

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

SECOND REGULAR SESSION-2026

Legislative Document

No. 2153

H.P. 1442

House of Representatives, January 7, 2026

An Act to Transfer the Responsibilities of the Governor's Energy Office to the Department of Energy Resources

Reported by Representative SACHS of Freeport for the Department of Energy Resources pursuant to Public Law 2025, chapter 476, Part B, section 1.

Reference to the Committee on Energy, Utilities and Technology suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

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

PART A

Sec. A-1. 2 MRSA §6, sub-§3, as amended by PL 2025, c. 390, Pt. A, §1, is further amended to read:

3. Range 89. The salaries of the following state officials and employees are within salary range 89:

Director, Bureau of General Services;
Director, Bureau of Alcoholic Beverages and Lottery Operations;
State Budget Officer;
State Controller;
Director, Bureau of Forestry;
Director, Office of Policy Innovation and the Future;
Director, Governor's Energy Office;
State Human Resources Officer;
Director, Bureau of Parks and Lands;
Director of the Governor's Office of Communications;
Director, Bureau of Agriculture, Food and Rural Resources;
Director, Bureau of Resource Information and Land Use Planning
Director, Office of Cannabis Policy;
Executive Director, Office of Affordable Health Care; and
Director, Maine Office of Community Affairs.

Sec. A-2. 2 MRSA §9, sub-§3, ¶C, as amended by PL 2025, c. 390, Pt. A, §§2 and 3 and repealed by c. 476, Pt. A, §3, is repealed.

Sec. A-3. 5 MRSA §931, sub-§1, ¶G, as amended by PL 2011, c. 655, Pt. D, §1, is further amended to read:

G. Employees working in the Governor's office, and the Governor's Office of Communications, Governor's Energy Office and at the Blaine Mansion House;

Sec. A-4. 5 MRSA §1591, sub-§5, as amended by PL 2019, c. 343, Pt. D, §3, is further amended to read:

5. Executive Department. The Executive Department shall carry forward any General Fund balances remaining in the Administration - Executive - Governor's Office program, the Blaine House program, the Governor's Office of Communications program, and the Office of Policy Innovation and the Future program and the Governor's Energy Office program at the end of any fiscal year for use in the next fiscal year.

Sec. A-5. 5 MRSA §3204, sub-§2, ¶F, as enacted by PL 2023, c. 643, Pt. DD, §2, is amended to read:

1 F. Consult with and provide ongoing coordination with state agencies on programs
2 and issues related to planning technical assistance and funding to communities in this
3 State, including but not limited to the Department of Transportation; Department of
4 Environmental Protection; Department of Marine Resources; Department of Inland
5 Fisheries and Wildlife; Department of Agriculture, Conservation and Forestry; Department
6 of Economic and Community Development; Department of Health and Human Services;
7 Department of Defense, Veterans and Emergency Management, Maine Emergency Management
8 Agency; Department of Public Safety; Department of Energy Resources; Maine State Housing
9 Authority; ~~Governor's Energy Office~~; Efficiency Maine Trust; the Maine Historic Preservation
10 Commission; and the Maine Redevelopment Land Bank Authority.
11

12 **Sec. A-6. 7 MRSA §2, 4th ¶**, as amended by PL 2019, c. 310, §1, is further amended
13 to read:

14 In addition, the commissioner shall be concerned with the quality of life of Maine
15 farmers and rural communities. The commissioner shall promote: farm financing and rural
16 development proposals; conservation and preservation of agricultural lands; increased and
17 improved production of beef, poultry, sheep, dairy beef and other livestock; expanded and
18 improved production of potatoes, fruits and other vegetables and horticultural ventures;
19 coordinated foreign and domestic marketing of Maine agricultural products; in conjunction
20 with the ~~university~~ University of Maine, crop development and integrated pest
21 management; and conservation of nonrenewable energy resources and utilization of
22 renewable energy resources in conjunction with the ~~Governor's Energy Office~~ Department
23 of Energy Resources. To accomplish these objectives, the commissioner is authorized for,
24 or on behalf of, Maine's farmers and rural community: to engage in research and
25 educational programs; to participate directly or indirectly in programs to encourage and
26 enable individuals to enter agricultural or other rural enterprises; to institute litigation or
27 upon request to represent farmers or other members of the rural community in litigation
28 ~~where when~~ the commissioner determines that such litigation may be beneficial to
29 agricultural industry as a whole; and to exercise all other powers of an agency of State
30 Government. The commissioner may study such issues and, consistent with statute, take
31 such actions either individually, for, or on behalf of, the State's farmers or rural residents,
32 or jointly with such other persons, agencies or organizations as the commissioner
33 determines may benefit the State's farmers and rural communities. To further accomplish
34 these objectives, the commissioner is authorized beginning July 1, 1991, on behalf of the
35 State's rural community, to administer food assistance programs including the receipt,
36 distribution and administration of federal and state funds, including block grants, for food
37 assistance.

38 **Sec. A-7. 10 MRSA §1044, sub-§12, ¶B**, as amended by PL 2025, c. 390, Pt. A,
39 §17, is further amended to read:

40 B. Revenue obligation securities of the authority may not be issued until the ~~Director~~
41 ~~of the Governor's Energy Office~~ Commissioner of Energy Resources has reviewed and
42 commented upon the project proposal. The ~~director~~ commissioner shall make
43 comments within 30 days after receipt of a notification and copy of the project proposal
44 from the authority. The authority shall take the comments into consideration in its
45 processing of the project.

Sec. A-8. 10 MRSA §1492, sub-§1, as amended by PL 2011, c. 655, Pt. MM, §9 and affected by §26, is further amended to read:

1. Solar energy equipment. "Solar energy equipment" means all controls, tanks, pumps, heat exchangers, collectors and all other equipment necessary for the collection, transfer and storage of solar energy, as determined by the Governor's Energy Office. Passive solar energy systems or those systems using natural means to collect, store and transfer solar energy may not be included under this chapter.

Sec. A-9. 10 MRSA §9722, sub-§2, ¶I, as amended by PL 2011, c. 655, Pt. MM, §10 and affected by §26, is further amended to read:

I. An energy efficiency representative, recommended by the Director of the Governor's Energy Office within the Executive Department Commissioner of Energy Resources, who has experience or expertise in the design or implementation of energy codes or in the application of energy efficiency measures in residential or commercial construction;

Sec. A-10. 12 MRSA §407, as amended by PL 2021, c. 675, §1, is further amended to read:

§407. Comprehensive river resource management plans

The Department of Agriculture, Conservation and Forestry, with assistance from the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Environmental Protection, the Governor's Energy Office Department of Energy Resources and other state agencies as needed, shall develop, subject to the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, a comprehensive river resource management plan for each watershed with a hydropower project licensed under the Federal Power Act or to be licensed under the Federal Power Act. These plans must provide a basis for state agency comments, recommendations and permitting decisions and at a minimum include, as applicable, minimum flows, impoundment level regimes, upstream and downstream fish passage, maintenance of aquatic habitat and habitat productivity, public access and recreational opportunities. These plans must update, complement and, after public notice, comment and hearings in the watershed, be adopted as components of the State's comprehensive rivers management plan. A comprehensive river resource management plan adopted under this section is a major substantive rule as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-11. 22 MRSA §666, sub-§2, as amended by PL 2011, c. 655, Pt. MM, §12 and affected by §26, is further amended to read:

2. Reports. The State Nuclear Safety Inspector, with the cooperation of the Director of Health Engineering, shall prepare a report of the safety inspector's activities under this chapter to be submitted July 1st of each year to the ~~Governor's Energy Office~~ ~~Department of Energy Resources~~ and the Legislature. The State Nuclear Safety Inspector shall prepare monthly reports for the ~~Governor's Energy Office~~ ~~Department of Energy Resources~~, the President of the Senate and the Speaker of the House, with copies to the United States Nuclear Regulatory Commission and the facility licensee.

Sec. A-12. 22 MRSA §676, sub-§6, as amended by PL 2011, c. 655, Pt. MM, §13 and affected by §26, is further amended to read:

1 **6. Energy.** The Governor's Energy Office Department of Energy Resources shall
2 serve as liaison with the United States Department of Energy.

3 **Sec. A-13. 26 MRSA §3901, sub-§1**, as enacted by PL 2025, c. 377, §1, is amended
4 to read:

5 **1. Fact sheet and technical resource guide.** The Department of Labor, in partnership
6 with the Governor's Energy Office Department of Energy Resources, the Public Utilities
7 Commission and the Office of Policy Innovation and the Future, or successor governmental
8 departments and offices having jurisdiction over energy matters, shall develop a fact sheet
9 and technical resource guide that clearly outlines the requirements, opportunities,
10 expectations and responsibilities detailed in state labor laws, rules and priority selection
11 opportunities for entities developing assisted projects, as defined in section 1304,
12 subsection 1-A, with a nameplate capacity of one megawatt or more in the State. The fact
13 sheet and technical resource guide must:

14 A. Incorporate relevant information included in the Department of Labor's training on
15 wage and hour laws compliance, with a focus on state labor and workforce
16 requirements and benchmarks related to energy projects and programs;

17 B. Include relevant labor standards, benchmarks and other necessary commitments
18 required by the State, the Public Utilities Commission, the University of Maine System
19 and any other entity responsible for administering energy generation and transmission
20 projects and programming in the State to receive preference or priority selection related
21 to requests for proposals;

22 C. Clearly outline the statutory labor requirements of contractors and subcontractors
23 performing work on energy projects;

24 D. Include information on statutory obligations of employers and the Department of
25 Labor's enforcement procedures and penalties for violations; and

26 E. Be updated as necessary and reviewed by the Department of Labor no less than
27 once per calendar year.

28 The fact sheet and technical resource guide must be disseminated to entities developing
29 assisted projects in the State no less than once per calendar year.

