

§3210. Renewable resources**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

1. Policy. In order to ensure an adequate and reliable supply of electricity for Maine residents and to encourage the use of renewable, clean, efficient and indigenous resources, it is the policy of this State to encourage the generation of electricity from renewable, clean and efficient sources and to diversify electricity production on which residents of this State rely in a manner consistent with this section.

[PL 2025, c. 386, §1 (AMD).]

1-A. State goals for consumption of electricity from renewable resources. The State's goals for increasing consumption of electricity in the State that comes from renewable resources are as follows:

A. By January 1, 2030, 80% of retail sales electricity in the State will come from renewable resources; and [PL 2019, c. 477, §1 (NEW).]

B. By January 1, 2040, 90% of retail sales electricity in the State will come from renewable resources and 10% of retail sales electricity in the State will come from clean resources. [PL 2025, c. 386, §2 (AMD).]

[PL 2025, c. 386, §2 (AMD).]

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

A. "Efficient resource" means a source of electrical generation that:

(1) Qualifies as a qualifying cogeneration facility under the Federal Energy Regulatory Commission rules, 18 Code of Federal Regulations, Part 292, Subpart B, as in effect on January 1, 1997, was constructed prior to January 1, 1997 and meets the following efficiency standard:

(a) During any calendar year, the sum of the useful power output and the useful thermal energy output of the facility is no less than 60% of the total energy input to the facility.

For purposes of this paragraph, the term "useful power output" means the electrical or mechanical energy made available for use, exclusive of any energy used in the power production process. For purposes of this paragraph, the term "useful thermal energy" means heat energy made available to an industrial or commercial process, net of any heat contained in condensate return and makeup water, used in a heating application or used in a space cooling application. [PL 2019, c. 477, §1 (AMD).]

A-1. "Alternative compliance payment rate" means a certain dollar amount per kilowatt-hour set by the commission that a competitive electricity provider may pay to the commission to satisfy the portfolio requirements of subsections 3-A, 3-B and 3-C. [PL 2019, c. 477, §1 (AMD).]

A-2. "Class I resource" means a new renewable capacity resource. [PL 2019, c. 477, §1 (NEW).]

A-3. "Class IA resource" means a Class I resource other than a Class I resource that for at least 2 years was not operated or was not recognized by the New England independent system operator as a capacity resource and, after September 1, 2005, resumed operation or was recognized by the New England independent system operator as a capacity resource. [PL 2019, c. 477, §1 (NEW).]

A-4. "Class III resource" or "clean resource" means a source of generation that generates power that can physically be delivered to the control region in which the New England Power Pool, or its successor as approved by the Federal Energy Regulatory Commission, has authority over transmission, or to the Maritimes Control Area and:

(1) Is a Class I resource or a Class IA resource;

(2) Relies on a nuclear power plant or hydroelectric generator that meets all state and federal fish passage requirements applicable to the generator; or

(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 in accordance with rules adopted by the Department of Environmental Protection in accordance with this subsection. [PL 2025, c. 386, §3 (NEW).]

A-5. "Clean energy credit" means a tradable instrument that represents an amount of electricity generated from an eligible Class III resource. [PL 2025, c. 386, §4 (NEW).]

B. "Eligible resource" or "Class II resource" means a source of electrical generation that:

(1) Generates power that can physically be delivered to the control region in which the New England Power Pool, or its successor as approved by the Federal Energy Regulatory Commission, has authority over transmission, or to the Maritimes Control Area; and

(2) Is either a renewable resource or an efficient resource. [PL 2019, c. 477, §1 (AMD).]

B-1. [PL 2009, c. 542, §1 (RP).]

B-2. "Renewable energy credit" means a tradable instrument that represents an amount of electricity generated from eligible resources or renewable capacity resources. [PL 2009, c. 542, §2 (AMD).]

