



JANET MILLS
GOVERNOR

**STATE OF MAINE
DEPARTMENT OF ENERGY RESOURCES
62 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0062**

DAN BURGESS
ACTING COMMISSIONER
DEPARTMENT OF ENERGY RESOURCES

TESTIMONY BEFORE THE ENERGY, UTILITIES AND TECHNOLOGY COMMITTEE

**An Act to Transfer the Responsibilities of the Governor's Energy Office to the Department of
Energy Resources
L.D. 2153**

**DEPARTMENT OF ENERGY RESOURCES
January 22, 2026**

Senator Lawrence, Representative Sachs, and Members of the Joint Standing Committee on Energy, Utilities and Technology (EUT): My name is Dan Burgess, and I am the Acting Commissioner of the Department of Energy Resources (DOER).

The DOER testifies in support of L.D. 2153.

Creating a new state agency is an inherently complex undertaking, requiring careful coordination to ensure both existing and newly assigned statutory duties are carried out seamlessly while navigating additional human resources, budgetary, and administrative transitions. This bill represents an important milestone in that process, carefully cleaning up statute to ensure the effective and orderly transfer of responsibilities from the Governor's Energy Office (GEO) to the Department of Energy Resources (DOER). I want to begin by thanking you for your engagement and support in getting us to this point. I am especially grateful to Lindsay Laxon in the Office of Policy and Legal Analysis (OPLA) and to the Revisor's Office for their expert guidance, careful navigation of statute, and invaluable legal and technical advice throughout this effort.

Recognizing the complexity of establishing a new agency while sunseting an office with substantial statutory responsibilities, the drafting of L.D. 1270 appropriately focused first on substantive policy. As was discussed during that process, the remaining statutory errors and inconsistencies were intentionally deferred to a subsequent clean-up bill in the second session of the 132nd Legislature which is before you now. As directed by L.D. 1270, Part B, DOER worked closely through the interim with OPLA and the Revisor's Office to review the Maine Revised Statutes and develop legislation to fully effectuate the transfer of duties from GEO to DOER.

The proposed legislation is organized into two parts. Part A, which contains 65 sections, is largely straightforward and technical in nature, primarily updating statutory references to the "Governor's Energy Office" to the "Department of Energy Resources," or from "Director" to "Commissioner." The development of this section was led by OPLA and the Revisor's Office.



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Part B consists of 13 sections that, while also largely technical, ensure DOER's alignment with standard agency practices and provide additional clarity regarding the department's responsibilities. The development of this section was led primarily by DOER.

Particularly important portion of the Part B changes include: adding DOER to the State Government Evaluation Act review schedule; ensuring certain funds may be carried forward at the end of the fiscal year, consistent with other departments; including DOER among agencies responsible for promoting effective communication and collaboration with tribes; clarifying rulemaking authority for offshore wind energy procurements; ensuring the department receives accurate and complete petroleum inventory information to assess home heating fuel adequacy; and clarifying DOER's roles and responsibilities as one of Maine's representatives to the Regional Greenhouse Gas Initiative.

Attached to this testimony I have included detailed information outlining the statutory references and context for each provision included in Part B of the bill, and I am happy to provide any additional information or clarification as requested.

Thank you again for your partnership and collaboration on this project.

Dan Burgess, Acting Commissioner
Department of Energy Resources



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Part B			
Sec.	Statutory Reference	Change	Statutory Context
Sec. B-1	<u>3 MRSA §959, sub-§1, ¶P</u> <i>Legislature; State Government Evaluation; Scheduling guideline for review of agencies or independent agencies</i>	Enacts a new subparagraph to include the Department of Energy Resources within the list of agencies that are subject to review in accordance with the State Government Evaluation Act.	The State Government Evaluation Act provides for a system of periodic review of agencies and independent agencies of State Government in order to evaluate their efficacy and performance. Reviews are scheduled on an ongoing basis every 8 years.
Sec. B-2	<u>5 MRSA §1591, sub-§10</u> <i>Administrative Procedures and Services; Appropriations; Remaining balances of nonlapsing funds</i>	It provides that any All Other balance remaining in the department's General Fund account at the end of any fiscal year shall be carried forward for use in the next fiscal year.	This section specifies agency accounts that shall carry forward remaining balances for the next fiscal year in line with similar provisions for other agencies.
Sec. B-3	<u>5 MRSA §1764-A, sub-§2</u> <i>Administrative Procedures and Services; Public Improvements; Improvement of energy efficiency in state-funded construction</i>	Replaces "Public Utilities Commission" with "Department of Energy Resources."	This section requires the Department of Administrative and Financial Services, Bureau of General Services to consult with the department in establishing rules related to energy efficiency standards for the construction of new or substantially renovated state-owned or state-leased buildings and buildings built with state funds. After consultation with the PUC, and given DOER's role regarding the state's Lead by Example initiatives, it was determined this consultation role would be more appropriate at DOER than the PUC. This rule (18-554 Chapter 60 of DAFS rules) was adopted in 2004. It's the understanding of DOER that the department would only be consulting if the rule were to be amended by the Bureau of General Services.
Sec. B-4	<u>5 MRSA §11052, sub-§1, ¶D-1</u> <i>Administrative Procedures and Services; Tribal-State Collaboration; Definitions</i>	Adds DOER to the definition of "agency" for the purposes of the Tribal-State Collaboration Act.	The Tribal-State Collaboration Act establishes a process for collaboration between agencies and the Indian tribes regarding the agency's programs, rules and services that substantially and



