APPROVED
APRIL 13, 2026
BY GOVERNOR

CHAPTER
665
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-SIX

H.P. 1427 - L.D. 2112

An Act to Authorize Municipalities to Form Community Choice Aggregation Programs to Procure Electricity

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

Sec. 1. 35-A MRSA §3202, sub-§3, as enacted by PL 1997, c. 316, §3, is amended to read:

3. Aggregation permitted; limitation. When retail access begins, consumers of electricity may aggregate their purchases of generation service in any manner they choose. If a public entity serves as an aggregator, it may not require consumers of electricity within its jurisdiction to purchase generation service from that entity except as provided in section 3219.

Sec. 2. 35-A MRSA §3219 is enacted to read:

§3219. Community choice aggregation program

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

A. "Community choice aggregation program" means a program through which a municipality or group of municipalities located in the service territory of an investor-owned transmission and distribution utility aggregates the electric load of residential customers and small commercial electricity customers within the jurisdiction of the municipality or group of municipalities to procure electricity on their behalf.

B. "Competitive electricity provider service agreement" means a form agreement that is developed by the commission by rule in accordance with subsection 10, paragraph G and that is signed by an investor-owned transmission and distribution utility and a program supplier.

C. "Default service" means the standard-offer service provided in accordance with section 3212.

D. "Houlton Band of Maliseet Indians" has the same meaning as in Title 30, section 6203, subsection 2.

E. "Mi'kmaq Nation" has the same meaning as in Title 30, section 7203, subsection 4.

F. "Passamaquoddy Tribe" has the same meaning as in Title 30, section 6203, subsection 7.

G. "Penobscot Nation" has the same meaning as in Title 30, section 6203, subsection 10.

H. "Program consultant" means a person acting as a broker or aggregator and licensed as a competitive electricity provider in accordance with section 3203 that is engaged by a municipality or group of municipalities to assist with the development and operation of a community choice aggregation program.

I. "Program supplier" means a competitive electricity provider licensed in accordance with section 3203 that has executed a competitive electricity provider service agreement and is providing electricity to customers under a community choice aggregation program.

2. Community choice aggregation program; plan approval. A municipality or group of municipalities may implement a community choice aggregation program in accordance with the requirements of this section.

A. A municipality or group of municipalities may adopt a community choice aggregation program plan if the adoption is approved by a majority vote of each municipality's legislative body or governing board and the adoption of the plan is approved by a majority of voters in each municipality adopting the plan.

B. If a municipality or group of municipalities has adopted a plan in accordance with paragraph A, the municipality or group of municipalities may submit the plan to the commission for approval.

C. The commission shall review and approve or reject a plan submitted for approval in accordance with paragraph B. Pursuant to subsection 10, the commission shall adopt rules to establish requirements for community choice aggregation program plans, including, but not limited to, requirements for a municipality or a group of municipalities to conduct targeted outreach in the municipality's or group of municipalities' jurisdiction to ensure that customers are aware of their rights, benefits of the community choice aggregation program and opt-out options.

D. If the commission rejects a community choice aggregation program plan, the municipality or group of municipalities may amend the plan to address deficiencies identified by the commission and resubmit the plan to the commission without complying with the requirements of paragraph A as long as the amendments to the plan are not material in nature as determined by the commission.

E. If the commission approves a community choice aggregation program plan, the municipality or group of municipalities shall comply with the notification requirements in subsections 3 and 4 before implementing the community choice aggregation program.

A municipality or group of municipalities may not implement a community choice aggregation program unless the plan has been approved by the commission.

3. Community choice aggregation program; regulatory notice. After receiving community choice aggregation program plan approval from the commission in accordance with subsection 2 and prior to implementing the community choice aggregation program,

a municipality shall provide written notice to the commission, the Public Advocate, the Department of Energy Resources and an investor-owned transmission and distribution utility serving customers within the community choice aggregation program service area in accordance with rules adopted by the commission pursuant to subsection 10, paragraph H.