B-3. "Renewable capacity resource" means a source of electrical generation:

(1) Whose total power production capacity does not exceed 100 megawatts and relies on one or more of the following:

(a) Fuel cells;

(b) Tidal power;

(d) Geothermal installations;

(e) Hydroelectric generators that meet all state and federal fish passage requirements applicable to the generator;

(f) Biomass generators that are fueled by wood, wood waste or landfill gas; or

(g) Anaerobic digestion of by-products of waste from animals or agricultural crops, food or vegetative material, algae or organic refuse; or

(2) That relies on wind power installations or solar power installations. [PL 2019, c. 477, §1 (AMD).]

B-4. "New" as applied to a renewable capacity resource means qualified hydroelectric output or a renewable capacity resource that:

(1) Has an in-service date after September 1, 2005;

(2) Was added to an existing facility after September 1, 2005;

(3) For at least 2 years was not operated or was not recognized by the New England independent system operator as a capacity resource and, after September 1, 2005, resumed operation or was recognized by the New England independent system operator as a capacity resource. For the purposes of this subparagraph, "capacity resource" has the same meaning as in section 3210-C, subsection 1, paragraph A; or

(4) Was refurbished after September 1, 2005 and received certification from the commission:

(a) Before September 1, 2019 that it is operating beyond its previous useful life or is employing an alternate technology that significantly increases the efficiency of the generation process; or

(b) On or after September 1, 2019 that it is operating beyond its previous useful life as evidenced by a finding that the facility would be reasonably likely to cease operation if not for substantial capital investment made after September 1, 2018, except for capital investment required to meet state and federal fish passage standards.

For the purposes of this subparagraph, "refurbished" means an investment has been made in equipment or facilities, other than for routine maintenance and repair, to renovate, reequip or restore the renewable capacity resource. [PL 2019, c. 477, §1 (AMD).]

B-5. "Qualified hydroelectric output" means the following annual percentages of the total electrical output of a hydroelectric generator licensed by the Federal Energy Regulatory Commission that is a renewable capacity resource and that on January 1, 2019 had a total nameplate capacity of at least 25 megawatts, as specified in the license issued by the Federal Energy Regulatory Commission, is located outside of the historic freshwater range of the Gulf of Maine distinct population segment of Atlantic salmon as defined by the National Oceanic and Atmospheric Administration, National Marine Fisheries Service in 74 Federal Register, 29299 (2009) and 29343 (2009), and is interconnected to an electric distribution system located in the State:

(1) In 2020, 40%, not to exceed an aggregate of 200,000 megawatt-hours for all qualified hydroelectric output;

(2) In 2021, 50%, not to exceed an aggregate of 250,000 megawatt-hours for all qualified hydroelectric output;

(3) In 2022, 60%, not to exceed an aggregate of 300,000 megawatt-hours for all qualified hydroelectric output;

(4) In 2023, 70%;

(5) In 2024, 80%;

(6) In 2025, 90%; and

(7) In 2026 and each year thereafter, 100%. [PL 2019, c. 477, §1 (NEW).]

C. "Renewable resource" means a source of electrical generation:

(1) That qualifies as a small power production facility under the Federal Energy Regulatory Commission rules, 18 Code of Federal Regulations, Part 292, Subpart B, as in effect on January 1, 1997; or

(2) Whose total power production capacity does not exceed 100 megawatts and that relies on one or more of the following:

(a) Fuel cells;

(b) Tidal power;

(c) Solar arrays and installations;

(d) Wind power installations;

(e) Geothermal installations;

(f) Hydroelectric generators;

(g) Biomass generators that are fueled by wood or wood waste, landfill gas or anaerobic digestion of agricultural products, by-products or wastes; or

(h) Generators fueled by municipal solid waste in conjunction with recycling. [PL 2009, c. 542, §5 (AMD).]

