

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-SIX

—  
H.P. 1442 - L.D. 2153

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

**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 A, §§2 and 3 and repealed by c. 476, Pt. A, §3, is repealed.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:

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

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

In addition, the commissioner shall be concerned with the quality of life of Maine farmers and rural communities. The commissioner shall promote: farm financing and rural development proposals; conservation and preservation of agricultural lands; increased and improved production of beef, poultry, sheep, dairy beef and other livestock; expanded and improved production of potatoes, fruits and other vegetables and horticultural ventures; coordinated foreign and domestic marketing of Maine agricultural products; in conjunction with the ~~university~~ University of Maine, crop development and integrated pest management; and conservation of nonrenewable energy resources and utilization of renewable energy resources in conjunction with the ~~Governor's Energy Office~~ Department of Energy Resources. To accomplish these objectives, the commissioner is authorized for, or on behalf of, Maine's farmers and rural community: to engage in research and educational programs; to participate directly or indirectly in programs to encourage and enable individuals to enter agricultural or other rural enterprises; to institute litigation or upon request to represent farmers or other members of the rural community in litigation ~~where~~ when the commissioner determines that such litigation may be beneficial to agricultural industry as a whole; and to exercise all other powers of an agency of State

Government. The commissioner may study such issues and, consistent with statute, take such actions either individually, for, or on behalf of, the State's farmers or rural residents, or jointly with such other persons, agencies or organizations as the commissioner determines may benefit the State's farmers and rural communities. To further accomplish these objectives, the commissioner is authorized beginning July 1, 1991, on behalf of the State's rural community, to administer food assistance programs including the receipt, distribution and administration of federal and state funds, including block grants, for food assistance.

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

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

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

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

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

- A. Incorporate relevant information included in the Department of Labor's training on wage and hour laws compliance, with a focus on state labor and workforce requirements and benchmarks related to energy projects and programs;
- B. Include relevant labor standards, benchmarks and other necessary commitments required by the State, the Public Utilities Commission, the University of Maine System and any other entity responsible for administering energy generation and transmission projects and programming in the State to receive preference or priority selection related to requests for proposals;
- C. Clearly outline the statutory labor requirements of contractors and subcontractors performing work on energy projects;
- D. Include information on statutory obligations of employers and the Department of Labor's enforcement procedures and penalties for violations; and
- E. Be updated as necessary and reviewed by the Department of Labor no less than once per calendar year.

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

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

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

- A. Accounts for and is designed to advance the renewable energy and climate policies and goals of the State;
- B. Minimizes potential negative environmental and community effects;
- C. Maximizes air quality, health and workforce benefits; and
- D. Encourages high standards of safety performance.

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

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

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

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

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

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

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

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

The commission in consultation with the Public Advocate and the ~~Governor's Energy Office~~ Department of Energy Resources may execute an energy cost reduction contract or

a physical energy storage contract, or both, in accordance with this section. ~~In no event may the~~ The commission may not execute energy cost reduction contracts for the transmission of greater than a cumulative total of 200,000,000 cubic feet of natural gas per day. ~~In no event may the~~ The commission may not execute physical energy storage contracts for a total amount that exceeds \$25,000,000 annually, and ~~in no event may the~~ total amount of all contracts entered into under this section may not exceed \$75,000,000 annually.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. In collaboration with the ~~Governor's Energy Office~~ Department of Energy Resources, ~~established in Title 2, section 9~~, seek to partner with other states, governmental entities or utilities within New England in the development of requests for proposals and the evaluation of proposals received in response to a request for proposals for a transmission line or lines under subsection 2 and renewable energy generation projects under subsection 3.

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

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

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

A-1. The commission may coordinate with other states, governmental entities or utilities within New England in the development of a request for proposals pursuant to this subsection and in the evaluation of proposals received in response to a request for proposals. The commission shall allow the ~~Governor's Energy Office~~ Department of Energy Resources and the Office of the Public Advocate to review the proposals submitted pursuant to this subsection. The ~~Governor's Energy Office~~ Department of

Energy Resources and the Office of the Public Advocate may provide input to the commission upon review of the proposals, which may include an assessment as to whether any proposals submitted are consistent with the goals of the program as described in this section. If a proposal includes confidential or proprietary information, trade secrets or similar matters as provided by the Maine Rules of Civil Procedure, Rule 26(c), the commission may issue appropriate protective orders in accordance with section 1311-A with respect to those portions of the proposal.

