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Maine Joint Legislature Committee on Energy, Utilities and Technology  
Via electronic submission  
100 State House Station  
Augusta, ME 04333

January 20, 2026

To Committee Members,

I am writing in regards to L.D. 838 an Act to Establish the Maine Clean Energy Authority, being presented to the committee on January 20, 2026. I understand that this is a concept draft and as such subject to change. As written, I recommend an ought not to pass vote, but preserve my right to change my recommendation based upon changes that may come about during further deliberation by the committee. Please see my questions and comments below:

**General Questions to consider:**

1. When will this Authority be expected to come into existence?
2. Will this Authority be involved in the Northern Maine transmission project that the Maine PUC has recently issued an RFP for?
3. Section 10503, subsection #1 says “The authority may not own a stake of a project established pursuant to this chapter.” Section 10504, subsection 1A and 1B say the Authority may acquire personal property and real property. Is the underlying intent of these two sections that the Authority can:
  - a. Acquire land that it then can lease to a transmission and distribution utility (T&D) so that the T&D can construct a transmission/distribution line on it and the Authority can receive rental revenue?
  - b. 1) acquire personal and real property and 2) construct and maintain a transmission/distribution line and earn revenue from the transmission of electricity?
  - c. Or is it that the Authority can do both A and B, or perhaps something different?  
Clarification to the above questions may be helpful to the reader to understand the intent of these sections.

**Authority established; purpose:**

1. I recommend clarifying that the term “energy infrastructure” is “electric energy infrastructure” if the intent is not to include other forms of energy infrastructure and its transmission (e.g. natural gas and hydrogen). A definition of electric energy infrastructure could be “electric transmission, distribution, generation and energy storage systems with a capacity to transmit greater than 1 megawatt of electricity onto the State’s electric grid”.

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**Board of Directors:**

1. I recommend that the Board of Directors be expanded to 11 voting members (similar to the Maine Connectivity Authority Title 35-A, Chapter 94-A) so as to include a broader base of board members with diverse viewpoints, interests and expertise. Suggested additional members include:
  - a. Business ratepayer (based in Maine) representing their stakeholder interests
  - b. Private Small Landowner (lives in Maine) representing their stakeholder interests
  - c. Member representing the municipalities in the State (lives in Maine) representing their stakeholder interests
  - d. Member who possesses expertise in banking and financial lending (lives in Maine)
  - e. I recommend that the two at-large members of the public currently called for in this chapter, be residents and ratepayers in Maine.
2. I recommend the term limit for a member be 3-years, who can be reappointed one additional 3-year term and then must take a minimum of a 1-year break from serving the Authority in any capacity. As a note, Maine Connectivity Authority provides for a 3-year term that can be reappointed. Except for ex officio members of DOER and Public Advocate mentioned in this chapter, all other members must be geographically chosen so as to represent as many of the 16 counties in Maine as practicable.
3. I recommend that no one be allowed to be a Board Member or Executive Director who is currently servicing as an elected official in the Legislature, or who has serviced as an elected official in the Legislature, in the preceding 12 months. This is to avoid any conflict of interest or appearance of conflict of interest. (Note that this length of time is consistent with restrictions on when a legislator can be a lobbyist under Title 1, Section 1024.)
4. I recommend a prohibition on a board member participating in any decision that may represent a conflict of interest, similar to the Maine Connectivity Authority.
5. I recommend a provision to require By-Laws, similar to the Maine Connectivity Authority.
6. I recommend a provision to allow for remote participation by board members of the Authority, similar to the Maine Connectivity Authority.
7. I recommend a provision protecting a board member from personal liability, similar to the Maine Connectivity Authority.

**Duties:**

1. I recommend that in addition to the duties outlined in this chapter, that the Authority also give preference to projects that:
  - a. Demonstrate the most cost-effective and efficient transmission access to energy resources in Maine in a manner that best supports the achievement of the State's renewable energy goals and that maximize benefits to the State,
  - b. Provide community engagement plans and favor use, to the extent practicable, of existing utility and other right-of-way's and other existing transmission corridors,

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- c. Are likely to provide a reduction in transmission costs and costs to ratepayers for electricity over time as more energy is transmitted using the transmission lines in the project,
- d. Adequately demonstrate project viability within a commercially reasonable time frame and,
- e. Maximize eligible federal tax credits and other federal funding sources.