D. "Thermal energy" means heat, steam, hot water or another form of thermal energy:

- (1) Produced directly by a facility using sunlight, biomass, biogas or liquid biofuel or produced as a byproduct of electricity generated by a Class I or Class IA resource;
- (2) That begins operation after June 30, 2019, as certified by the commission;
- (3) Delivered to an end user in the State in a manner that can be verified by metering or other means certified by the commission to allow for auditable validation of useful thermal energy generated;
- (4) Used for heating, cooling, humidity control, process use or other end use to meet a need of the end user that would otherwise be met using another energy source such as electricity or an on-site thermal energy system; and
- (5) Generated or delivered in accordance with any efficiency performance standards established by the commission. [PL 2019, c. 477, §1 (NEW).]

E. "Thermal renewable energy credit" means a tradable instrument that represents an amount of thermal energy equivalent to a unit of electricity. A thermal renewable energy credit of one megawatt represents 3,412,000 British thermal units of thermal energy, as verified by the commission. [PL 2019, c. 477, §1 (NEW).]

The commission shall establish by rule or order standards and procedures necessary to implement any definition under this subsection, including but not limited to certifications and performance and verification standards necessary for purposes of paragraphs B-4, D and E, and excluding paragraphs A-4 and A-5. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

The Department of Environmental Protection, in coordination with the Governor's Energy Office, 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. [PL 2025, c. 386, §§3-6 (AMD).]

3. Portfolio requirements; Class II resources. As a condition of licensing pursuant to section 3203, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that no less than 30% of its portfolio of supply sources for retail electricity sales in this State is accounted for by Class II resources. If a competitive electricity provider represents to a customer that the provider is selling to the customer a portfolio of supply sources that includes more than 30% Class II resources, the resources necessary to supply more than 30% of that customer's load may not be applied to meet the aggregate 30% portfolio requirement. Rules adopted under this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

A. **(TEXT EFFECTIVE UNTIL 1/1/27) (TEXT REPEALED 1/1/27)** For the purposes of meeting the portfolio requirement under this subsection, a 300% multiplier is applied to the output of a generator fueled by municipal solid waste in conjunction with recycling that has obtained a solid waste facility license from the Department of Environmental Protection.

This paragraph is repealed January 1, 2027. [PL 2023, c. 361, §1 (AMD).]
[PL 2023, c. 361, §1 (AMD).]

3-A. Portfolio requirements; Class I resources. Portfolio requirements for Class I resources are governed by this subsection.

A. Except as provided in paragraph B, beginning January 1, 2008, as a condition of licensing pursuant to section 3203, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that the percentage of its portfolio of supply sources for retail electricity sales in this State accounted for by Class I resources is as follows:

- (1) One percent for the period from January 1, 2008 to December 31, 2008;
- (2) Two percent for the period from January 1, 2009 to December 31, 2009;
- (3) Three percent for the period from January 1, 2010 to December 31, 2010;
- (4) Four percent for the period from January 1, 2011 to December 31, 2011;
- (5) Five percent for the period from January 1, 2012 to December 31, 2012;
- (6) Six percent for the period from January 1, 2013 to December 31, 2013;
- (7) Seven percent for the period from January 1, 2014 to December 31, 2014;
- (8) Eight percent for the period from January 1, 2015 to December 31, 2015;
- (9) Nine percent for the period from January 1, 2016 to December 31, 2016; and
- (10) Ten percent for the period from January 1, 2017 to December 31, 2022 and each year thereafter.

Class I resources used to satisfy the requirements of this paragraph may not be used to satisfy the requirements of subsection 3 or 3-B. [PL 2019, c. 477, §1 (AMD).]

B. Suspensions of scheduled increases in the portfolio requirements as provided in paragraph A are governed by this paragraph.

- (1) If by March 31st of the years 2010, 2012, 2014 and 2016 the commission determines that investment in Class I resources in the preceding 2 calendar years has not been sufficient for competitive electricity providers to meet the portfolio requirements under paragraph A and that the resulting use of renewable energy credits pursuant to subsection 8 or the alternative compliance payment mechanism pursuant to subsection 9, or both of these methods, has burdened electricity customers in the State without providing the benefits of Class I resources, the commission may suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.
- (2) If the commission finds that alternative compliance payments are made pursuant to subsection 9 in 3 consecutive calendar years, the commission shall temporarily suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.
- (3) If the commission suspends any scheduled increases in the portfolio requirements under paragraph A pursuant to subparagraph (1) or (2), 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. [PL 2019, c. 477, §1 (AMD).]