30 **Sec. A-14. 35-A MRSA §123, sub-§2**, as enacted by PL 2023, c. 554, §1, is
31 amended to read:

32 **2. Pilot program.** The commission, in collaboration with the Governor's Energy
33 Office Department of Energy Resources and the Department of Environmental Protection,
34 shall establish a pilot program in accordance with this section. The pilot program must be
35 designed to allow the commission to select a proposal for a qualifying facility that meets
36 the requirements of this section. The commission shall administer the program in
37 accordance with this section and shall ensure that such administration is in the public
38 interest and:

39 A. Accounts for and is designed to advance the renewable energy and climate policies
40 and goals of the State;

41 B. Minimizes potential negative environmental and community effects;

42 C. Maximizes air quality, health and workforce benefits; and

1 D. Encourages high standards of safety performance.

2 **Sec. A-15. 35-A MRSA §123, sub-§4**, as enacted by PL 2023, c. 554, §1, is
3 amended to read:

4 **4. Proposal selection.** If the commission, after consultation with the Governor's
5 Energy Office Department of Energy Resources and the Department of Environmental
6 Protection, finds that a proposal for the development and operation of a qualifying facility
7 meets the requirements of this section, the commission may select that qualifying facility
8 for participation in the program.

9 If more than one proposal for the development and operation of a qualifying facility meets
10 the requirements of this section, the commission shall give preference to the proposal that
11 provides the greatest benefit to ratepayers and is likely to result in the greatest reduction in
12 greenhouse gas emissions.

13 The commission shall, to the extent practicable, make a determination of whether to select
14 a proposal under this subsection and provide notice of its decision to all facilities that
15 submitted proposals to participate in the program within 120 days of the closing of the
16 request for proposal process.

17 The commission may not select more than one proposal for participation in the pilot
18 program.

19 **Sec. A-16. 35-A MRSA §1714, sub-§1, ¶B**, as enacted by PL 2021, c. 623, §2, is
20 amended by amending subparagraph (2) to read:

21 (2) The Director of the Governor's Energy Office Commissioner of Energy
22 Resources or the director's commissioner's designee;

23 **Sec. A-17. 35-A MRSA §1904, first ¶**, as amended by PL 2015, c. 445, §5, is
24 further amended to read:

25 The commission in consultation with the Public Advocate and the Governor's Energy
26 Office Department of Energy Resources may execute an energy cost reduction contract or
27 a physical energy storage contract, or both, in accordance with this section. In no event
28 may the The commission may not execute energy cost reduction contracts for the
29 transmission of greater than a cumulative total of 200,000,000 cubic feet of natural gas per
30 day. In no event may the The commission may not execute physical energy storage
31 contracts for a total amount that exceeds \$25,000,000 annually, and in no event may the
32 total amount of all contracts entered into under this section may not exceed \$75,000,000
33 annually.

34 **Sec. A-18. 35-A MRSA §1904, sub-§1, ¶C**, as enacted by PL 2013, c. 369, Pt. B,
35 §1, is amended to read:

36 C. In consultation with the Public Advocate and the Governor's Energy Office
37 Department of Energy Resources, hire a consultant with expertise in natural gas
38 markets to make recommendations regarding the execution of an energy cost reduction
39 contract. The commission shall consider those recommendations as part of an
40 adjudicatory proceeding under subsection 2.

41 **Sec. A-19. 35-A MRSA §3145**, as amended by PL 2025, c. 105, §1, is further
42 amended to read:

1 **§3145. State energy storage policy goals**

2 The state goal for energy storage system development is at least 300 megawatts of
3 installed capacity located within the State by December 31, 2025 and at least 400
4 megawatts of installed capacity located within the State by December 31, 2030. Beginning
5 January 15, 2027, and every 2 years thereafter, when updating the state energy plan in
6 accordance with ~~Title 2, section 9, subsection 3, paragraph C~~ section 10305, subsection 1,
7 the ~~Governor's Energy Office established in~~ Title 2, section 9 Department of Energy
8 Resources shall reevaluate and may increase the state goal for energy storage system
9 development and shall, in the state energy plan, report any increase to the goal to the joint
10 standing committee of the Legislature having jurisdiction over energy and utilities matters.
11 For the purposes of this section, "energy storage system" has the same meaning as in section
12 3481, subsection 6.

13 **Sec. A-20. 35-A MRSA §3147, sub-§4, ¶D**, as amended by PL 2025, c. 293, §4
14 and affected by §8, is further amended by amending subparagraph (1) to read:

15 (1) Forecasts of projected load, including forecasts of end-use electrification,
16 energy efficiency and distributed energy resources and, when appropriate,
17 consideration of the energy forecasting method used to prepare the comprehensive
18 state energy plan required pursuant to ~~Title 2, section 9, subsection 3, paragraph C~~ section 10305, subsection 1;

20 **Sec. A-21. 35-A MRSA §3209-H, sub-§2, ¶B**, as enacted by PL 2025, c. 430,
21 §11, is amended to read:

22 B. The commission may initiate additional competitive solicitations in its sole
23 discretion after consultation with the ~~Governor's Energy Office~~ Department of Energy
24 Resources.

25 **Sec. A-22. 35-A MRSA §3209-I, sub-§2**, as enacted by PL 2025, c. 430, §12, is
26 amended to read:

27 **2. Program design; implementation.** The ~~Governor's Energy Office~~ Department of
28 Energy Resources shall design a program or programs to encourage the development of
29 front of the meter distributed energy resources in the State and submit the proposed
30 program or programs to the commission. If the commission finds that a program or
31 programs proposed by the ~~office~~ Department of Energy Resources provide benefits to
32 ratepayers in the State in excess of the costs to ratepayers, the commission shall by rule
33 implement the program or programs.

34 **Sec. A-23. 35-A MRSA §3210, sub-§2, ¶A-4**, as enacted by PL 2025, c. 386, §3,
35 is amended by amending subparagraph (3) to read:

36 (3) Generates electric energy in a manner that, as determined by the Department
37 of Environmental Protection, produces no more than a de minimis level of net
38 greenhouse gas emissions and co-pollutant emissions at the point of generation and
39 from the fuel supply chain of the facility and has been certified by the ~~Governor's~~
40 Energy Office Department of Energy Resources in accordance with rules adopted
41 by the Department of Environmental Protection in accordance with this subsection.

42 **Sec. A-24. 35-A MRSA §3210, sub-§2**, as amended by PL 2025, c. 386, §§3 to 6,
43 is further amended by amending the 2nd blocked paragraph to read:

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

6 **Sec. A-25. 35-A MRSA §3210, sub-§3-B, ¶B**, as enacted by PL 2019, c. 477, §1,
7 is amended by amending subparagraph (3) to read:

8 (3) If the commission suspends any scheduled increases in the portfolio
9 requirements under paragraph A pursuant to subparagraph (1) or (2), the
10 commission shall report its rationale for suspension to the joint standing committee
11 of the Legislature having jurisdiction over energy and utilities matters, the
12 ~~Governor's Energy~~ Office Department of Energy Resources and the Office of the
13 Public Advocate and make recommendations for modifications to the schedule of
14 increases. The commission may resume increases, limited to no more than one
15 percentage point per year over the previous year, in the portfolio requirements after
16 a minimum of one year unless otherwise directed by the Legislature.

17 **Sec. A-26. 35-A MRSA §3210, sub-§3-D, ¶B**, as enacted by PL 2025, c. 386, §8,
18 is amended by amending subparagraph (3) to read:

19 (3) If the commission suspends any scheduled increases in the portfolio
20 requirements under paragraph A pursuant to subparagraph (1) or (2), the
21 commission shall report its rationale for suspension to the joint standing committee
22 of the Legislature having jurisdiction over energy and utilities matters, the
23 ~~Governor's Energy~~ Office Department of Energy Resources and the Office of the
24 Public Advocate and make recommendations for modifications to the schedule of
25 increases. The commission may resume increases, limited to no more than one
26 percentage point per year over the previous year, in the portfolio requirements after
27 a minimum of one year unless otherwise directed by the Legislature.

28 **Sec. A-27. 35-A MRSA §3210, sub-§11**, as amended by PL 2025, c. 386, §12, is
29 further amended to read:

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

41 **Sec. A-28. 35-A MRSA §3210-I, sub-§1, ¶F**, as enacted by PL 2023, c. 660, §6,
42 is amended to read:

43 F. In collaboration with the ~~Governor's Energy~~ Office Department of Energy
44 Resources, established in Title 2, section 9, seek to partner with other states,

1 governmental entities or utilities within New England in the development of requests
2 for proposals and the evaluation of proposals received in response to a request for
3 proposals for a transmission line or lines under subsection 2 and renewable energy
4 generation projects under subsection 3.

