

CHAPTER 103

DEPARTMENT OF ENERGY RESOURCES

§10301. Department established

The Department of Energy Resources is established as a cabinet-level department. [PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10302. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2025, c. 476, Pt. A, §16 (NEW).]

1. Commissioner. "Commissioner" means the Commissioner of Energy Resources. [PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Department. "Department" means the Department of Energy Resources. [PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10303. Departmental responsibilities

The department has responsibilities relating to energy resources, planning, programs and development. The department shall conduct planning, develop and implement policies and establish programs designed to ensure all households, communities and businesses in the State have access to an affordable, reliable and resilient energy supply to meet energy demand, address energy burdens and support economic development while supporting the achievement of the greenhouse gas reduction obligations and climate policies pursuant to Title 38, section 576-A and section 577, subsection 1 and the renewable energy goals established in section 3210, subsection 1-A. The department is designated as the energy office for the State. [PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10304. Commissioner

The department is under the control and supervision of the Commissioner of Energy Resources, who reports directly to the Governor. [PL 2025, c. 476, Pt. A, §16 (NEW).]

1. Appointment. The Governor shall appoint the commissioner, subject to review by the joint standing committee of the Legislature having jurisdiction over energy matters and confirmation by the Senate. The commissioner serves at the pleasure of the Governor. [PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Deputy commissioner. The commissioner shall appoint a deputy commissioner to assist the commissioner with the operations of the department. The deputy commissioner serves at the pleasure of the commissioner. [PL 2025, c. 476, Pt. A, §16 (NEW).]

3. Personnel. The commissioner may employ, subject to the Civil Service Law, personnel for the department and prescribe the duties of these employees as the commissioner determines necessary to

fulfill the duties of the department. The commissioner may delegate duties assigned to the commissioner under this chapter to personnel of the department.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

4. Commissioner; limitation. An individual serving or appointed to serve as the commissioner on or after December 15, 2025 may not participate on behalf of a bidder in the submission of a proposal in response to a competitive solicitation conducted by the department pursuant to section 10313 until 12 months after the completion of the commissioner's service.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

5. Contracts; agreements. The department may employ experts and professional consultants, contract for services as the commissioner determines necessary consistent with the powers and duties of the department and enter into agreements with federal, state and municipal entities and other organizations as will promote the objectives of this chapter.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

6. Powers and duties of commissioner. The commissioner is responsible for the execution of the duties of the department. The commissioner shall:

A. Advise the Governor and state agencies on matters related to energy; [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. Serve as a member of the Efficiency Maine Trust Board, established under Title 5, section 12004-G, subsection 10-C; [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. In collaboration with the relevant state agencies, coordinate state energy policy and actively foster cooperation with the Efficiency Maine Trust, established in chapter 97, and the Maine State Housing Authority, established in Title 30-A, chapter 201; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

D. Represent the State's interests in relevant regional energy organizations and forums to coordinate energy policy. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10305. Powers and duties of department

Under the supervision of the commissioner, the department shall: [PL 2025, c. 476, Pt. A, §16 (NEW).]

1. State energy plan. Prepare and submit a comprehensive state energy plan to the Governor and the joint standing committee of the Legislature having jurisdiction over energy matters by January 15th of each odd-numbered year. The department shall ensure the state energy plan is informed by public input, including, but not limited to, through the conduct of at least 2 public meetings and receipt of public comment related to a draft of the state energy plan, and shall seek input regarding issues faced by socially vulnerable counties and communities as defined in section 3210-I, subsection 1, paragraph

D. The state energy plan must:

A. Identify opportunities to lower and to maintain reasonable total energy costs for consumers in the State; [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. Evaluate energy data, including, but not limited to, data on energy supply, demand and costs in this State with consideration of all available energy sources; [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. Detail the State's progress toward meeting its energy goals for new renewable energy generation and energy storage, including distributed energy resources; [PL 2025, c. 476, Pt. A, §16 (NEW).]

D. Evaluate the State's progress in meeting the oil dependence reduction targets in section 10309; [PL 2025, c. 476, Pt. A, §16 (NEW).]