C. No later than March 31, 2008 and annually thereafter, the commission shall submit a report regarding the status of Class I resources in the State and compliance with the portfolio requirements under paragraph A to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The report must include, but is not limited to, a description of Class I resources available to meet the portfolio requirements under paragraph A, documentation of the loss of any existing renewable generation capacity in the State, the status of implementation of the portfolio requirements under paragraph A, including any suspensions pursuant to paragraph B, and recommendations to stimulate investment in Class I resources. [PL 2019, c. 477, §1 (AMD).]

D. Retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on the effective date of this subsection

is exempt from the requirements of this subsection until the end date of the current term of the supply contract or standard-offer service arrangement. [PL 2007, c. 403, §4 (NEW).]

The commission shall adopt rules to implement this subsection. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2019, c. 477, §1 (AMD).]

3-B. Portfolio requirements; Class IA resources. Portfolio requirements for Class IA resources are governed by this subsection.

A. Except as provided in paragraph B, beginning January 1, 2020, as a condition of licensing pursuant to section 3203, each competitive electricity provider in this State must demonstrate in a manner satisfactory to the commission that the percentage of its portfolio of supply sources for retail electricity sales in this State, other than to customers who have made an election pursuant to subsection 10 that is in effect with respect to this subsection, accounted for by Class IA resources is as follows:

- (1) Two and one-half percent for the period from January 1, 2020 to December 31, 2020;
- (2) Five percent for the period from January 1, 2021 to December 31, 2021;
- (3) Eight percent for the period from January 1, 2022 to December 31, 2022;
- (4) Eleven percent for the period from January 1, 2023 to December 31, 2023;
- (5) Fifteen percent for the period from January 1, 2024 to December 31, 2024;
- (6) Nineteen percent for the period from January 1, 2025 to December 31, 2025;
- (7) Twenty-three percent for the period from January 1, 2026 to December 31, 2026;
- (8) Twenty-seven percent for the period from January 1, 2027 to December 31, 2027;
- (9) Thirty-one percent for the period from January 1, 2028 to December 31, 2028;
- (10) Thirty-five percent for the period from January 1, 2029 to December 31, 2029;
- (11) Forty percent for the period from January 1, 2030 to December 31, 2030;
- (12) Forty-one percent for the period from January 1, 2031 to December 31, 2031;
- (13) Forty-two percent for the period from January 1, 2032 to December 31, 2032;
- (14) Forty-three percent for the period from January 1, 2033 to December 31, 2033;
- (15) Forty-four percent for the period from January 1, 2034 to December 31, 2034;
- (16) Forty-five percent for the period from January 1, 2035 to December 31, 2035;
- (17) Forty-six percent for the period from January 1, 2036 to December 31, 2036;
- (18) Forty-seven percent for the period from January 1, 2037 to December 31, 2037;
- (19) Forty-eight percent for the period from January 1, 2038 to December 31, 2038;
- (20) Forty-nine percent for the period from January 1, 2039 to December 31, 2039; and
- (21) Fifty percent for the period from January 1, 2040 to December 31, 2040 and each year thereafter.

Class IA resources used to satisfy the requirements of this paragraph may not be used to satisfy the requirements of subsection 3, 3-A or 3-D. [PL 2025, c. 386, §7 (AMD).]

B. Suspensions of scheduled increases in the portfolio requirements as provided in paragraph A are governed by this paragraph.