5 **Sec. A-29. 35-A MRSA §3210-I, sub-§2, ¶A-1**, as enacted by PL 2023, c. 660,
6 §7, is amended to read:

7 A-1. The commission may coordinate with other states, governmental entities or
8 utilities within New England in the development of a request for proposals pursuant to
9 this subsection and in the evaluation of proposals received in response to a request for
10 proposals. The commission shall allow the Governor's Energy Office Department of
11 Energy Resources and the Office of the Public Advocate to review the proposals
12 submitted pursuant to this subsection. The Governor's Energy Office Department of
13 Energy Resources and the Office of the Public Advocate may provide input to the
14 commission upon review of the proposals, which may include an assessment as to
15 whether any proposals submitted are consistent with the goals of the program as
16 described in this section. If a proposal includes confidential or proprietary information,
17 trade secrets or similar matters as provided by the Maine Rules of Civil Procedure,
18 Rule 26(c), the commission may issue appropriate protective orders in accordance with
19 section 1311-A with respect to those portions of the proposal.

20 **Sec. A-30. 35-A MRSA §3210-I, sub-§3, ¶A-1**, as enacted by PL 2023, c. 660,
21 §8, is amended to read:

22 A-1. The commission may coordinate with other states, governmental entities or
23 utilities within New England in the development of a request for proposals pursuant to
24 this subsection and in the evaluation of proposals received in response to a request for
25 proposals. The commission shall allow the Governor's Energy Office Department of
26 Energy Resources and the Office of the Public Advocate to review the proposals
27 submitted pursuant to this subsection. The Governor's Energy Office Department of
28 Energy Resources and the Office of the Public Advocate may provide input to the
29 commission upon review of the proposals, which may include an assessment as to
30 whether any proposals submitted are consistent with the goals of the program as
31 described in this section. If a proposal includes confidential or proprietary information,
32 trade secrets or similar matters as provided by the Maine Rules of Civil Procedure,
33 Rule 26(c), the commission may issue appropriate protective orders in accordance with
34 section 1311-A with respect to those portions of the proposal.

35 **Sec. A-31. 35-A MRSA §3401-A, sub-§14**, as enacted by PL 2023, c. 481, §2, is
36 repealed.

37 **Sec. A-32. 35-A MRSA §3404, sub-§2**, as repealed and replaced by PL 2023, c.
38 481, §3, is amended by amending the first blocked paragraph to read:

39 Beginning January 1, 2025 and every 2 years thereafter, the officee department may
40 reevaluate and increase the goal established by this subsection and report that goal to the
41 joint standing committee of the Legislature having jurisdiction over energy and utilities
42 matters.

43 **Sec. A-33. 35-A MRSA §3405, sub-§3, ¶D**, as enacted by PL 2021, c. 407, §2, is
44 amended to read:

1 D. The licensing, permitting or approval by a state agency or municipality or other
2 political subdivision of the State of the siting, construction or operation of or the
3 issuance of a lease or the grant of an easement or other real property interest for utility
4 cables or transmission lines that are intended to support generation of electricity from
5 offshore wind energy facilities located seaward of the territorial waters if, by March 1,
6 2023:

7 (1) The former Governor's Energy Office has completed a strategic plan to inform
8 the development of offshore wind power projects that minimizes conflict with
9 existing maritime industries, particularly fishing; identifies opportunities to
10 preserve existing maritime businesses and jobs; and maximizes jobs, investment,
11 new technologies and sustainability;

12 (2) The former Governor's Energy Office, in consultation with other state
13 agencies, has conducted a review of applicable state laws and rules to determine
14 whether the existing offshore wind energy statutory and regulatory framework
15 protects the State's coastal resources in a manner that avoids or minimizes adverse
16 effects on coastal resources and users from the development of offshore wind
17 power projects located seaward of the territorial waters; and

18 (3) The former Governor's Energy Office, with input from the advisory board of
19 the Offshore Wind Research Consortium established in section 3406, has identified
20 the preliminary research questions the consortium seeks to answer regarding the
21 development of offshore wind power projects.

22 The Governor's Energy Office shall submit a report to the joint standing committee
23 of the Legislature having jurisdiction over energy and utility matters when the
24 conditions established under subparagraphs (1) to (3) are met.

25 **Sec. A-34. 35-A MRSA §3406, sub-§1**, as amended by PL 2023, c. 481, §4, is
26 further amended to read:

27 **1. Offshore Wind Research Consortium.** The Offshore Wind Research Consortium
28 is an initiative of the officer department, in collaboration with the Department of Marine
29 Resources and the Department of Inland Fisheries and Wildlife, to coordinate, support and
30 arrange for the conduct of research on offshore wind power projects in the Gulf of Maine.

31 **Sec. A-35. 35-A MRSA §3406, sub-§2**, as amended by PL 2023, c. 481, §4, is
32 further amended to read:

33 **2. Advisory board.** The officer department, in consultation with independent scientific
34 experts, shall establish an advisory board of the consortium to oversee the development and
35 execution of a research strategy to better understand the local and regional impacts of
36 floating offshore wind power projects in the Gulf of Maine. The advisory board must
37 include, but is not limited to, the following members:

38 A. Two individuals from organizations that represent commercial lobster harvesting
39 interests in the State;
40 B. At least one individual from an organization that represents the interest of
41 commercial fisheries other than lobster harvesting;
42 C. The Commissioner of Marine Resources, or the commissioner's designee;

1 C-1. The Commissioner of Inland Fisheries and Wildlife, or the commissioner's
2 designee;

3 D. Two individuals, not represented by an organization, that represent the interests of
4 the commercial lobster harvesting industry and commercial fisheries in the State;

5 E. One individual from the recreational charter fishing industry;

6 F. At least one individual who is a member of one of the federally recognized Indian
7 tribes in this State;

8 G. Two individuals with expertise in marine wildlife and habitats; and

9 H. At least one individual with experience in commercial offshore wind power
10 development.

11 The advisory board is subject to all applicable provisions of the Freedom of Access Act.
12 The operation of the advisory board must be informed by the work of regional and national
13 scientific entities. The advisory board shall solicit input from stakeholders, including
14 representatives of the fishing industry, state and federal agencies and scientific experts.

15 **Sec. A-36. 35-A MRSA §3406, sub-§3**, as amended by PL 2023, c. 481, §4, is
16 further amended by amending the first blocked paragraph to read:

17 The advisory board shall advise the office department on the development of the
18 components of the research strategy.

19 **Sec. A-37. 35-A MRSA §3406, sub-§4**, as amended by PL 2023, c. 481, §4, is
20 further amended to read:

32 A. Developing the research strategy under subsection 3;

33 B. Conducting research pursuant to the strategy developed under subsection 3;

34 B-1. Supporting conservation actions and projects that support species and habitats

35 impacted by offshore wind power development;

36 C. Producing reports or other materials;

37 D. Compensating independent experts, if needed to assist in the development or

38 execution of the research strategy under subsection 3; and

39 E. Making any other expenditures that are necessary to achieve the purposes of this

40 section.

1 The ~~office~~ department, in consultation with the advisory board, shall provide an annual
2 report on the use of the fund in the last quarter of each calendar year to the joint standing
3 committee of the Legislature having jurisdiction over energy and utility matters.

4 **Sec. A-38. 35-A MRSA §3407**, as enacted by PL 2023, c. 481, §5, is amended to
5 read:

6 **§3407. Maine Offshore Wind Renewable Energy and Economic Development
7 Program**

8 **1. Program established.** The Maine Offshore Wind Renewable Energy and
9 Economic Development Program, referred to in this section as "the program," is established
10 to further the development and use of offshore wind power projects in the Gulf of Maine.
11 The ~~office~~ department, in collaboration with the commission, shall administer the program
12 in accordance with this section and shall ensure that the program is designed to advance
13 the greenhouse gas emissions reduction obligations and climate policies of this State under
14 Title 38, section 576-A and Title 38, section 577, the renewable energy goals established
15 in section 3210, subsection 1-A and all applicable workforce development efforts of this
16 State. Under the program, the ~~office~~ department, in collaboration with the commission,
17 shall:

- 18 A. Encourage the responsible development of offshore wind power projects to stabilize
19 energy supply prices, reduce this State's reliance on imported fossil fuels, realize direct
20 and near-term economic benefits for the people of this State and ensure the
21 achievement of this State's wind energy generation goal established in section 3404,
22 subsection 2;
- 23 B. Support offshore wind power projects that result in long-term, family-supporting
24 careers, including for disadvantaged populations and communities;
- 25 C. Support responsibly sited and operated offshore wind power projects that avoid or
26 minimize and compensate for impacts to wildlife, habitat, fisheries and coastal
27 communities in the Gulf of Maine;
- 28 D. Support efforts to increase understanding of impacts of offshore wind power
29 projects on the marine environment and to advance research to better understand how
30 offshore wind power projects can coexist with minimal impact to existing ocean users,
31 wildlife, fisheries and the marine environment;
- 32 E. Promote diversity, equity and inclusion in the development of offshore wind power
33 projects with particular consideration given to the energy and economic circumstances
34 and opportunities in coastal and socially vulnerable communities and for the federally
35 recognized Indian tribes in this State. For the purposes of this paragraph, "socially
36 vulnerable communities" means those communities containing populations that are
37 disproportionately burdened by existing social inequities or lack the capacity to
38 withstand new or worsening burdens;
- 39 F. Support the advancement of port infrastructure, local offshore wind power-related
40 economic development and the development of a supply chain to support the
41 development of offshore wind power projects;
- 42 G. Support the development and deployment of innovative technologies to achieve the
43 energy policy and economic development objectives of this State, including energy
44 storage;