E. Identify resource and transmission and distribution capacity and infrastructure needs to facilitate the development and integration of new renewable energy generation within the State and support the State's renewable resource portfolio requirements specified in section 3210 in close coordination with the independent system operator of the New England bulk power system or a successor organization, the Public Utilities Commission's integrated grid planning under section 3147 and transmission and distribution utilities; [PL 2025, c. 476, Pt. A, §16 (NEW).]

F. Address the association between energy planning and meeting the greenhouse gas emissions reduction goals in the state climate action plan pursuant to Title 38, section 577; [PL 2025, c. 476, Pt. A, §16 (NEW).]

G. Include a cost and resource estimate for technology development to meet the goals and objectives of the state energy plan; [PL 2025, c. 476, Pt. A, §16 (NEW).]

H. Include energy supply and demand forecasts that must be considered in other planning efforts including updates to the state climate action plan under Title 38, section 577 and the Efficiency Maine Trust's triennial plan under section 10104, subsection 4; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

I. Identify approximate total project award targets for the next 3 competitive solicitations to be conducted by the department pursuant to section 10313. [PL 2025, c. 476, Pt. A, §16 (NEW).]

The joint standing committee of the Legislature having jurisdiction over energy matters may report out legislation by April 1st of each odd-numbered year relating to the content of the state energy plan. The joint standing committee of the Legislature having jurisdiction over natural resources matters may make recommendations regarding that legislation to the joint standing committee of the Legislature having jurisdiction over energy matters;

[PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Recommendations. Make recommendations, if needed, for additional legislative and administrative actions to ensure that the State can meet the goals and objectives of the state energy plan under subsection 1. The department shall develop, recommend and, as appropriate, take action to implement integrated or comprehensive strategies, including at regional and federal levels, to carry out the goals and objectives of the state energy plan, to secure the State's interest in energy resources and the supply and cost-effective use of those resources and lower the total cost of energy to consumers in this State;

[PL 2025, c. 476, Pt. A, §16 (NEW).]

3. Annual report. By January 15th of each year, prepare and submit to the joint standing committee of the Legislature having jurisdiction over energy matters a report that describes the activities of the department during the previous calendar year in carrying out its duties under this section and describes the State's progress in implementation of the state energy plan prepared pursuant to subsection 1, funding received from private sources pursuant to section 10308, subsection 3 and the department's annual accounting pursuant to section 10308, subsection 2. After receipt and review of the annual report, the joint standing committee may report out legislation relating to energy policy; [PL 2025, c. 476, Pt. A, §16 (NEW).]

4. Energy data collection and analysis. In collaboration with other relevant state agencies, private industry and nonprofit organizations, collect and analyze energy data, including, but not limited to, data on energy supply, demand and costs in this State with consideration of all available energy sources;

[PL 2025, c. 476, Pt. A, §16 (NEW).]

5. Energy information dissemination. Review and coordinate the dissemination of energy information developed by cabinet-level state agencies intended for the public and the media; [PL 2025, c. 476, Pt. A, §16 (NEW).]

6. Technical assistance. Provide technical assistance and information to the Governor and the Legislature regarding the State's short-range and long-range energy needs and the resources to meet those needs; [PL 2025, c. 476, Pt. A, §16 (NEW).]

7. Funds from public and private sources. Seek, accept and administer funds from public and private sources and develop partnerships with public and private entities to support the goals of the department, including, but not limited to, promoting energy efficiency, demand-side management and distributed generation; [PL 2025, c. 476, Pt. A, §16 (NEW).]

8. Federal government funds. Receive and administer funds from the United States Department of Energy's State Energy Program and other federal funds as appropriate; [PL 2025, c. 476, Pt. A, §16 (NEW).]

9. Electricity agreements. Work with transmission and distribution utilities, the commission, state agencies involved in the permitting of energy generation facilities and other relevant entities to negotiate agreements that create value for electricity consumers with developers of renewable generation who are interested in building energy generation facilities or developing or using energy transmission infrastructure in this State. This subsection may not be interpreted to authorize the commissioner to be a signatory to such agreements unless otherwise authorized by law; [PL 2025, c. 476, Pt. A, §16 (NEW).]