(1) If by March 31st of the year 2022 and every 2 years thereafter the commission determines that investment in Class IA resources in the preceding 2 calendar years has not been sufficient for competitive electricity providers to meet the portfolio requirements under paragraph A and that the resulting use of renewable energy credits pursuant to subsection 8 or the alternative compliance payment mechanism pursuant to subsection 9, or both of these methods, has burdened electricity customers in the State without providing the benefits of new Class IA resources, the commission may suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.

(2) If the commission finds that more than 10% of the obligations required to satisfy the portfolio requirements for Class IA resources under paragraph A are met through alternative compliance payments made pursuant to subsection 9 in 3 consecutive calendar years, the commission shall temporarily suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.

(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 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. [PL 2019, c. 477, §1 (NEW).]

C. No later than March 31, 2021 and annually thereafter, the commission shall submit a report regarding the status of Class IA resources in the State and compliance with the portfolio requirements under paragraph A to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The report must include, but is not limited to, a description of Class IA resources available to meet the portfolio requirements under paragraph A, documentation of the loss of any existing renewable generation capacity in the State, the status of implementation of the portfolio requirements under paragraph A, including any suspensions pursuant to paragraph B, and recommendations to stimulate investment in Class IA resources. If the commission has reliable information about benefits and costs of the portfolio requirements under paragraph A, over both the short and long terms with respect to the State's economy, environmental quality or electricity consumers, the commission shall include that information in the report. The report required under this paragraph may be submitted in conjunction with the report required under subsection 3-A, paragraph C. [PL 2019, c. 477, §1 (NEW).]

D. Retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on the effective date of this subsection are exempt from the requirements of this subsection until the end date of the existing term of the supply contract or standard-offer service arrangement. [PL 2019, c. 477, §1 (NEW).]

The commission shall adopt rules to implement this subsection. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. [PL 2025, c. 386, §7 (AMD).]

3-C. Portfolio requirements; thermal renewable energy credits. Each competitive electricity provider must, in addition to meeting the other portfolio requirements of subsections 3, 3-A and 3-B, demonstrate in a manner satisfactory to the commission that it has purchased thermal renewable energy credits in an amount at least equal to the following percentages of its portfolio of supply sources for retail electricity sales in this State other than to customers who have made an election pursuant to subsection 10 that is in effect with respect to this subsection:

A. For calendar year 2021, 0.4%; [PL 2019, c. 477, §1 (NEW).]

- B. For calendar year 2022, 0.8%; [PL 2019, c. 477, §1 (NEW).]
- C. For calendar year 2023, 1.2%; [PL 2019, c. 477, §1 (NEW).]
- D. For calendar year 2024, 1.6%; [PL 2019, c. 477, §1 (NEW).]
- E. For calendar year 2025, 2%; [PL 2019, c. 477, §1 (NEW).]
- F. For calendar year 2026, 2.4%; [PL 2019, c. 477, §1 (NEW).]
- G. For calendar year 2027, 2.8%; [PL 2019, c. 477, §1 (NEW).]
- H. For calendar year 2028, 3.2%; [PL 2019, c. 477, §1 (NEW).]
- I. For calendar year 2029, 3.6%; and [PL 2019, c. 477, §1 (NEW).]
- J. For calendar year 2030, and each year thereafter, 4%. [PL 2019, c. 477, §1 (NEW).]

Retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on September 19, 2019 are exempt from the requirements of this subsection until the end date of the existing term of the supply contract or standard-offer service arrangement.

[PL 2019, c. 576, §1 (AMD).]

3-D. Portfolio requirements; Class III resources. Portfolio requirements for Class III resources are governed by this subsection.

A. As a condition of licensing pursuant to section 3203, each competitive electricity provider in the State must demonstrate in a manner satisfactory to the commission that the percentage of its portfolio of supply sources for retail electricity sales in the State accounted for by Class III resources is as follows:

- (1) For calendar year 2031, 1%;
- (2) For calendar year 2032, 2%;
- (3) For calendar year 2033, 3%;
- (4) For calendar year 2034, 4%;
- (5) For calendar year 2035, 5%;
- (6) For calendar year 2036, 6%;
- (7) For calendar year 2037, 7%;
- (8) For calendar year 2038, 8%;
- (9) For calendar year 2039, 9%; and
- (10) For calendar year 2040, and each year thereafter, 10%.

Retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on September 30, 2025 are exempt from the requirements of this subsection until the end date of the existing term of the supply contract or standard-offer service arrangement.

Class I or IA resources used to satisfy the requirements of this paragraph may not be used to satisfy the requirements of subsection 3 or 3-A. [PL 2025, c. 386, §8 (NEW).]

B. Suspensions of scheduled increases in the portfolio requirements as provided in paragraph A are governed by this paragraph.

- (1) If by March 31, 2031 and every 2 years thereafter the commission determines that investment in Class III resources in the preceding 2 calendar years has not been sufficient for competitive electricity providers to meet the portfolio requirements under paragraph A and that

the resulting use of clean energy credits pursuant to subsection 8 or the alternative compliance payment mechanism pursuant to subsection 9, or both of these methods, has burdened electricity customers in the State without providing the benefits of new Class III resources, the commission may suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.

(2) If the commission finds that more than 10% of the obligations required to satisfy the portfolio requirements for Class III resources under paragraph A are met through alternative compliance payments made pursuant to subsection 9 in 3 consecutive calendar years, the commission shall temporarily suspend all or some of the future scheduled increases in the portfolio requirements under paragraph A.

(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 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. [PL 2025, c. 386, §8 (NEW).]

C. No later than March 31, 2027 and annually thereafter, the commission shall submit a report regarding the status of Class III resources in the State and compliance with the portfolio requirements under paragraph A to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters. The report must include, but is not limited to, a description of Class III resources available to meet the portfolio requirements under paragraph A, documentation of the loss of any existing clean generation capacity in the State, the status of implementation of the portfolio requirements under paragraph A, including any suspensions pursuant to paragraph B, and recommendations to stimulate investment in Class III resources. [PL 2025, c. 386, §8 (NEW).]

The commission shall adopt rules to implement this subsection. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.
[PL 2025, c. 386, §8 (NEW).]

4. Report.

[PL 2019, c. 477, §1 (RP).]

5. Funding for research and development; community demonstration projects.

[PL 2009, c. 565, §1 (RPR); MRSA T. 35-A §3210, sub-§5 (RP).]

6. Fund.

[PL 2009, c. 565, §2 (RP); PL 2009, c. 565, §9 (AFF).]

6-A. Renewable Resource Fund report.

[PL 2009, c. 565, §3 (RP); PL 2009, c. 565, §9 (AFF).]

7. Information. To the extent that funding is available, the commission shall inform electricity consumers in this State of the benefits of electricity generated in this State using renewable and clean resources and of the opportunities available in this State to purchase electricity that is generated using those resources, including, but not limited to, the green power offer and other green power supply products and renewable energy credit and clean energy credit products certified under section 3212-B. The commission may not promote any renewable or clean resources over others. The commission may apply for, receive and expend grant money from the United States Department of Energy and other government agencies for this purpose. The commission may create or cause to be created a brand or

logo to identify Maine renewable and clean resources, including the green power offer and other green power supply products and renewable energy credit and clean energy credit products certified under section 3212-B, to consumers. The commission shall register any mark or logo created pursuant to this subsection with the United States Patent and Trademark Office or in accordance with Title 10, chapter 301-A, or both. Any brand or logo created pursuant to this subsection may only be used in accordance with the purposes of this subsection as approved by the commission.

[PL 2025, c. 386, §9 (AMD).]

8. Credit trading. The commission shall allow competitive electricity providers to satisfy the portfolio requirements of subsections 3, 3-A, 3-B, 3-C and 3-D through the use of renewable energy credits and clean energy credits if the commission determines that a reliable system of electrical attribute trading exists. When renewable energy credits are used to satisfy the portfolio requirements of subsections 3 and 3-A, the value of a renewable energy credit for electricity generated by a community-based renewable energy project, as defined in section 3602, that is participating in the community-based renewable energy pilot program established in section 3603 and elects the renewable energy credit multiplier under section 3605 is 150% of the amount of the electricity.