H. Support the use of Maine-based technical and engineering expertise and build on this State's leadership in offshore wind power, maritime industries and research and development;

I. Support the development of transmission infrastructure necessary for this State to expeditiously meet its renewable energy and climate goals, including advancing the development of shared or regional offshore wind power transmission infrastructure;

J. Collaborate with other states or entities when appropriate on regional issues, including, but not limited to, transmission, procurement, supply chain and workforce development and research and monitoring relating to wildlife, fisheries and the Gulf of Maine ecosystem;

K. Support responsibly sited offshore wind power projects with generation facilities located in areas outside of the area of the Gulf of Maine where the majority of lobster fishing or other significant commercial fishing occurs;

L. Coordinate the activities of state agencies that are affected by the development of offshore wind power projects, including, but not limited to, the Department of Economic and Community Development, the Department of Labor, the Department of Marine Resources, the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection; and

M. Support the development of deep-water offshore wind power projects and transmission infrastructure in the Gulf of Maine that serve the public interest by advancing the renewable energy and climate policies and economic development goals of this State and helping to reduce energy price volatility.

2. Federal lease stipulations. The office department, in consultation with other state agencies, including, but not limited to, the Department of Marine Resources, shall advocate for the inclusion in any leases issued by a federal agency for offshore wind energy production in federal waters provisions that will:

- A. Support economic development, including the development of port infrastructure;
- B. Promote public communications plans about the leased activity;
- C. Ensure appropriate engagement with federally recognized Indian tribes in this State;
- D. Include adequate transmission planning;
- E. Result in access to research conducted in connection with the lease; and
- F. Maximize mitigation of and compensation for impacts to coastal communities, wildlife, fisheries and the marine environment.

Sec. A-39. 35-A MRSA §3408, sub-§1, as enacted by PL 2023, c. 481, §6, is amended to read:

1. Preparation of requests for proposals; offshore wind power projects. The office department shall establish a schedule for competitive solicitations for the development and construction of offshore wind power projects to meet the objectives of the program as described in section 3407. The office department shall prepare, in consultation with appropriate state agencies, a request for proposals to implement each competitive solicitation. Upon developing a request for proposals for a competitive solicitation under

1 this section, the ~~office~~ department shall submit the request for proposals to the commission
2 for approval.

3 A. A competitive solicitation under this section must specify the date on which a
4 subsequent solicitation must be initiated and the specified date must be within 36
5 months of a previous solicitation.

6 B. The ~~office~~ department shall make reasonable efforts to consult with entities within
7 this State, including, but not limited to, the commission, the Office of the Public
8 Advocate and entities included in section 3407, subsection 1, paragraph L, and other
9 states or entities regarding coordinated competitive solicitations.

10 C. A competitive solicitation under this section must seek proposals for offshore wind
11 power projects with not less than approximately 600 megawatts of nameplate capacity
12 or of sufficient size to enable cost-competitive commercial-scale development. A
13 competitive solicitation developed in coordination with other states or entities may
14 seek proposals for offshore wind power projects with a nameplate capacity of less than
15 600 megawatts if the coordinated solicitation is in an aggregate amount sufficient to
16 enable cost-competitive commercial-scale development.

17 D. A solicitation under this section must specify bidder criteria, including:

18 (1) Submission of plans that meet or exceed state and federal requirements or
19 guidelines and are consistent with the recommendations in the Maine Offshore
20 Wind Roadmap issued by the ~~office~~ former Governor's Energy Office in February
21 2023:

22 (a) To ensure stakeholder engagement, capacity building and equity with
23 particular consideration given to the energy and economic circumstances and
24 opportunities in coastal and socially vulnerable communities, as defined in
25 section 3407, subsection 1, paragraph E;

26 (b) To achieve economic and community benefits, including, but not limited
27 to, investments in and development of ports, supply chains and the necessary
28 workforce;

29 (c) To achieve diversity, equity and inclusion in employment and contracting
30 for the project;

31 (d) To provide for fisheries research, monitoring and mitigation; and

32 (e) To provide for environmental and wildlife research, monitoring, mitigation
33 and conservation;

34 (2) A fishing communities investment plan, as described in subsection 4;

35 (3) An agreement by the responsible entity, if it is approved for a contract under
36 this section, to pay an amount set in the solicitation of at least \$5,000 per megawatt
37 of the offshore wind power project's nameplate capacity to the Offshore Wind
38 Research Consortium Fund in accordance with section 3406, subsection 4;

39 (4) An agreement by the responsible entity, if it is approved for a contract under
40 this section, to provide financial and technical assistance necessary to implement
41 the plans listed in subparagraphs (1) and (2); and

42 (5) Workforce requirements, as described in subsection 3.

1 The effice department may waive any of the requirements of this paragraph if the effice
2 department determines that applicable federal criteria, including, but not limited to,
3 federal lease provisions, adequately achieve the applicable requirement.

4 E. A competitive solicitation under this section must be announced, prior to issuance,
5 through a notice of intent and made available in draft form, including the criteria for
6 the plans required pursuant to paragraph D, for public comment. The effice department
7 shall:

- 8 (1) Conduct at least 2 public comment sessions on the solicitation, at least one of
9 which must be in person, in advance of the publication of a draft solicitation to
10 assist in the development of the contents of the draft solicitation;
- 11 (2) Respond in writing to the comments received regarding the draft solicitation;
- 12 (3) Coordinate with the Department of Economic and Community Development,
13 the Department of Marine Resources, the Department of Transportation, the
14 Department of Inland Fisheries and Wildlife and the Department of Environmental
15 Protection on the development of the criteria for the plans required pursuant to
16 paragraph D;
- 17 (4) Coordinate with the Department of Agriculture, Conservation and Forestry to
18 ensure submerged lands leasing rates and fees, as described in Title 12, section
19 1862, are aligned with the goals of the program as described in section 3407 and
20 reflect a fair market rate considering fees set by other states in the region for the
21 use of submerged lands in connection with an offshore wind power project;
- 22 (5) Seek public input on appropriate contracting mechanisms for inclusion in the
23 solicitations to address market dynamics and impacts to ratepayers, including, but
24 not limited to, indexing and price adjustments;
- 25 (6) Request comments on the draft solicitation from each federally recognized
26 Indian tribe in this State and the Maine Indian Tribal-State Commission; and
- 27 (7) In developing the plan criteria for the plans required pursuant to paragraph D,
28 consider all comments received under subparagraph (6).

29 **Sec. A-40. 35-A MRSA §3408, sub-§2**, as amended by PL 2025, c. 476, Pt. A,
30 §12, is further amended to read:

31 **2. Requests for proposals; offshore wind power projects.** The commission shall
32 review a solicitation developed by the department or the former Governor's Energy Office
33 under subsection 1 and, upon finding that the solicitation is reasonably likely to attract
34 competitive bids and further the objectives of the program as described in section 3407,
35 shall authorize the department to issue a request for proposals in accordance with this
36 subsection.

37 A. The effice former Governor's Energy Office shall file with the commission the first
38 solicitation by July 1, 2025 unless another date is established by mutual agreement
39 between the effice former Governor's Energy Office and the commission.

40 B. The department shall issue the first request for proposals by the later of January 15,
41 2026 and 3 months after the first auction by the federal Department of the Interior,
42 Bureau of Ocean Energy Management for offshore wind power leases in the Gulf of
43 Maine.

C. If, within any 3-year period between January 15, 2026 and January 1, 2039, the commission has not found a solicitation submitted by the department to be reasonably likely to further the objectives of the program as described in section 3407, the commission shall expeditiously develop and issue a request for proposals consistent with the requirements of this section.

D. The commission shall review and make a determination regarding a solicitation submitted by the ~~office~~ former Governor's Energy Office or the ~~department~~ within 120 days of the date of submission unless a longer period is requested by the department.

E. If the commission determines that a contract for an amount greater than those specified in subsection 1, paragraph C is in the public interest, it may authorize the department to select resources and the commission may approve contracts accordingly.

F. In conducting a solicitation and selecting offshore wind power projects under this section, the department shall ensure that selected projects result in contracts that are cost-effective for electric ratepayers over the term of the contract, taking into consideration potential quantitative and qualitative economic, environmental and other benefits to ratepayers.