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

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

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

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

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

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

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

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

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

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

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

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

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

- A. Two individuals from organizations that represent commercial lobster harvesting interests in the State;
- B. At least one individual from an organization that represents the interest of commercial fisheries other than lobster harvesting;
- C. The Commissioner of Marine Resources, or the commissioner's designee;
- C-1. The Commissioner of Inland Fisheries and Wildlife, or the commissioner's designee;
- D. Two individuals, not represented by an organization, that represent the interests of the commercial lobster harvesting industry and commercial fisheries in the State;
- E. One individual from the recreational charter fishing industry;
- F. At least one individual who is a member of one of the federally recognized Indian tribes in this State;
- G. Two individuals with expertise in marine wildlife and habitats; and
- H. At least one individual with experience in commercial offshore wind power development.

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

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

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

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

**4. Offshore Wind Research Consortium Fund; established.** The Offshore Wind Research Consortium Fund, referred to in this subsection as "the fund," is established as a nonlapsing fund administered by the office department and the Department of Marine Resources and in coordination with the Department of Inland Fisheries and Wildlife. The fund consists of funds that are appropriated by the Legislature, funds received from federal

and state sources, payments from offshore wind power projects in accordance with section 3408, subsection 1, paragraph D, subparagraph (3) and other funds from any public or private source received for use for any of the purposes under this subsection. The source of any funds received from public or private sources must be publicly disclosed. The fund may be used to support the consortium and the work of the advisory board established in subsection 2, including for:

- A. Developing the research strategy under subsection 3;
- B. Conducting research pursuant to the strategy developed under subsection 3;
- B-1. Supporting conservation actions and projects that support species and habitats impacted by offshore wind power development;
- C. Producing reports or other materials;
- D. Compensating independent experts, if needed to assist in the development or execution of the research strategy under subsection 3; and
- E. Making any other expenditures that are necessary to achieve the purposes of this section.

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

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

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

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

- A. Encourage the responsible development of offshore wind power projects to stabilize energy supply prices, reduce this State's reliance on imported fossil fuels, realize direct and near-term economic benefits for the people of this State and ensure the achievement of this State's wind energy generation goal established in section 3404, subsection 2;
- B. Support offshore wind power projects that result in long-term, family-supporting careers, including for disadvantaged populations and communities;
- C. Support responsibly sited and operated offshore wind power projects that avoid or minimize and compensate for impacts to wildlife, habitat, fisheries and coastal communities in the Gulf of Maine;

D. Support efforts to increase understanding of impacts of offshore wind power projects on the marine environment and to advance research to better understand how offshore wind power projects can coexist with minimal impact to existing ocean users, wildlife, fisheries and the marine environment;

E. Promote diversity, equity and inclusion in the development of offshore wind power projects with particular consideration given to the energy and economic circumstances and opportunities in coastal and socially vulnerable communities and for the federally recognized Indian tribes in this State. For the purposes of this paragraph, "socially vulnerable communities" means those communities containing populations that are disproportionately burdened by existing social inequities or lack the capacity to withstand new or worsening burdens;

F. Support the advancement of port infrastructure, local offshore wind power-related economic development and the development of a supply chain to support the development of offshore wind power projects;

G. Support the development and deployment of innovative technologies to achieve the energy policy and economic development objectives of this State, including energy 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 this section, the ~~office~~ department shall submit the request for proposals to the commission for approval.

- A. A competitive solicitation under this section must specify the date on which a subsequent solicitation must be initiated and the specified date must be within 36 months of a previous solicitation.
- B. The ~~office~~ department shall make reasonable efforts to consult with entities within this State, including, but not limited to, the commission, the Office of the Public Advocate and entities included in section 3407, subsection 1, paragraph L, and other states or entities regarding coordinated competitive solicitations.
- C. A competitive solicitation under this section must seek proposals for offshore wind power projects with not less than approximately 600 megawatts of nameplate capacity or of sufficient size to enable cost-competitive commercial-scale development. A competitive solicitation developed in coordination with other states or entities may seek proposals for offshore wind power projects with a nameplate capacity of less than 600 megawatts if the coordinated solicitation is in an aggregate amount sufficient to enable cost-competitive commercial-scale development.
- D. A solicitation under this section must specify bidder criteria, including:
  - (1) Submission of plans that meet or exceed state and federal requirements or guidelines and are consistent with the recommendations in the Maine Offshore Wind Roadmap issued by the ~~office~~ former Governor's Energy Office in February 2023:
    - (a) To ensure stakeholder engagement, capacity building and equity with particular consideration given to the energy and economic circumstances and opportunities in coastal and socially vulnerable communities, as defined in section 3407, subsection 1, paragraph E;