4. Customer notice. A municipality or group of municipalities that receives commission approval for a community choice aggregation program plan under subsection 2 shall send all default service customers, other than customers described in subsection 5, paragraph B, subparagraphs (1), (2) and (4), within the municipality's or group of municipalities' jurisdiction at least one written notice via first-class mail and publish one notice in a newspaper of general circulation informing the customers of the following:

A. The community choice aggregation program details;

B. The right to opt out of the community choice aggregation program without penalty; and

C. The process and deadlines for opting out of the community choice aggregation program.

The notice required by this subsection must be provided to each default service customer prior to the time the customer is initially enrolled in the community choice aggregation program and must be sent in accordance with time frames established by the commission by rule pursuant to subsection 10, paragraph D.

5. Community choice aggregation program; implementation. Except as provided in paragraph B, subparagraphs (1), (2) and (4), after receiving community choice aggregation program plan approval from the commission and complying with the regulatory notice requirements in subsection 3 and the customer notice requirements in subsection 4, all default service customers within the municipality's or group of municipalities' jurisdiction may be automatically enrolled in the community choice aggregation program unless they affirmatively opt out.

A. A municipality or group of municipalities may elect not to provide service to a customer under a community choice aggregation program based on the customer's utility payment history.

B. A customer may not be automatically enrolled in a community choice aggregation program and must affirmatively opt in in order to participate in the community choice aggregation program if the customer:

(1) Is participating in net energy billing pursuant to section 3209-A or 3209-B;

(2) Is participating in a front of the meter distributed energy resource program pursuant to section 3209-I;

(3) Is receiving generation service from a competitive electricity provider; or

(4) Is receiving financial assistance for low-income households in accordance with section 3214, subsection 2 or participating in an arrearage management program pursuant to section 3214, subsection 2-A.

C. A customer receiving financial assistance for low-income households in accordance with section 3214, subsection 2 or participating in an arrearage management program

pursuant to section 3214, subsection 2-A may not receive electricity supply under a community choice aggregation program if the customer would pay a supply rate under the community choice aggregation program that is at any time higher than the default service supply rate.

D. A customer may be unenrolled from a community choice aggregation program and returned to default service for nonpayment of electricity services provided under the community choice aggregation program.

E. The approval of a plan by the commission as described in subsection 2 constitutes a default service customer's authorization for the program consultant or program supplier to provide service as required by section 3203, subsection 4-A, paragraph A.

F. If a customer not automatically enrolled opts in to a community choice aggregation program, the customer is responsible for sharing the customer's electricity account information with the program consultant or program supplier.

G. If a customer has a contract to receive generation service from a competitive electricity provider and opts in to a community choice aggregation program, the customer is responsible for notifying the competitive electricity provider that the customer is terminating the contract to opt in to the community choice aggregation program.

H. A program consultant or program supplier, with the approval of the municipality or group of municipalities that has implemented the community choice aggregation program, may communicate with customers receiving service under the community choice aggregation program regarding the community choice aggregation program and any energy-related products or services that may be available to those customers.

6. Protections for low-income and electric assistance program customers. The following protections apply to low-income customers and electric assistance program customers enrolled in a community choice aggregation program.

A. Enrollment in a community choice aggregation program does not affect a customer's eligibility for or receipt of benefits under an electric assistance program or any other low-income assistance program administered by the State.

B. All discounts, credits and protections afforded to low-income customers under an arrearage management program pursuant to section 3214, subsection 2-A continue to apply without interruption or modification.

C. An investor-owned transmission and distribution utility or a municipality may not charge a customer enrolled in an electric assistance program or any other low-income assistance program administered by the State any additional fees, charges or penalties as a result of participation in a community choice aggregation program.