The department shall give priority to offshore wind power projects that:

- (1) Have generation facilities located outside of Lobster Management Area 1;
- (2) Include agreements compliant with subsection 3 or 29 United States Code, Section 158(f) and are open to disadvantaged business enterprises and small businesses;
- (3) Provide employment and contracting opportunities for:
 - (a) Members of federally recognized Indian tribes in this State;
 - (b) Workers from disadvantaged communities as defined by:
 - (i) The United States Council on Environmental Quality's climate and economic justice screening tool or by an agency of this State using standards similar to those in the screening tool as determined by the commission;
 - (ii) The United States Department of Commerce, Economic Development Administration's economic distress criteria; or
 - (iii) The United States Department of Energy's disadvantaged community criteria; and
 - (c) Certified businesses;
- (4) Provide community benefits, as determined preconstruction through consultation with federally recognized Indian tribes in this State, a stakeholder engagement process that includes disadvantaged communities, as described in subparagraph (3), division (b), and investments in fishing communities;
- (5) Provide financial contributions or technical assistance to support research, monitoring and mitigation of impacts to wildlife, fisheries and habitats and the minimization of environmental impacts from the offshore wind power project and related transmission and interconnection infrastructure;

- (6) Provide economic benefits to the State, including using an offshore wind port located in this State;
- (7) Maximize the hiring of residents of this State;
- (8) Maximize economic, employment and contracting opportunities for residents of this State and all businesses in this State; and
- (9) Provide ratepayer benefits, including, but not limited to, enhanced electric reliability, resource adequacy including contributing to reducing winter electricity price spikes and overall price impacts, avoidance of line loss and mitigation of transmission costs to the extent possible.

10 G. The commission shall review and approve the contracts upon a finding that the
11 contracts meet the requirements of this section.

12 H. If, at the close of a competitive bidding process conducted under this section, the
13 department determines that the proposals submitted do not satisfy the requirements of
14 paragraph F, the department shall reject all proposals and shall open a new competitive
15 bidding process under this subsection.

16 I. Notwithstanding Title 5, section 8071, subsection 3, the department, after
17 consultation with the commission, may establish by rule reasonable fees that bidders
18 must submit with proposals for offshore wind power projects. Fees collected pursuant
19 to this paragraph may be used for the administration of this section, section 3406 and
20 section 3407. Upon request of the commission, the department may transfer fees
21 collected in accordance with this paragraph to the commission for the administration
22 of this section, section 3406 and section 3407.

23 **Sec. A-41. 35-A MRSA §3408, sub-§5**, as enacted by PL 2023, c. 481, §6, is
24 amended to read:

5. **Funding.** Notwithstanding section 116, subsection 4, upon receiving a written request from the ~~officer~~ department, the commission may provide reasonable funding to the ~~officer~~ department for the purposes of implementing the requirements of this section.

28 **Sec. A-42. 35-A MRSA §3409, first ¶**, as enacted by PL 2023, c. 481, §7, is
29 amended to read:

30 The commission, in coordination with the ~~office department~~, shall seek to advance
31 regional transmission solutions to interconnect offshore wind power with transmission and
32 distribution utilities, other New England states or entities and the independent system
33 operator of the New England bulk power system or a successor organization.

34 **Sec. A-43. 35-A MRSA §3409, sub-§1, ¶B**, as enacted by PL 2023, c. 481, §7, is
35 amended to read:

36 B. The commission shall coordinate with the ~~office department~~ and may coordinate
37 with other entities, including, but not limited to, transmission and distribution utilities,
38 other New England states and the independent system operator of the New England
39 bulk power system or a successor organization, in the solicitation and selection of
40 proposals under this section.

41 **Sec. A-44. 35-A MRSA §3454, first ¶**, as repealed and replaced by PL 2021, c.
42 293, Pt. A, §47, is amended to read:

1 In making findings pursuant to Title 38, section 484, subsection 3, the primary siting
2 authority shall presume that an expedited wind energy development provides energy and
3 emissions-related benefits described in section 3402 and shall make additional findings
4 regarding other tangible benefits provided by the development. The Department of Labor,
5 the ~~Governor's Energy Office~~ Department of Energy Resources and the Public Utilities
6 Commission shall provide review comments if requested by the primary siting authority.

7 **Sec. A-45. 35-A MRSA §3454, sub-§5**, as amended by PL 2019, c. 343, Pt. D,
8 §16, is further amended to read:

9 **5. Promoting economic development and resource conservation; assistance to**
10 **host communities.** To the extent practicable within existing resources, the Department of
11 Economic and Community Development, the ~~Governor's Energy Office~~ Department of
12 Energy Resources and the Governor's Office of Policy Innovation and the Future shall
13 provide, upon the request of a host community, assistance for the purpose of helping the
14 host community maximize the economic development and resource conservation benefits
15 from tax payments and payments made pursuant to a community benefit agreement or a
16 community benefits package in connection with expedited wind energy developments. As
17 part of this assistance, the department and the Department of Economic and Community
18 Development shall support host communities in identifying additional funding and
19 developing regional economic and natural resource conservation strategies.

20 **Sec. A-46. 35-A MRSA §3802, sub-§2**, as enacted by PL 2023, c. 328, §1, is
21 repealed.

22 **Sec. A-47. 35-A MRSA §3802, sub-§2-A** is enacted to read:

23 **2-A. Department.** "Department" means the Department of Energy Resources.

24 **Sec. A-48. 35-A MRSA §3803, sub-§2, ¶A**, as enacted by PL 2023, c. 553, §3, is
25 amended by amending subparagraph (3) to read:

26 (3) Integrate the ongoing energy planning efforts of the ~~office~~ department as
27 appropriate.

28 **Sec. A-49. 35-A MRSA §3803, sub-§2, ¶B**, as enacted by PL 2023, c. 553, §3, is
29 amended by amending subparagraph (1) to read:

30 (1) Incorporating the assumptions and advancing the findings and
31 recommendations of the ~~office~~ former Governor's Energy Office in its "Maine
32 Energy Plan: Pathway to 2040" study launched in August 2023, part of the
33 comprehensive state energy plan required by Title 2, former section 9, subsection
34 3, paragraph C;

35 **Sec. A-50. 35-A MRSA §3803, sub-§3**, as amended by PL 2025, c. 476, Pt. A,
36 §14, is further amended to read:

37 **3. Funding and reporting.** Notwithstanding sections 116 and 117, at the request of
38 the trust, the commission may transfer money from funds in the Public Utilities
39 Commission Regulatory Fund or the Public Utilities Commission Reimbursement Fund to
40 the trust to implement the 3-year beneficial electrification plan included in the triennial
41 plan under subsection 2. At the end of any year in which the commission has transferred
42 money under this subsection to the ~~office~~ former Governor's Energy Office, the department
43 or the trust, the ~~office~~ former Governor's Energy Office, the department or the trust,

1 respectively, shall provide a report to the commission detailing its fund requests, money
2 received and expenditures.

3 **Sec. A-51. 35-A MRSA §3803, sub-§4**, as enacted by PL 2023, c. 328, §1, is
4 amended to read:

5 **4. Monitoring beneficial electrification trends and opportunities.** To the extent
6 possible through readily available information, the officer department, the commission and
7 the trust shall coordinate to monitor:

8 A. All beneficial electrification activity in the State and the effect of the commission's
9 actions under section 3804;

10 B. Trends in beneficial electrification in the State and in other jurisdictions; and

11 C. The estimated costs and benefits for ratepayers of beneficial electrification
12 programs occurring as a result of this chapter and other programs that have been
13 implemented in the State.

14 **Sec. A-52. 35-A MRSA §3805, sub-§2**, as enacted by PL 2023, c. 328, §1, is
15 amended to read:

16 **2. Office Department report.** The officer department shall include in its annual report
17 under Title 2, section 9, subsection 3, paragraph C-1 section 10305, subsection 3 a summary
18 of its activities in accordance with this chapter.

19 **Sec. A-53. 35-A MRSA §4131, sub-§3, ¶C**, as amended by PL 2011, c. 655, Pt.
20 MM, §17 and affected by §26, is further amended to read:

21 C. The Director of the Governor's Energy Office Commissioner of Energy Resources,
22 or another employee of that officer department, as the Director Commissioner of Energy Resources
23 may from time to time designate in writing filed with the clerk of the agency, shall serve as a member of the board of directors.

25 **Sec. A-54. 35-A MRSA §10103, sub-§2, ¶A**, as repealed and replaced by PL
26 2013, c. 424, Pt. B, §14, is amended by amending subparagraph (1) to read:

27 (1) The Director of the Governor's Energy Office Commissioner of Energy
28 Resources;

29 **Sec. A-55. 35-A MRSA §10104, sub-§4**, as amended by PL 2021, c. 693, §7, is
30 further amended to read:

31 **4. Triennial plan.** The board shall vote on a detailed, triennial plan that includes the
32 quantifiable performance metrics developed under subsection 3 and make a full report of
33 the vote to the commission in accordance with this subsection. The triennial plan must
34 provide integrated planning, program design and implementation strategies for all energy
35 efficiency, alternative energy resources and conservation programs administered by the
36 trust, including but not limited to the electric efficiency and conservation programs under
37 section 10110, the natural gas efficiency and conservation programs under section 10111,
38 the Regional Greenhouse Gas Initiative Trust Fund under section 10109, the Heating Fuels
39 Efficiency and Weatherization Fund under section 10119 and any state or federal funds or
40 publicly directed funds accepted by or allocated to the trust for the purposes of this chapter.
41 The triennial plan must include provisions for the application of appropriate program funds
42 to support workforce development efforts that are consistent with and promote the purposes

1 of the trust. The plan must take into consideration the comprehensive state energy plan
2 pursuant to ~~Title 2, section 9, subsection 3, paragraph C~~ section 10305, subsection 1. The
3 plan must include, but is not limited to, efficiency and conservation program budget
4 allocations, objectives, targets, performance metrics, program designs, program
5 implementation strategies, timelines and other relevant information.