[PL 2025, c. 386, §10 (AMD).]

9. Alternative compliance payment. The commission shall allow competitive electricity providers to satisfy the portfolio requirements for Class I resources under subsection 3-A, Class IA resources under subsection 3-B, thermal renewable energy credits under subsection 3-C, Class II resources under subsection 3 and Class III resources under subsection 3-D through an alternative compliance payment mechanism in accordance with this subsection.

A. The commission shall set the alternative compliance payment rates by rule and shall publish the alternative compliance payment rates by January 31st of each year. In setting the rates, the commission shall take into account prevailing market prices, standard-offer service prices for electricity, alignment with other New England states, reliance on alternative compliance payments to meet the requirements of subsections 3, 3-A, 3-B, 3-C and 3-D and investment in Class I, Class IA, Class II and Class III resources and thermal renewable energy credits in the State during the previous calendar year.

(1) The alternative compliance payment rate for the requirements under subsections 3-A, 3-B, 3-C and 3-D may not be greater than \$50.

(2) The alternative compliance payment rate for the requirement under subsection 3 may not be greater than \$10. [PL 2025, c. 386, §11 (AMD).]

B. The commission shall collect alternative compliance payments to meet the requirements of subsections 3, 3-A, 3-B and 3-D made by competitive electricity providers and shall use all funds collected under this paragraph to provide financial assistance for low-income households in accordance with section 3214, subsection 2. [PL 2025, c. 386, §11 (AMD).]

C. The commission shall collect alternative compliance payments to meet the requirements of subsection 3-C made by competitive electricity providers and shall deposit all funds collected under this paragraph in the Thermal Energy Investment Fund established under section 10128, subsection 2 to be used to fund incentives and low-interest or no-interest loans to businesses, municipalities, educational institutions and nonprofit entities in the State for the installation of new thermal energy-derived projects. [PL 2021, c. 199, §1 (NEW).]

The commission shall adopt rules to implement this subsection. Rules adopted to establish the alternative compliance payment rates governed by paragraph A, subparagraphs (1) and (2) routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2025, c. 386, §11 (AMD).]

10. Transmission or subtransmission customer options. A customer receiving service at a transmission or subtransmission voltage level, referred to in this subsection as "a large customer," may make an election under this subsection relating to Class IA resources portfolio requirements under subsection 3-B, the thermal renewable energy credit requirements under subsection 3-C and the costs and benefits resulting from Class IA resource contracts under section 3210-G. The election must be made no later than December 31, 2019. If a large customer makes an election under this paragraph, the following provisions apply.

A. With respect to Class IA resources portfolio requirements under subsection 3-B and the thermal renewable energy credit requirements under subsection 3-C:

(1) The election applies through December 31, 2027, unless rescinded earlier in accordance with this subsection. The customer may rescind an election in accordance with paragraph C. If the customer does not rescind an election in accordance with paragraph C, the customer may rescind its election solely with respect to Class IA resources portfolio requirements under subsection 3-B and the thermal renewable energy credit requirements under subsection 3-C by providing notice to the commission. The election with respect to Class IA resources portfolio requirements under subsection 3-B and the thermal renewable energy credit requirements under subsection 3-C is rescinded 6 months after the date of notice provided under this subparagraph. After December 31, 2027, the election with respect to Class IA resources portfolio requirements under subsection 3-B and the thermal renewable energy credit requirements under subsection 3-C is automatically terminated; and

(2) As long as the election remains in effect:

(a) All retail sales of electricity to that customer are exempt from the requirements of subsections 3-B and 3-C; and

(b) No electricity generation or renewable energy credits produced by the customer may be used or applied to satisfy the requirements of subsection 3-B or 3-C. [PL 2019, c. 477, §1 (NEW).]