10. Energy transmission capacity planning and policy. Monitor energy transmission capacity planning and policy affecting this State and make recommendations to the Governor and the Legislature as necessary for changes to the relevant laws and rules to facilitate energy infrastructure planning and development; [PL 2025, c. 476, Pt. A, §16 (NEW).]

11. Petroleum products. Monitor petroleum product inventories, deliveries, curtailments and shortfalls and other matters relating to the availability of petroleum products in the State; [PL 2025, c. 476, Pt. A, §16 (NEW).]

12. State energy security plan. Prepare and submit a state energy security plan in accordance with federal requirements. The department shall, to the extent practicable while protecting the energy security of the State, also submit the plan to the joint standing committee of the Legislature having jurisdiction over energy matters; [PL 2025, c. 476, Pt. A, §16 (NEW).]

13. Clean energy program. Establish and manage a program to promote clean energy job development and clean technology business innovation in coordination with industry, educational and training organizations to support current and future workforce needs, including access to high-quality employment opportunities for residents of the State that contribute to the development of a skilled and trained workforce; [PL 2025, c. 476, Pt. A, §16 (NEW).]

14. Beneficial electrification. Coordinate with the commission and the Efficiency Maine Trust, established in section 10103, to monitor beneficial electrification trends and opportunities and to establish beneficial electrification targets and regulatory frameworks; [PL 2025, c. 476, Pt. A, §16 (NEW).]

15. Renewable resource portfolio requirements. Review and report on the status and impacts of the implementation of the renewable resource portfolio requirements as described in section 3210; and
[PL 2025, c. 476, Pt. A, §16 (NEW).]

16. Greenhouse energy reductions. Ensure that the State's energy goals, policies and plans align with and support the achievement of the greenhouse gas reduction obligations and climate policies established by Title 38, sections 576-A and 577.
[PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10306. Coordination; advice to state agencies

The department shall advise state agencies regarding energy-related principles for agencies to consider, along with the laws and policies governing those agencies, in: [PL 2025, c. 476, Pt. A, §16 (NEW).]

1. State-owned land and assets. The sale, lease or other allowance for use of state-owned land or assets for the purpose of development of energy infrastructure;
[PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Revenue obligation securities. The issuance of revenue obligation securities for energy facilities pursuant to Title 10, section 1044;
[PL 2025, c. 476, Pt. A, §16 (NEW).]

3. State facility energy programs. Energy programs at state facilities and operations to improve energy efficiency, greenhouse gas emissions reduction and demand management; and
[PL 2025, c. 476, Pt. A, §16 (NEW).]

4. Energy program administration. The administration of state-funded and federally funded energy programs to support:

A. The federal low-income home energy assistance program that provides heating assistance to eligible low-income persons and any state-funded or privately funded heating assistance program of a similar nature assigned to the department for administration; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. The federal weatherization assistance program that offers home weatherization grants and heating system upgrades to eligible low-income persons. [PL 2025, c. 476, Pt. A, §16 (NEW).]
[PL 2025, c. 476, Pt. A, §16 (NEW).]

The department shall coordinate with the Department of Environmental Protection and the Office of Policy Innovation and the Future, established in Title 5, section 3102, on matters related to climate mitigation, greenhouse gas reduction strategies and adaptation policies. [PL 2025, c. 476, Pt. A, §16 (NEW).]

This section does not alter any of the responsibilities or limit any of the authority of the Department of Administrative and Financial Services, Bureau of General Services pursuant to Title 5. This section does not alter or limit the ability of departments or agencies of the State, along with the Bureau of General Services pursuant to Title 5, to generate or cogenerate energy at state facilities for use on site and elsewhere. [PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10307. Rulemaking

The department may adopt rules the commissioner determines necessary for the proper implementation of this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, unless otherwise specified. [PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10308. Funding

In addition to funds provided from the General Fund or other available resources, the department is funded in accordance with this section. [PL 2025, c. 476, Pt. A, §16 (NEW).]