6 A. The triennial plan must be developed by the trust, in consultation with entities and
7 agencies engaged in delivering efficiency programs in the State, to authorize and
8 govern or coordinate implementation of energy efficiency and weatherization
9 programs in the State. The triennial plan must identify the maximum achievable cost-
10 effective energy efficiency savings, as defined by rule by the trust, and related
11 programs that could be implemented pursuant to sections 10110 and 10111, the costs
12 and benefits of such programs and the basis and support for such identified costs and
13 benefits. The trust shall conduct an evaluation of the maximum cost-effective potential
14 for electrical and natural gas energy efficiency savings in the State at least once every
15 3 years.

16 (1) Transmission and distribution utilities and natural gas utilities shall furnish
17 data to the trust that the trust requests under this subsection to develop and
18 implement the triennial plan or conduct the evaluation of all cost-effective potential
19 for electrical and natural gas energy efficiency savings subject to such confidential
20 treatment as a utility may request and the board determines appropriate pursuant to
21 section 10106. The costs of providing the data are deemed reasonable and prudent
22 expenses of the utilities and are recoverable in rates.

23 (2) Unless prohibited by federal law, the Maine State Housing Authority and the
24 Department of Health and Human Services shall furnish to the trust data pertaining
25 to the identity, location and contact information, but not including income or asset
26 information, of households that qualify for low-income programs, as determined
27 necessary by the trust to develop and implement the triennial plan and to evaluate
28 program effectiveness. Data received pursuant to this subparagraph is deemed to
29 be received by the commission and is subject to a protective order issued by the
30 commission pursuant to section 1311-A.

31 B. In developing the triennial plan, the staff of the trust shall consult the board and
32 provide the opportunity for the board to provide input on drafts of the plan.

33 B-1. In developing the triennial plan, the trust shall provide the joint standing
34 committee of the Legislature having jurisdiction over energy matters an opportunity to
35 provide input on the plan, which may occur at the same time the trust consults with
36 other entities in the development of the plan.

37 C. The board shall review and approve the triennial plan by affirmative vote of 2/3 of
38 the trustees upon a finding that the plan is consistent with the statutory authority for
39 each source of funds that will be used to implement the plan, advances the state energy
40 efficiency targets in paragraph F, reflects the best practices of program administration
41 under subsection 2 and is consistent with the provisions of this section.

42 D. Prior to submission of the triennial plan to the commission, the trust shall offer to
43 provide a detailed briefing on the draft plan to the joint standing committee of the
44 Legislature having jurisdiction over energy matters and, at the request of the
45 committee, shall provide such a briefing and opportunity for input from the committee.

1 After providing such opportunity for input and making any changes as a result of any
2 input received, the board shall deliver the plan to the commission for its review and
3 approval. At the request of the trust or any party to the triennial plan, the commission
4 shall open an adjudicatory proceeding to review the triennial plan. If an adjudicatory
5 proceeding is not requested, the commission may use an adjudicatory proceeding or
6 other process to review the triennial plan. The commission shall review the triennial
7 plan to determine whether it will capture the maximum achievable cost-effective
8 energy efficiency savings. In conducting the review, the commission shall defer to the
9 trust's calculations of energy savings as long as the calculations were conducted
10 consistent with rules of the trust and are supported by evidence in the record and the
11 trust used a reasonable and transparent process to make the technical determinations
12 necessary to make those calculations. The commission shall reject elements of the plan
13 that propose to use funds generated pursuant to sections 3210-C, 10110, 10111 or
14 10119 if the plan fails to reasonably explain how these elements of the program would
15 achieve the objectives and implementation requirements of the programs established
16 under those sections or the performance metrics under subsection 3. If the commission
17 approves the triennial plan, the commission shall issue the appropriate orders to
18 transmission and distribution utilities and natural gas utilities for the procurement of
19 energy efficiency resources identified within the plan pursuant to section 10110,
20 subsection 4-A and section 10111, subsection 2. If the commission rejects the triennial
21 plan, the commission shall issue an order stating the reasons for the rejection. Funds
22 generated under these statutory authorities may not be used pursuant to the triennial
23 plan unless those elements of the plan proposing to use the funds have been approved
24 by the commission. The commission shall approve or reject the entire plan or elements
25 of the plan within 120 days of its delivery to the commission. The board, within 30
26 days of final commission approval of the triennial plan, shall submit the triennial plan
27 to the joint standing committee of the Legislature having jurisdiction over energy
28 matters together with any explanatory or other supporting material as the committee
29 may request and, at the request of the committee, shall provide a detailed briefing on
30 the triennial plan. After receipt of the triennial plan, the joint standing committee of
31 the Legislature having jurisdiction over energy matters may submit legislation relating
32 to the triennial plan.

33 E. The trust shall determine the period to be covered by the triennial plan except that
34 the period of the plan may not interfere with the delivery of any existing contracts to
35 provide energy efficiency services that were previously procured pursuant to efficiency
36 and conservation programs administered by the commission.

37 F. It is an objective of the triennial plan to design, coordinate and integrate sustained
38 energy efficiency and weatherization programs that are available to all energy
39 consumers in the State and to users of all fuel types. The plan must set forth the costs
40 and benefits of the trust's programs that advance the following goals and funding
41 necessary to meet those goals:

42 (1) Reducing energy costs, including residential heating costs;
43 (2) For the period beginning January 1, 2020 and ending January 1, 2030,
44 weatherizing 35,000 homes and businesses, with at least 10,000 of such
45 weatherization projects completed in low-income households through the
46 combined efforts of the trust and the Maine State Housing Authority;

- (3) Reducing peak-load demand for electricity by the maximum achievable cost-effective amount;
- (4) Achieving the maximum achievable cost-effective electricity and natural gas program savings, as defined in and determined pursuant to the performance metrics approved by the commission under section 10120;
- (5) Creating stable private sector jobs providing alternative energy and energy efficiency products and services in the State;
- (6) Contributing to the effort to reduce greenhouse gas emissions in the State by amounts consistent with the greenhouse gas emission levels established in Title 38, section 576-A and in a manner consistent with the State's climate action plan adopted and updated under Title 38, section 577;
- (7) Promoting the purchase of high-efficiency heat pump systems to achieve by 2030 the goal of at least 115,000 households in the State wholly heated by heat pumps and an additional 130,000 households in the State partially heated by heat pumps; and
- (8) Promoting the purchase of battery electric vehicles and plug-in hybrid electric vehicles to achieve by 2030 the goal of at least 220,000 such vehicles registered in the State.

For the purposes of this subparagraph, "plug-in hybrid electric vehicle" has the same meaning as in section 10126, subsection 1, paragraph D.

G. In developing the triennial plan, or an annual update plan under subsection 6, the trust may include, as part of its budget for electric efficiency and conservation programs under section 10110, the costs of providing nonwires alternatives in accordance with section 3132-D.

H. After the triennial plan is approved, the trust or any party to the triennial plan may petition for, or the commission may initiate on its own, consideration of revising the calculations of avoided energy costs used in the determination of maximum achievable cost-effective energy efficiency resources pursuant to section 10110, subsection 4-A or section 10111, subsection 2 upon a showing that, subsequent to the publication of the avoided energy cost study relied upon, changes in price forecasts would result in more than a 25% change in the value of avoided energy cost affecting a significant portion of the program activity in the triennial plan.

Sec. A-56. 37-B MRSA §742, sub-§2, ¶B, as amended by PL 2011, c. 655, Pt. MM, §19 and affected by §26, is further amended to read:

B. Upon the issuance of an energy emergency proclamation and after consulting with the ~~Governor's Energy Office~~ Department of Energy Resources, the Governor may exercise all the powers granted in this chapter, except as specifically limited by paragraph C. The powers of the Governor include, without limitation, the authority to:

- (1) Establish and implement programs, controls, standards, priorities and quotas for the allocation, conservation and consumption of energy resources;
- (2) Regulate the hours and days during which nonresidential buildings may be open and the temperatures at which they may be maintained;

- (3) Regulate the use of gasoline and diesel-powered land vehicles, watercraft and aircraft;
- (4) After consulting, when appropriate, with the New England governors and upon the recommendations of the Public Utilities Commission, regulate the generation, distribution and consumption of electricity;
- (5) Establish temporary state and local boards and agencies;
- (6) Establish and implement programs and agreements for the purposes of coordinating the emergency energy response of the State with those of the Federal Government and of other states and localities;
- (7) Temporarily suspend truck weight and size regulations, but not in conflict with federal regulations;
- (8) Regulate the storage, distribution and consumption of home heating oil; and
- (9) If the energy emergency was caused by a lack of electric grid reliability in this State resulting from insufficient capacity resources, take appropriate action, in consultation with the Public Utilities Commission, to procure sufficient capacity resources including generation capacity and interruptible, demand response or energy efficiency capacity resources.

