

STATE OF MAINE

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

—
S.P. 771 - L.D. 1964

**An Act to Establish Additional Requirements Related to the Sale or Lease of
Net Energy Billing Interests and Solar Energy Equipment**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Office of the Public Advocate receives inquiries nearly every day from Maine consumers who are struggling to understand who their solar provider is or how to contact their provider with questions about their account; and

Whereas, the sale or lease of solar energy equipment involves significant consumer investment and long-term contracts, which may be complex; and

Whereas, recent federal tax changes may increase the likelihood of door-to-door solicitations for the lease of solar energy equipment, and this legislation must take effect as soon as possible to clarify and improve upon existing consumer protection laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 10 MRSA §1250-M is enacted to read:

§1250-M. False representation in sale of electricity product

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

A. "Competitive electricity provider" has the same meaning as in Title 35-A, section 3201, subsection 5.

B. "Distributed generation resource" has the same meaning as in Title 35-A, section 3481, subsection 5.

C. "Electricity product" means a distributed generation resource, energy supply by a competitive electricity provider or a similar resource. "Electricity product" does not

include an electrical appliance, machinery or equipment or building efficiency services or products.

D. "Electric utility" means a transmission and distribution utility as defined in Title 35-A, section 102, subsection 20-B.

2. False representation in sale of electricity product. A person may not falsely represent the person as a representative of, as an affiliate of or as being in any way affiliated with an electric utility or as a representative of, as an official of or acting in an official capacity on behalf of a governmental agency or program, unless expressly permitted by the electric utility or governmental agency or program, when selling, offering to sell, leasing, installing or entering into any other financial arrangement regarding an electricity product.

3. Unfair trade practice. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

Sec. 2. 32 MRSA §4661, sub-§2, as enacted by PL 1969, c. 395, is amended to read:

2. Merchandise. "Merchandise" includes any objects, wares, goods, commodities, intangibles or services. "Merchandise" also includes a contract for a shared financial interest in a distributed generation resource that has a net energy billing arrangement in accordance with Title 35-A, section 3209-A or 3209-B and solar energy equipment as defined in Title 35-A, section 3218, subsection 1.

Sec. 3. 32 MRSA §14701, sub-§4, as amended by PL 2005, c. 347, Pt. E, §1, is further amended to read:

4. Merchandise. "Merchandise" includes any objects, wares, goods, promises, commodities, intangibles, services or other things of value but does not include food or technical or vocational schools located outside of the State that are registered pursuant to Title 20-A, section 9501. "Merchandise" also includes a contract for a shared financial interest in a distributed generation resource that has a net energy billing arrangement in accordance with Title 35-A, section 3209-A or 3209-B and solar energy equipment as defined in Title 35-A, section 3218, subsection 1. "Merchandise" does not include securities that are registered or exempt from registration pursuant to chapter 135, the Maine Uniform Securities Act and rules adopted pursuant to that Act or insurance products that are regulated under Title 24-A.

Sec. 4. 35-A MRSA §3209-A, sub-§5, ¶G-1 is enacted to read:

G-1. As applicable, must comply with the requirements of Title 32, chapter 69, subchapter 5 and Title 32, chapter 128, subchapter 2;

Sec. 5. 35-A MRSA §3218 is enacted to read:

§3218. Standard written disclosure for sale or lease of solar energy equipment

1. Definition. For the purposes of this section, "solar energy equipment" means all controls, tanks, pumps, heat exchangers, collectors and other equipment necessary for the collection, transfer and storage of solar energy. "Solar energy equipment" includes photovoltaic modules, inverters and racking and electronic control systems. "Solar energy equipment" does not include passive solar energy systems or those systems using natural

means to collect, store and transfer solar energy or equipment owned by a transmission and distribution utility.

2. Standard written disclosure. Beginning June 1, 2026, a person that sells or leases solar energy equipment that is installed on the customer side of the meter shall, prior to a sale or lease, provide to the customer a completed standard written disclosure. The completed standard written disclosure must be provided to the customer in a form that the customer may keep. The completed disclosures may be provided to the customer in electronic form, subject to compliance with the consumer consent and other applicable provisions of federal law, including, but not limited to, the federal Electronic Signatures in Global and National Commerce Act, 15 United States Code, Chapter 96, as amended. The standard written disclosure must include the following:

A. The name of the seller or lessor and contact information of the seller or lessor or a representative of the seller or lessor;

B. The name of the primary installer and contact information of the primary installer;

C. A plain language summary of design, cost and warranty information, including the average cost of system interconnection by project size based on the previous calendar year's range of interconnection costs as published annually by the interconnection ombudsman appointed pursuant to section 107, subsection 1 on the commission's publicly accessible website pursuant to subsection 4;

D. A checklist of the responsibilities of the seller or lessor, primary installer, customer and transmission and distribution utility related to the transaction;

E. A description of any dispute resolution mechanisms, including information relating to the interconnection ombudsman under section 3474, subsection 4, available to the seller or lessor, primary installer, customer and transmission and distribution utility;

F. Clearly described terms and conditions of any financial agreement or contract associated with the sale or lease of solar energy equipment, including information about contract termination and a description of the parties' obligations under the contract if the customer moves or if the replacement or repair of the customer's roof is required; and

G. Signature lines for the seller or lessor and customer to attest that the seller or lessor provided, and the customer received, the standard written disclosure prior to the sale or lease of the solar energy equipment.

3. Violation. A violation of subsection 2 is a violation of the Maine Unfair Trade Practices Act.

4. Interconnection costs; reporting. By March 1, 2026, and annually thereafter, each large, investor-owned transmission and distribution utility shall provide the interconnection ombudsman appointed pursuant to section 107, subsection 1 with the average interconnection costs for the previous calendar year by project size. By May 1, 2026, and annually thereafter, the interconnection ombudsman shall publish on the commission's publicly accessible website the average interconnection costs by project size along with disclaimer language regarding the range and factors associated with the cost of interconnection pursuant to subsection 2, paragraph C.

Sec. 6. Department of Energy Resources; model forms. By June 1, 2026, the Department of Energy Resources shall develop 2 model standard written disclosure forms for the sale and for the lease of solar energy equipment described in the Maine Revised Statutes, Title 35-A, section 3218, informed by stakeholder input. The department shall make the disclosure forms available on its publicly accessible website.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.