1. Federal funds. The department is funded by federal funds that are available to and received by the department. Such federal funds may be applied to support the personal services and all other costs of the department.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Efficiency Maine Trust funding. To the extent federal funds under subsection 1 are inadequate to meet the funding needs of the department, the department may receive funds from the Efficiency Maine Trust, established in chapter 97, but only for that portion of the department's activities that supports or reasonably relates to programs or activities of the Efficiency Maine Trust. The commissioner shall keep an accounting of the department's resources devoted to its various duties and activities, including that portion of its resources devoted to activities in support of or reasonably related to programs or activities of the Efficiency Maine Trust. The department shall provide the accounting to the joint standing committee of the Legislature having jurisdiction over energy matters as part of its annual report under section 10305, subsection 3. The joint standing committee of the Legislature having jurisdiction over energy matters shall make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs with regard to any proposed allocation of Efficiency Maine Trust funds to support the department. In accordance with any legislative allocation or deallocation of Efficiency Maine Trust funds to support the department, the commissioner shall request from the Efficiency Maine Trust and the trust shall provide the allocated resources to the department.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

3. Acceptance and administration of funds. The department may accept, administer and expend funds, including, but not limited to, funds from the Federal Government or from private sources, for purposes consistent with this chapter. The commissioner shall provide a report of the amount of any outside funding received from private sources and its designated purpose to the Governor and the joint standing committee of the Legislature having jurisdiction over energy matters in accordance with section 10305, subsection 3.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10309. Oil dependence reduction plan

The department, with input from stakeholders and in consultation with the Efficiency Maine Trust, established in chapter 97, shall develop a plan to reduce the use of oil in all sectors of the economy in this State. The plan must: [PL 2025, c. 476, Pt. A, §16 (NEW).]

1. Targets. Be designed to achieve the targets of reducing the State's consumption of oil by at least 30% from 2007 levels by 2030 and by at least 50% from 2007 levels by 2050;

[PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Policies and infrastructure changes. Focus on near-term policies and infrastructure changes that set the State on a reasonable trajectory to meet the 2030 and 2050 targets in subsection 1; [PL 2025, c. 476, Pt. A, §16 (NEW).]

3. Priorities. Prioritize the improvement of energy efficiency and the transition to the use of alternative energy sources for heating and transportation; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

4. Data and analyses. Draw on existing state data and studies rather than new analyses, including, but not limited to, analyses and data from the state climate action plan pursuant to Title 38, section 577 and the progress updates to the climate action plan under Title 38, section 578; the state energy plan pursuant to section 10305, subsection 1; and the Efficiency Maine Trust's triennial plan pursuant to section 10104, subsection 4 and analyses completed by the Federal Government, nonprofit organizations and other stakeholders. [PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10310. Maine Energy Resources Development Program

The Maine Energy Resources Development Program, referred to in this section as "the program," is established to promote energy research and demonstration activities related to the use of indigenous, renewable resources and more efficient use of energy. The department, as funding allows, shall administer the program. The commissioner may accept funds from private sources for the purpose of funding the program. [PL 2025, c. 476, Pt. A, §16 (NEW).]

1. Report. The commissioner shall include in the state energy plan under section 10305, subsection 1 a report that specifies, in regard to the program, the expenditure of program funds, the purposes for which the funds were used and the amount of the funds and the sources from which the funds were derived. [PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Program expenditures. For all proposed program expenditures of \$10,000 or more, the commissioner shall seek approval from the Governor. If the Governor approves, the commissioner shall seek approval for those expenditures from the Legislature under the procedures authorizing the transfer of funds set forth in Title 5, section 1585. [PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10311. Distributed Solar and Energy Storage Program

The Distributed Solar and Energy Storage Program is established to provide funding to foster the continued growth of cost-effective distributed solar facilities and energy storage systems in this State. The department, as funding allows, shall develop the program. [PL 2025, c. 476, Pt. A, §16 (NEW).]

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Combined project" means a distributed solar facility that is paired with an energy storage system. [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. "Distributed solar facility" means a solar generating facility interconnected to a transmission and distribution utility as defined in section 102, subsection 20-B. [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. "Energy storage system" has the same meaning as in section 3481, subsection 6. [PL 2025, c. 476, Pt. A, §16 (NEW).]