Sec. A-57. 38 MRSA §480-HH, sub-§3, ¶H, as amended by PL 2011, c. 655, Pt. MM, §20 and affected by §26 and amended by c. 657, Pt. W, §5 and c. 682, §38, is further amended to read:

H. Documentation that, in developing each plan required under paragraphs E to G, the applicant consulted with: the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and the Department of Agriculture, Conservation and Forestry; the Maine Land Use Planning Commission and the ~~Governor's Energy Office~~ Department of Energy Resources; the United States Army Corps of Engineers, the United States Coast Guard, the National Marine Fisheries Service, the National Park Service and the United States Fish and Wildlife Service; the lobster management policy council established under Title 12, section 6447 for the lobster management zone in which the offshore wind energy demonstration project is proposed; each municipality in which or adjacent to which the project is proposed; and any other local, state or federal agency the applicant considers appropriate. This documentation must include copies of these agencies' comments and recommendations on the plan, if any, and specific descriptions of how the agencies' comments are accommodated by the plan, including the applicant's reasons, based on project-specific information, for any agency recommendation not adopted. The applicant shall allow a minimum of 60 days for the agencies to review and make comments and recommendations on each draft plan before it is filed with the department. No more than 30 days prior to its initiation, the applicant shall notify each municipality within or adjacent to which it intends to site and operate an offshore wind energy demonstration project and invite its participation in the consultation required under this paragraph;

Sec. A-58. 38 MRSA §484, sub-§10, as repealed and replaced by PL 2021, c. 293, Pt. A, §51, is amended by amending the first blocked paragraph to read:

1 The Department of Labor, the ~~Governor's Energy Office~~ Department of Energy Resources
2 and the Public Utilities Commission shall provide review comments if requested by the
3 primary siting authority.

4 **Sec. A-59. 38 MRSA §484-C, sub-§2**, as enacted by PL 2023, c. 448, §1, is
5 amended to read:

6 **2. Calculating fee.** The compensation fee under this section must be calculated by
7 the department, in consultation with the Department of Agriculture, Conservation and
8 Forestry, using the square footage of the impacted area and applying a per square foot
9 compensation fee set by the department. The fee must be based upon the fair market value
10 of the impacted area and include reasonable costs, including stewardship costs, for a
11 compensation project, as defined by the department by rule, that is completed in whole or
12 in part with the compensation fee. Square footage of the impacted area that is already
13 subject to the compensation fee under section 484-D may not be included in calculating the
14 compensation fee under this subsection. The compensation fee may be reduced by the
15 department, in consultation with the Department of Agriculture, Conservation and Forestry,
16 if the applicant proposes mitigation strategies, including, but not limited to, dual-use
17 agricultural and solar production. The fee may be increased by the department, in
18 consultation with the Department of Agriculture, Conservation and Forestry, based on the
19 severity of the adverse impacts on the impacted area. For purposes of this subsection, "dual-
20 use agricultural and solar production" means the productive use of land for agricultural
21 production and solar energy production in accordance with standards established by rule
22 adopted by the Department of Agriculture, Conservation and Forestry, in consultation with
23 the department and the ~~Governor's Energy Office~~ Department of Energy Resources.

24 **Sec. A-60. 38 MRSA §577, sub-§8**, as enacted by PL 2019, c. 476, §8, is amended
25 to read:

26 **8. Use of existing data.** In updating the climate action plan under subsection 1, the
27 council shall draw upon existing state data and studies, including, but not limited to,
28 analyses and data from the 2004 climate action plan and the 2010 adaptation plan developed
29 by the department, the evaluations of the State's progress toward meeting greenhouse gas
30 emissions levels under section 578, the comprehensive state energy plan pursuant to Title
31 2, section 9, subsection 3, paragraph C 35-A, section 10305, subsection 1 and the Efficiency
32 Maine Trust's triennial plan pursuant to Title 35-A, section 10104, subsection 4.

33 **Sec. A-61. 38 MRSA §577-A, sub-§1, ¶O**, as enacted by PL 2019, c. 476, §9, is
34 amended to read:

35 O. The ~~Director of the Governor's Energy Office~~ Commissioner of Energy Resources,
36 or the ~~director's~~ commissioner's designee;

37 **Sec. A-62. 38 MRSA §634, sub-§3**, as amended by PL 2011, c. 655, Pt. MM, §21
38 and affected by §26 and amended by c. 657, Pt. W, §5 and c. 682, §38, is further amended
39 by amending the first blocked paragraph to read:

40 The commissioner shall circulate the application among the Department of Environmental
41 Protection, Department of Agriculture, Conservation and Forestry, ~~Department of Energy~~
42 Resources, Department of Inland Fisheries and Wildlife, Department of Marine Resources,
43 Department of Transportation, Maine Historic Preservation Commission, ~~Governor's~~
44 Energy Office, Public Utilities Commission and the municipal officials of the municipality

1 in which the project is located. The ~~Governor's Energy Office Department of Energy~~
2 ~~Resources~~ and the Public Utilities Commission shall submit written comments on section
3 636, subsection 7, paragraph F. For projects within the jurisdiction of the Maine Land Use
4 Planning Commission, the director may request and obtain technical assistance and
5 recommendations from the staff of the department. The Commissioner of Environmental
6 Protection shall respond to the requests in a timely manner. The recommendations of the
7 Commissioner of Environmental Protection must be considered by the commission in
8 acting upon a project application.

9 **Sec. A-63. 38 MRSA §640, first ¶**, as amended by PL 2011, c. 655, Pt. MM, §22
10 and affected by §26 and amended by c. 657, Pt. W, §5, is further amended to read:

11 Unless otherwise provided in accordance with regulations promulgated by the Federal
12 Energy Regulatory Commission, for all existing hydropower projects located in Maine
13 currently licensed under the Federal Power Act, and for all proposed hydropower projects
14 requiring a license to operate under the Federal Power Act, all state agencies that review,
15 comment on and consult in the proposed studies, plans, terms and conditions in the course
16 of licensing or relicensing these projects, including the Department of Agriculture,
17 Conservation and Forestry, the ~~Governor's Energy Office Department of Energy~~
18 ~~Resources~~, the Department of Environmental Protection, the Department of Inland
19 Fisheries and Wildlife and the Department of Marine Resources, shall cooperatively take
20 the following steps to ensure that interested members of the public are informed of, and
21 allowed to participate in, the review and comment process.

22 **Sec. A-64. 38 MRSA §1480-A**, as amended by PL 2011, c. 655, Pt. MM, §23 and
23 affected by §26, is further amended to read:

24 **§1480-A. Joint hearings; intervention**

25 The Department of Health and Human Services or the ~~Governor's Energy Office~~
26 ~~Department of Energy Resources~~ may intervene in any federal licensing proceeding to
27 carry out the purpose of this chapter.

28 **Sec. A-65. 38 MRSA §3201, sub-§1**, as enacted by PL 2023, c. 448, §3 and
29 affected by §5, is amended to read:

30 **1. High-value agricultural land.** "High-value agricultural land" means land that has
31 a high value for agricultural use, as determined in accordance with rules adopted by the
32 Department of Agriculture, Conservation and Forestry, in consultation with the department
33 and the ~~Governor's Energy Office Department of Energy Resources~~.

34 **PART B**

35 **Sec. B-1. 3 MRSA §959, sub-§1, ¶P**, as amended by PL 2021, c. 617, §1, is further
36 amended by enacting a new subparagraph (2-A) to read:

37 (2-A) The Department of Energy Resources in 2033;

38 **Sec. B-2. 5 MRSA §1591, sub-§10** is enacted to read:

39 **10. Department of Energy Resources.** Any All Other balance remaining in the
40 General Fund account in the Department of Energy Resources at the end of any fiscal year
41 must be carried forward for use in the next fiscal year.

Sec. B-3. 5 MRSA §1764-A, sub-§2, as amended by PL 2017, c. 475, Pt. C, §1, is further amended to read:

2. Rules. The Bureau of General Services, in consultation with the ~~Public Utilities~~ Commission Department of Energy Resources, shall by rule require that all planning and design for the construction of new or substantially renovated state-owned or state-leased buildings and buildings built with state funds, including buildings funded through state bonds or the Maine Municipal Bond Bank:

A. Involve consideration of architectural designs and energy systems that show the greatest net benefit over the life of the building by minimizing long-term energy and operating costs;

B. Include an energy-use target that exceeds by at least 20% the energy efficiency standards in effect for commercial and institutional buildings pursuant to the Maine Uniform Building and Energy Code under Title 10, chapter 1103; and

C. Include a life-cycle cost analysis that explicitly considers cost and benefits over a minimum of 30 years and that explicitly includes the public health and environmental benefits associated with energy-efficient building design and construction, to the extent they can be reasonably quantified.

Rules adopted pursuant to this section apply to all new or substantially renovated state-owned or state-leased buildings and buildings built with state funds, including buildings funded through state bonds or the Maine Municipal Bond Bank, regardless of whether the planning and design for construction is subject to approval by the department.

