs, are the responsibility of the provider of the offer or product.

1 The commission may define the criteria for certification of green power supply products  
2 ~~and~~, renewable energy credit products and clean energy credit products by order or by rule,  
3 and the commission may limit the criteria for certification for consumer protection and  
4 eligibility verification purposes. Rules adopted to implement this subsection are routine  
5 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

6 **Sec. 29. Public Utilities Commission; rules.** The Public Utilities Commission  
7 may initiate rulemaking to amend its rule Chapter 316: Long-term Contracting and  
8 Resource Adequacy to implement the Maine Revised Statutes, Title 35-A, section 3210-C,  
9 subsection 3-A. Notwithstanding Title 35-A, section 3210-C, subsection 10, rules adopted  
10 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,  
11 subchapter 2-A.

## 12 SUMMARY

13 This bill directs the Governor's Energy Office to conduct one or more competitive  
14 solicitations every 2 years beginning January 1, 2026 to procure energy or associated  
15 environmental attributes or a combination of both from renewable and clean resources  
16 through long-term contracts if the office determines procurement is necessary to achieve  
17 the emissions reduction and renewable and clean energy goals of the State and to meet  
18 reasonably expected growth in electricity demand and reliability needs. This bill amends  
19 the state goals for consumption of electricity from renewable resources so that by January  
20 1, 2040, 90% of retail sales electricity in the State will come from renewable resources and  
21 10% of retail sales electricity in the State will come from clean resources. This bill gives  
22 additional authority to the Public Utilities Commission to coordinate with other states to  
23 procure, through long-term contracts or other mechanisms, transmission capacity, capacity  
24 resources, energy, renewable energy credits or clean energy credits. This bill directs the  
25 Public Utilities Commission to initiate a competitive solicitation for energy or renewable  
26 energy credits from Class IA resources for the purpose of improving the long-term viability  
27 of an existing facility. This bill also establishes a regular schedule of competitive  
28 procurements for renewable and clean resources.