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			uniquely affect the Indian tribes or tribal members.
Sec. B-5	<u>12 MRSA §405-A, sub-§4</u> <i>Conservation; Maine's Rivers; St. Croix River</i>	Makes updates to review and reporting requirements concerning hydropower development on the St. Croix River, including to specify any report shall be submitted to the committee having jurisdiction over energy matters.	<p>This section of law specifies special considerations for further development on the St. Croix River given its special status as an international boundary governed in part by the International Joint Commission and the Province of New Brunswick.</p> <p>For the latest updates on the St. Croix River Watershed, including recent watershed projects, such as the status of the Milltown Dam Decommissioning, please refer to this report provided by the International St. Croix River Watershed Board. Board membership includes representatives from the Maine Department of Environmental Protection and the Maine Department of Marine Resources.</p>
Sec. B-6	<u>35-A MRSA §3408, sub-§6</u> <i>Public Utilities; The Wind Energy Act; Offshore wind energy procurement</i>	Requires the department, instead of the Public Utilities Commission, to adopt routine technical rules governing offshore wind energy procurements pursuant to the Maine Wind Energy Act.	This section of law details rulemaking requirements related to offshore wind energy procurements. The rule must require responsible entities to provide biannual reports to DOER regarding their compliance with submitted plans as part of their bid.
Sec. B-7	<u>35-A MRSA §10312, sub-§1, ¶B</u> <i>Public Utilities; Department of Energy Resources; Reporting of petroleum product inventories and deliveries</i>	Expands the definition of "primary storage facility" to specify that it also includes a facility that receives petroleum products into the State by rail or truck.	<p>This section of law describes the reporting requirements of owners and lessees of primary storage facilities in the state to the department regarding product inventories and deliveries.</p> <p>The expanded definition ensures that the department receives accurate and complete information about all petroleum product inventories and deliveries, whether they are delivered into the State by pipeline, ship, rail, or truck.</p>
Sec. B-8	<u>35-A MRSA §10312, sub-§5</u>	Replaces "home heating oil or kerosene" with "petroleum products."	"Petroleum product" is defined in this section, but "home heating oil" is not.



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	<i>Public Utilities; Department of Energy Resources; Reporting of petroleum product inventories and deliveries</i>		This change has been suggested to enhance clarity.
Sec. B-9	<u>35-A MRSA §10313, sub- §9</u> <i>Public Utilities; Department of Energy Resources; Competitive solicitations</i>	Amends the statute governing the confidentiality of bidder submissions in connection with procurements conducted by the department, striking "may not be disclosed."	This section specifies that proposals submitted in response to a DOER solicitation are confidential, thus exempt from FOAA requirements. DOER proposes removing the phrase "may not be disclosed." DOER's stated intent during public testimony on L.D. 1270 was to make public certain information regarding solicitations, specifically the winning bidder and bid price, at the conclusion of a solicitation.
Sec. B-10	<u>38 MRSA §580-B, sub-§4, ¶F</u> <i>Waters and Navigation; Regional Greenhouse Gas Initiative; Cap-and-trade program established</i>	Replaces "Public Utilities Commission" with "Commissioner of Energy Resources."	This section of law specifies that the Attorney General and the Commissioner of Energy Resources have access to Regional Greenhouse Gas Initiative (RGGI) auction information.
Sec. B-11	<u>38 MRSA §580-B, sub-§6, ¶A</u> <i>Waters and Navigation; Regional Greenhouse Gas Initiative; Cap-and-trade program established</i>	Replaces "Public Utilities Commission" with "Commissioner of Energy Resources."	This section specifies the circumstances under which the Commissioner of DEP may suspend certain compliance obligations.
Sec. B-12	<u>38 MRSA §580-B, sub-§10</u> <i>Waters and Navigation; Regional Greenhouse Gas Initiative; Cap-and-trade program established</i>	Replaces "Public Utilities Commission" with "Commissioner of Energy Resources."	This section specifies the annual reporting requirements of the state's involvement in RGGI.
Sec. B-13	<u>PL 2025, c. 476, Pt. B, §2, sub-§6</u> <i>An Act to Establish the Department of Energy Resources; Part B</i>	Repeals a provision that directed the State Controller to transfer any unobligated balances related to the coastal zone management program remaining in the Bureau of Policy and Management program, Department of Marine Resources, Other Special Revenue Funds and federal funds to the Department of Energy Resources.	The inclusion of this language in L.D. 1270 was an error. These funds were transferred to the Maine Office of Community Affairs through the biennial budget.