Rules adopted pursuant to this section may provide for exemptions, waivers or other appropriate consideration for buildings with little or no energy usage, such as unheated sheds or warehouses.

The Bureau of General Services shall adopt rules pursuant to this section by July 1, 2004. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-4. 5 MRSA §11052, sub-§1, ¶D-1 is enacted to read:

D-1. The Department of Energy Resources;

Sec. B-5. 12 MRSA §405-A, sub-§4, as amended by PL 2011, c. 655, Pt. MM, §11 and affected by §26, is further amended to read:

4. Review. The Governor's Energy Office By January 1, 2028, and every 5 years thereafter, the Department of Energy Resources shall review the status of hydropower development on the St. Croix River and. If, as a result of that review, the department identifies any significant developments or develops recommendations concerning hydropower development on the St. Croix River, the department shall report information regarding those developments or recommendations to the joint standing committee of the Legislature having jurisdiction over energy and natural resources by January 1, 2013 and every 5 years thereafter matters. The report must include any recommendations for changes in the provisions of this section together with the justification for the changes. If the St. Croix River is included in any legislative Act or regulation that directly or indirectly has as its effect the essential prohibition of construction of new dams or development or

1 ~~redevelopment of existing dams on the St. Croix River, this section is repealed on the~~
2 ~~effective date of that Act or regulation.~~

3 **Sec. B-6. 35-A MRSA §3408, sub-§6**, as enacted by PL 2023, c. 481, §6, is
4 amended to read:

5 **6. Rulemaking; protective orders biannual reports.** The ~~commission department~~
6 shall adopt rules to implement this section. Rules adopted under this subsection are routine
7 technical rules pursuant to Title 5, chapter 375, subchapter 2-A. The rules must include,
8 ~~but are not limited to~~, procedures for monitoring, measuring and enforcing ongoing
9 compliance by responsible entities with the requirements of this section.

10 A. The rules must require the responsible entity to provide biannual reports to the
11 ~~commission department~~ regarding its compliance with the plans submitted as part of
12 its bid under subsection 2. The rules must require a report submitted by the responsible
13 entity to exclude personally identifying information to the greatest extent practicable.
14 If the report includes confidential or proprietary information, trade secrets or similar
15 matters as provided by the Maine Rules of Civil Procedure, Rule 26(e), the commission
16 may issue appropriate protective orders in accordance with section 1311-A with respect
17 to those portions of the report and shall make available to the public an appropriately
18 redacted copy of the report. The ~~commission department~~ shall provide to the office the
19 redacted copy, which the office shall post on the office's post a redacted copy on the
20 department's publicly accessible website.

21 B. The ~~commission department~~ shall establish by rule a process for the review, in
22 coordination with the office ~~commission~~, of the biannual reports provided by the
23 responsible entity and a mechanism for public participation regarding the contents of
24 the report.

25 **Sec. B-7. 35-A MRSA §10312, sub-§1, ¶B**, as enacted by PL 2025, c. 476, Pt. A,
26 §16, is amended to read:

27 B. "Primary storage facility" means a facility that receives petroleum products into the
28 State by pipeline, rail, truck or by ship.

29 **Sec. B-8. 35-A MRSA §10312, sub-§5**, as enacted by PL 2025, c. 476, Pt. A, §16,
30 is amended to read:

31 **5. Department reports.** If the department determines, based on available information,
32 that there is or may be a significant shortfall in supply inventories or anticipated deliveries
33 into the State of ~~home heating oil or kerosene~~ petroleum products, the department shall
34 provide a report to the joint standing committee of the Legislature having jurisdiction over
35 energy matters including:

36 A. The information that suggests a supply shortfall;
37 B. Current and anticipated inventories of ~~home heating oil and kerosene~~ petroleum
38 product storage supplies;
39 C. Any recommendations of the department for actions by the State in response to the
40 anticipated supply shortfall; and
41 D. A report on inventories, deliveries, curtailments, shortfalls or other matters relating
42 to the availability of petroleum products in this State, at the request of the joint standing
43 committee of the Legislature having jurisdiction over energy matters.

Sec. B-9. 35-A MRSA §10313, sub-§9, as enacted by PL 2025, c. 476, Pt. A, §16, is amended to read:

9. Confidentiality. Proposals submitted in response to a solicitation and materials created or submitted during contract negotiations pursuant to this section are confidential and may not be disclosed.

Sec. B-10. 38 MRSA §580-B, sub-§4, ¶F, as enacted by PL 2007, c. 317, §17, is amended by amending subparagraph (7) to read:

(7) Guarantee that the Attorney General, the Public Utilities Commission Commissioner of Energy Resources and the commissioner have access to all auction information and information concerning allowance trading activity, including reports provided to the regional organization by a market monitor.

Sec. B-11. 38 MRSA §580-B, sub-§6, ¶A, as enacted by PL 2007, c. 317, §17, is amended to read:

A. If the regional greenhouse gas initiative results in price levels for allowances that will result in immediate and irreparable harm to the operations of a carbon dioxide budget unit regulated under this chapter, including but not limited to the termination of business at that location, the commissioner may, in consultation with the Attorney General and the ~~chair of the Public Utilities Commission~~ Commissioner of Energy Resources, grant a temporary waiver of enforcement not to exceed one year for any violation by an individual regulated carbon dioxide budget unit of a requirement of this chapter.

Sec. B-12. 38 MRSA §580-B, sub-§10, as amended by PL 2013, c. 369, Pt. D, §7, is further amended to read:

10. Annual report. The department, the Public Utilities Commission Commissioner of Energy Resources and the trustees of the Efficiency Maine Trust established pursuant to Title 35-A, section 10103 shall submit a joint report to the joint standing committees of the Legislature having jurisdiction over natural resources matters and utilities and energy matters by March 15th annually. The report must assess and address:

A. The reductions of greenhouse gas emissions from carbon dioxide budget units, conservation programs funded by the Regional Greenhouse Gas Initiative Trust Fund pursuant to Title 35-A, section 10109 and carbon dioxide emissions offset projects;

B. The improvements in overall carbon dioxide emissions and energy efficiency from sources that emit greenhouse gases including electrical generation and fossil fuel fired units;

C. The maximization of savings through systemic energy improvements statewide;

D. Research and support of new carbon dioxide offset allowance categories for development in the State;

E. Management and cost-effectiveness of the State's energy conservation and carbon

reduction programs and efforts funded by the Regional Greenhouse Gas Initiative Trust Fund, established pursuant to Title 35-A, section 10109;

F. The extent to which funds from the Regional Greenhouse Gas Initiative Trust Fund, established pursuant to Title 35-A, section 10109, serve customers from all classes of the State's transmission and distribution utilities; and

G. The revenues and expenditures of the Regional Greenhouse Gas Initiative Trust Fund, established pursuant to Title 35-A, section 10109.

The department, the Public Utilities Commission Commissioner of Energy Resources and the trustees of the Efficiency Maine Trust may include in the report any proposed changes to the program established under this chapter.

The joint standing committee of the Legislature having jurisdiction over natural resources matters may submit legislation relating to areas within the committee's jurisdiction in connection with the program. The joint standing committee of the Legislature having jurisdiction over utilities and energy matters may submit legislation relating to areas within the committee's jurisdiction in connection with the program.

Sec. B-13. PL 2025, c. 476, Pt. B, §2, sub-§6, is repealed.

SUMMARY

Part A of this bill transfers the responsibilities of the Governor's Energy Office to the Department of Energy Resources.

Part B of the bill does the following.

1. It includes the Department of Energy Resources within the list of agencies that are subject to review in accordance with the State Government Evaluation Act.

2. It provides that any All Other balance remaining in the department's General Fund account at the end of any fiscal year must be carried forward for use in the next fiscal year.

3. It requires the Department of Administrative and Financial Services, Bureau of General Services to consult with the department, instead of the Public Utilities Commission, in establishing rules related to energy efficiency standards for the construction of new or substantially renovated state-owned or state-leased buildings and buildings built with state funds.

4. It includes the department within the definition of "agency" for the purposes of the Tribal-State Collaboration Act.

5. It requires the department, instead of the Public Utilities Commission, to adopt routine technical rules governing offshore wind energy procurements pursuant to the Maine Wind Energy Act.

6. It expands the definition of "primary storage facility" to specify that it includes a facility that receives petroleum products into the State by rail or truck.

7. It expands the department's reporting requirement related to shortfalls in supply or anticipated deliveries of home heating oil or kerosene to include all petroleum products.

8. It directs that certain activities of the Public Utilities Commission related to the carbon dioxide cap-and-trade program are to be undertaken by the Commissioner of Energy Resources.

1 9. It repeals a provision that directed the State Controller to transfer any unobligated
2 balances related to the coastal zone management program remaining in the Bureau of
3 Policy and Management program, Department of Marine Resources, Other Special
4 Revenue Funds and federal funds to the Department of Energy Resources.

5 10. It requires the Department of Energy Resources to review the status of hydropower
6 developments on the St. Croix River by January 1, 2028 and every 5 years thereafter and
7 provide a report to the joint standing committee of the Legislature having jurisdiction over
8 energy matters regarding any significant developments or recommendations.