- (b) To achieve economic and community benefits, including, but not limited to, investments in and development of ports, supply chains and the necessary workforce;
  - (c) To achieve diversity, equity and inclusion in employment and contracting for the project;
  - (d) To provide for fisheries research, monitoring and mitigation; and
  - (e) To provide for environmental and wildlife research, monitoring, mitigation and conservation;
- (2) A fishing communities investment plan, as described in subsection 4;
  - (3) An agreement by the responsible entity, if it is approved for a contract under this section, to pay an amount set in the solicitation of at least \$5,000 per megawatt of the offshore wind power project's nameplate capacity to the Offshore Wind Research Consortium Fund in accordance with section 3406, subsection 4;
  - (4) An agreement by the responsible entity, if it is approved for a contract under this section, to provide financial and technical assistance necessary to implement the plans listed in subparagraphs (1) and (2); and
  - (5) Workforce requirements, as described in subsection 3.

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

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

- (1) Conduct at least 2 public comment sessions on the solicitation, at least one of which must be in person, in advance of the publication of a draft solicitation to assist in the development of the contents of the draft solicitation;
- (2) Respond in writing to the comments received regarding the draft solicitation;
- (3) Coordinate with the Department of Economic and Community Development, the Department of Marine Resources, the Department of Transportation, the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection on the development of the criteria for the plans required pursuant to paragraph D;
- (4) Coordinate with the Department of Agriculture, Conservation and Forestry to ensure submerged lands leasing rates and fees, as described in Title 12, section 1862, are aligned with the goals of the program as described in section 3407 and reflect a fair market rate considering fees set by other states in the region for the use of submerged lands in connection with an offshore wind power project;
- (5) Seek public input on appropriate contracting mechanisms for inclusion in the solicitations to address market dynamics and impacts to ratepayers, including, but not limited to, indexing and price adjustments;

- (6) Request comments on the draft solicitation from each federally recognized Indian tribe in this State and the Maine Indian Tribal-State Commission; and
- (7) In developing the plan criteria for the plans required pursuant to paragraph D, consider all comments received under subparagraph (6).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**3. Funding and reporting.** Notwithstanding sections 116 and 117, at the request of the trust, the commission may transfer money from funds in the Public Utilities Commission Regulatory Fund or the Public Utilities Commission Reimbursement Fund to the trust to implement the 3-year beneficial electrification plan included in the triennial plan under subsection 2. At the end of any year in which the commission has transferred money under this subsection to the ~~office~~ former Governor's Energy Office, the department or the trust, the ~~office~~ former Governor's Energy Office, the department or the trust, respectively, shall provide a report to the commission detailing its fund requests, money received and expenditures.

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

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

- A. All beneficial electrification activity in the State and the effect of the commission's actions under section 3804;
- B. Trends in beneficial electrification in the State and in other jurisdictions; and
- C. The estimated costs and benefits for ratepayers of beneficial electrification programs occurring as a result of this chapter and other programs that have been implemented in the State.

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

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

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

C. ~~The Director of the Governor's Energy Office~~ Commissioner of Energy Resources, or another employee of ~~that office~~ the Department of Energy Resources, as the ~~director~~ Commissioner of Energy Resources 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.

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

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

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

**4. Triennial plan.** The board shall vote on a detailed, triennial plan that includes the quantifiable performance metrics developed under subsection 3 and make a full report of the vote to the commission in accordance with this subsection. The triennial plan must provide integrated planning, program design and implementation strategies for all energy efficiency, alternative energy resources and conservation programs administered by the trust, including but not limited to the electric efficiency and conservation programs under section 10110, the natural gas efficiency and conservation programs under section 10111, the Regional Greenhouse Gas Initiative Trust Fund under section 10109, the Heating Fuels Efficiency and Weatherization Fund under section 10119 and any state or federal funds or publicly directed funds accepted by or allocated to the trust for the purposes of this chapter. The triennial plan must include provisions for the application of appropriate program funds to support workforce development efforts that are consistent with and promote the purposes of the trust. The plan must take into consideration the comprehensive state energy plan pursuant to ~~Title 2, section 9, subsection 3, paragraph C~~ section 10305, subsection 1. The plan must include, but is not limited to, efficiency and conservation program budget allocations, objectives, targets, performance metrics, program designs, program implementation strategies, timelines and other relevant information.