7. Billing and collection; data sharing. If a municipality or group of municipalities implements a community choice aggregation program plan approved by the commission under subsection 2, the investor-owned transmission and distribution utility serving customers enrolled in the community choice aggregation program shall:

A. Provide the program consultant or program supplier with the same options for billing as those available to competitive electricity providers providing generation service to retail customers pursuant to section 3203;

B. Remit payments in the same manner as required for competitive electricity providers providing generation service in accordance with rules adopted by the commission pursuant to section 3203; and

C. Within a time frame established by the commission by rule, after a request by a program consultant or program supplier, provide to the program consultant, the program supplier or an authorized agent of the program consultant or program supplier, in standardized machine-readable format, all customer-specific data reasonably necessary to price, notify customers of and implement a community choice aggregation program. The commission shall establish by rule the customer-specific data that must be provided by an investor-owned utility, which must include, but is not limited to:

(1) Customer name and account number;

(2) Service address and mailing address;

(3) Customer class and applicable rate schedule;

(4) Twelve months of historical electricity usage data at the level of detail available to the transmission and distribution utility obtained using the utility's available automated electronic data or produced directly by the utility with the cost of production to be paid by the requester;

(5) Capacity tag data or other peak demand obligation data used for resource adequacy or capacity procurement;

(6) Twelve months of aggregated payment history for electricity customers in the municipality or group of municipalities;

(7) Whether an electricity customer is receiving default service or supply from a competitive electricity provider;

(8) Whether an electricity customer participates in net energy billing pursuant to section 3209-A or 3209-B or a front of the meter distributed energy resource program pursuant to section 3209-I or otherwise exports energy to the electric grid; and

(9) Any additional customer or account information required by the commission by rule to support aggregation pricing, customer notification, enrollment or community choice aggregation program implementation.

Transmission and distribution services remain with the investor-owned transmission and distribution utilities, which must be paid for according to rate schedules approved by the applicable regulatory authority.

8. Confidentiality. Program consultants and program suppliers are subject to the confidentiality requirement established in section 3203, subsection 4-A, paragraph B.

9. Tribal community choice aggregation programs. The Houlton Band of Maliseet Indians, the Mi'kmaq Nation, the Penobscot Nation or the Passamaquoddy Tribe may establish a community choice aggregation program in accordance with this section. The rights applicable to municipalities as provided in this section apply to any community choice aggregation programs that may be established by the Houlton Band of Maliseet Indians, the Mi'kmaq Nation, the Penobscot Nation or the Passamaquoddy Tribe.

10. Rulemaking. The commission shall initiate rulemaking for the implementation of this section no later than January 1, 2027. The rules must include, but are not limited to, rules establishing:

A. The process by which a municipality or group of municipalities may:

(1) Establish a community choice aggregation program under subsection 2, paragraph A; and

(2) Seek approval from the commission under subsection 2, paragraph B;

B. Standards for commission approval of a community choice aggregation program plan under subsection 2, paragraph C;

C. Opt-in procedures for customers identified in subsection 5, paragraph B and opt-out procedures for default service customers;

D. Timing and notice requirements related to the automatic enrollment of default service customers in a community choice aggregation program;

E. Consumer protection and transparency requirements;

F. Requirements for data sharing by a transmission and distribution utility in accordance with subsection 7, paragraph C, to ensure that data is provided in a timely fashion and updated as necessary to support the ongoing administration of a community choice aggregation program;

G. A standard competitive electricity provider service agreement to be used by a program supplier and an investor-owned transmission and distribution utility to provide for the ongoing sharing of data as described in subsection 7, paragraph C;

H. The timing for providing regulatory notice as required by subsection 3;

I. A process, which may include the establishment of a fee to be paid by a program consultant, a program supplier or a municipality or group of municipalities implementing a community choice aggregation program, to ensure that an investor-owned transmission and distribution utility will not incur any costs to implement the requirements of this section; and

J. Provisions to minimize to the greatest extent practicable impacts to default service.

Notwithstanding Title 5, section 8071, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.