B. With respect to the costs and benefits resulting from Class IA resource contracts under section 3210-G:

(1) The election may not be rescinded except as provided in paragraph C. Except as provided in paragraph C, if a large customer makes an election under this subsection, the commission shall ensure that the customer:

(a) Does not pay any costs or receive any savings that the commission determines to result from contracts approved under section 3210-G; and

(b) Is not allowed to bid on any solicitation or obtain a contract under any procurement under section 3210-G. [PL 2019, c. 477, §1 (NEW).]

C. A large customer may rescind an election in accordance with this paragraph. In order to rescind an election under this paragraph, the customer must provide notice to the commission no later than 30 days after the commission initiates the 2nd solicitation under section 3210-G. An election is rescinded 6 months after the date of notice provided under this paragraph. If an election is rescinded under this paragraph, it is rescinded with respect to Class IA resources portfolio requirements under subsection 3-B, the thermal renewable energy credit requirements under subsection 3-C and the costs and benefits resulting from Class IA resource contracts under section 3210-G, except that with respect to contracts under section 3210-G that are approved pursuant to the first solicitation before December 31, 2020, the commission shall continue to ensure that the customer does not pay any costs or receive any savings that the commission determines to result from those contracts, for the duration of those contracts. [PL 2019, c. 477, §1 (NEW).]

The commission shall review and report on the use of the election allowed under this subsection as part of its annual report on Class IA resource portfolio requirements under subsection 3-B, paragraph C. No later than January 1, 2027, the joint standing committee of the Legislature having jurisdiction over energy and utilities matters shall review the elections that have been made under this subsection and examine whether the December 31, 2027 date established in paragraph A, subparagraph (1) should be extended. The committee may report out a bill relating to the subject matter of this subsection to the First Regular Session of the 133rd Legislature.

[PL 2019, c. 477, §1 (NEW).]

11. Report; renewable energy credit portfolio requirements. By March 31, 2024 and every 3 years thereafter, the Governor's Energy Office 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.

[PL 2025, c. 386, §12 (AMD).]

12. Standard-offer service provider.

[PL 2025, c. 392, §2 (RP).]

SECTION HISTORY

PL 1997, c. 316, §3 (NEW). PL 1999, c. 372, §§1,2 (AMD). PL 1999, c. 398, §§11-3 (AMD). PL 2003, c. 20, §OO2 (AMD). PL 2003, c. 20, §OO4 (AFF). PL 2003, c. 665, §1 (AMD). PL 2005, c. 646, §2 (AMD). RR 2007, c. 2, §20 (COR). PL 2007, c. 18, §§1-3 (AMD). PL 2007, c. 403, §§1-7 (AMD). PL 2007, c. 644, §§1-3 (AMD). PL 2009, c. 329, Pt. A, §2 (AMD). PL 2009, c. 329, Pt. B, §1 (AMD). PL 2009, c. 372, Pt. K, §§1-3 (AMD). PL 2009, c. 372, Pt. K, §5 (AFF). PL 2009, c. 415, Pt. E, §2 (AFF). PL 2009, c. 542, §§1-5 (AMD). PL 2009, c. 565, §§1-4 (AMD). PL 2009, c. 565, §9 (AFF). PL 2011, c. 283, §1 (AMD). PL 2011, c. 314, §1 (AMD). PL 2011, c. 413, §1 (AMD). PL 2011, c. 637, §1 (AMD). PL 2015, c. 220, §1 (AMD). PL 2017, c. 291, §1 (AMD). PL 2019, c. 477, §1 (AMD). PL 2019, c. 576, §1 (AMD). PL 2021, c. 199, §1 (AMD). PL 2023, c. 306, §1 (AMD). PL 2023, c. 321, §§1, 2 (AMD). PL 2023, c. 361, §§1, 2 (AMD). PL 2025, c. 386, §§1-12 (AMD). PL 2025, c. 392, §2 (AMD).

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