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

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

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

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

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

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

D. Prior to submission of the triennial plan to the commission, the trust shall offer to provide a detailed briefing on the draft plan to the joint standing committee of the Legislature having jurisdiction over energy matters and, at the request of the committee, shall provide such a briefing and opportunity for input from the committee. After providing such opportunity for input and making any changes as a result of any input received, the board shall deliver the plan to the commission for its review and approval. At the request of the trust or any party to the triennial plan, the commission shall open an adjudicatory proceeding to review the triennial plan. If an adjudicatory proceeding is not requested, the commission may use an adjudicatory proceeding or other process to review the triennial plan. The commission shall review the triennial plan to determine whether it will capture the maximum achievable cost-effective energy efficiency savings. In conducting the review, the commission shall defer to the trust's calculations of energy savings as long as the calculations were conducted consistent with rules of the trust and are supported by evidence in the record and the trust used a reasonable and transparent process to make the technical determinations necessary to make those calculations. The commission shall reject elements of the plan that propose to use funds generated pursuant to sections 3210-C, 10110, 10111 or 10119 if the plan fails to reasonably explain how these elements of the program would achieve the objectives and implementation requirements of the programs established under those sections or the performance metrics under subsection 3. If the commission approves the triennial plan, the commission shall issue the appropriate orders to transmission and distribution utilities and natural gas utilities for the procurement of energy efficiency resources identified within the plan pursuant to section 10110, subsection 4-A and section 10111, subsection 2. If the commission rejects the triennial plan, the commission shall issue an order stating the reasons for the rejection. Funds generated under these statutory authorities may not be used pursuant to the triennial plan unless those elements of the plan proposing to use the funds have been approved

by the commission. The commission shall approve or reject the entire plan or elements of the plan within 120 days of its delivery to the commission. The board, within 30 days of final commission approval of the triennial plan, shall submit the triennial plan to the joint standing committee of the Legislature having jurisdiction over energy matters together with any explanatory or other supporting material as the committee may request and, at the request of the committee, shall provide a detailed briefing on the triennial plan. After receipt of the triennial plan, the joint standing committee of the Legislature having jurisdiction over energy matters may submit legislation relating to the triennial plan.

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

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

- (1) Reducing energy costs, including residential heating costs;
- (2) For the period beginning January 1, 2020 and ending January 1, 2030, weatherizing 35,000 homes and businesses, with at least 10,000 of such weatherization projects completed in low-income households through the 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:

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

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

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

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

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

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

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

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

The commissioner shall circulate the application among the Department of Environmental Protection, Department of Agriculture, Conservation and Forestry, Department of Energy Resources, Department of Inland Fisheries and Wildlife, Department of Marine Resources, Department of Transportation, Maine Historic Preservation Commission, ~~Governor's Energy Office~~, Public Utilities Commission and the municipal officials of the municipality in which the project is located. The ~~Governor's Energy Office~~ Department of Energy Resources and the Public Utilities Commission shall submit written comments on section 636, subsection 7, paragraph F. For projects within the jurisdiction of the Maine Land Use Planning Commission, the director may request and obtain technical assistance and recommendations from the staff of the department. The Commissioner of Environmental Protection shall respond to the requests in a timely manner. The recommendations of the Commissioner of Environmental Protection must be considered by the commission in acting upon a project application.

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

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

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

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

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

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

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

**PART B**

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

(2-A) The Department of Energy Resources in 2027;

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

**10. Department of Energy Resources.** Any All Other balance remaining in the General Fund account in the Department of Energy Resources at the end of any fiscal year 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 redevelopment of existing dams on the St. Croix River, this section is repealed on the effective date of that Act or regulation.~~

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

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

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

B. The ~~commission~~ department shall establish by rule a process for the review, in coordination with the ~~office~~ commission, of the biannual reports provided by the

responsible entity and a mechanism for public participation regarding the contents of the report.

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

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

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

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

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

**Sec. B-9. 35-A MRSA §10313, sub-§7**, as enacted by PL 2025, c. 476, Pt. A, §16, is amended by amending the first blocked paragraph to read:

The commission shall approve or reject a contract within 120 calendar days, unless a longer period is requested by the department. If the commission approves a contract, the commission shall issue an order directing a transmission and distribution utility to act with respect to the contract ~~within 120 calendar days, unless a longer period is requested by the department.~~ If the commission does not approve a contract, the commission may direct that the contract be amended and resubmitted to the commission for approval.

**Sec. B-10. 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,~~ except the department may share proposals and contract negotiation materials with the commission as necessary for the commission to approve a contract pursuant to subsection 7 and the department may make public certain information regarding submitted proposals at the conclusion of a solicitation, including, but not limited to, the identity of the bidder awarded a contract and the bid price.

**Sec. B-11. 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-12. 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-13. 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-14. PL 2025, c. 476, Pt. B, §2, sub-§6,** is repealed.