(Note that the above five bullets are largely taken from Title 35-A, Section 3210-I)

**Powers:**

- 1. I recommend that the Authority have the right to exercise eminent domain only after a project has received any necessary Maine PUC Certificate of Public Convenience and Necessity (CPCN) in accordance with Title 35-A, Section 3136, subsection 4, and that in exercising this power, all of the other applicable requirements outlined in Title 35-A Section 3136 are followed, rather than limiting it to subsections 4 paragraph A, and subsections 6, 7 and 8 as they relate to a high-impact transmission electric line. Particularly important points to ensure aren't excluded from this chapter are Title 35-A, Section 3136, subsection 2 regarding when eminent domain is not applicable, Title 35-A, Section 3136, subsection 4 requiring the need for a CPCN and Section 3136, subsection 5 when an owner is entitled to damages.
- 2. I recommend that the Authority have a similar right as the Maine PUC to allow for joint use of an investor-owned T&D utilities right-of-way's for a project allowed under this chapter. I further recommend that the Authority be granted a similar right to allow for joint use of Maine governmental agencies and authority's right-of-way's for projects allowed under this chapter, except where prohibited by existing statutes. This is to ensure that the Authority can fulfill its responsibility to consider the use of existing right-of-way's in siting new corridors. (See Title 35-A, Section 711 regarding Maine PUC joint use powers.)
- 3. I recommend that the Authority be able to have deposit/investment accounts, similar to the Maine Connectivity Authority.
- 4. I recommend a provision allowing for the Authority to sue and be sued, similar to the Maine Connectivity Authority.
- 5. I recommend a provision allowing the Authority to utilize the Department of the Attorney General for general counsel, bond counsel, labor defense, workers' compensation, legislative issues and other required legal services on a fee-for-service basis at rates determine by that Department, (similar to the Maine Turnpike Authority Title 23, Section 1965).

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**Revolving loan fund; taxes, revenue bonds:**

1. I recommend there be an explicit bond issuance dollar and maturity date cap, similar to the Maine Turnpike Authority cap, but presumably with a dollar amount cap and maturity date limit suitable for the Authority's operations. This is to ensure that there are some parameters as to the how much and for how long the Authority can issue such obligations.
2. Section 10503, subsection #2 discusses exemption from taxes. Aside of personal and real property owned by the Authority for its employees to operate from, I recommend that a community be able to collect personal property and real estate taxes on the property that the Authority otherwise owns so as not to dilute the tax revenue opportunities for a community.

**Report:**

1. I recommend ensuring that reporting requirements to the EUT are no less in scope/detail as the Maine Connectivity Authority and Maine Turnpike Authority is required to provide to the Legislature.

**Other:**

1. I recommend that the Authority be required to distribute funds to the Maine PUC in order to reduce Maine ratepayer electricity costs if a) the Authority's unallocated fund balance exceeds 9% of the previous fiscal year's Authority budget and/or b) if the Authority's unallocated funds balance exceeds 18% of the Authority's previous fiscal year's revenues. This is to ensure that the Authority has parameters as to how much money it can retain in unallocated funds and to help ensure that the Authority maximizes the use of its funds to lower Maine ratepayer costs. (Note that the 9% amount is representative of the cap placed on Maine school districts under Title 20-A, Section 15689-B and the 18% amount is representative of the cap placed on the State of Maine Budget Stabilization Fund Title 5, Section 1532).
2. I recommend a Sunset review provision, similar to the Maine Connectivity Authority.

I will make every attempt to be available for a future work session for this bill.

Sincerely,

*Steven J. Ingalls*

Steven Ingalls

Stetson, ME

Steven Ingalls  
Stetson  
LD 838

Please see the attached testimony. I will make every attempt to be available for a future work session for this bill.