D. "Program" means the Distributed Solar and Energy Storage Program established in this section. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Program development. The program must be designed to obtain and provide available federal funds to support cost-effective distributed solar facilities and energy storage systems. The department shall consult with the commission in developing and administering the program.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

3. Funding. In order to support the department's activities in administering the program, the department may request funds from the commission for the department's administrative costs, which may include, but are not limited to, costs associated with hiring consultants and department personnel and contracting for technical analyses. Notwithstanding section 117, if the department requests funding in accordance with this subsection, the commission may provide funding, to the extent available, from the Public Utilities Commission Reimbursement Fund under section 117. If the Public Utilities Commission Reimbursement Fund does not have sufficient funding, notwithstanding section 116, subsection 4, the commission may provide funding from the Public Utilities Commission Regulatory Fund in accordance with this subsection.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

4. Federal funds. The department shall apply for available federal funds to fund the program, including, but not limited to, funds from the United States Environmental Protection Agency's greenhouse gas reduction fund under 42 United States Code, Section 7434. Nothing in this subsection limits other uses of federal funds received by the department consistent with applicable federal requirements.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

5. Ratepayer funds. Except as provided in subsections 3 and 6, ratepayer funds may not be used to implement the program or to provide funding under the program to distributed solar facilities or energy storage systems.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

6. Energy procurement. The department may procure energy, capacity or renewable energy credits in accordance with section 10313, subsection 2 from distributed solar facilities or combined projects that receive federal funding pursuant to the program. The commission may not direct a transmission and distribution utility to enter into a long-term contract for energy, capacity or renewable energy credits from a distributed solar facility or a combined project unless the commission finds that the contract will benefit ratepayers and the procurement is in accordance with section 10313.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10312. Reporting of petroleum product inventories and deliveries

The following provisions govern the reporting of petroleum product inventories and deliveries. [PL 2025, c. 476, Pt. A, §16 (NEW).]

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

A. "Petroleum product" means propane; gasoline; unleaded gasoline; gasohol; kerosene; #2 heating oil; diesel fuel; kerosene-based jet fuel; aviation gasoline; #4, #5 and #6 residual oil for utility and nonutility uses; and Bunker C oil. [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. "Primary storage facility" means a facility that receives petroleum products into the State by pipeline or by ship. [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. "Primary supplier" means a refiner, marketer, distributor, firm or person who makes the first sale of any petroleum product to resellers or consumers in this State. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Primary storage facility inventory and delivery reporting. On the first and 3rd Monday of each month, an owner or lessee of a primary storage facility in the State shall make an accurate report to the department of petroleum product inventories and deliveries on a form provided by the commissioner. The form must contain a conspicuous statement of the penalties provided in subsection 4 and must require, with regard to the owner's or lessee's primary storage facility, the following information:

A. The total inventory of each petroleum product stored in the State, as measured within not more than 3 working days prior to the reporting date; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. The quantities of each petroleum product delivery expected into the State within 15 days of the reporting date or within any longer period established by the commissioner. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

3. Primary supplier petroleum product delivery reporting. On the 3rd Monday of each month, a primary supplier of petroleum products shall make an accurate report to the department of actual and anticipated deliveries on a form provided by the commissioner, unless the report is already being submitted in accordance with federal regulations. The form must contain a conspicuous statement of the penalties provided in subsection 4 and must require the following information:

A. Actual deliveries of all petroleum products in this State during the preceding calendar month; [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. Anticipated deliveries of all petroleum products in this State during the following calendar month or during any longer period established by the commissioner; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. Allocation fractions for all petroleum products for the following month or for any longer period established by the commissioner. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

4. Violations. An owner or lessee of a primary storage facility or a primary supplier who fails to provide the information required by this section or who supplies false or misleading information commits a civil violation for which a fine of \$2,500 may be adjudged.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

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, 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; [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. Current and anticipated inventories of home heating oil and kerosene storage supplies; [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. Any recommendations of the department for actions by the State in response to the anticipated supply shortfall; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

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. [PL 2025, c. 476, Pt. A, §16 (NEW).]
[PL 2025, c. 476, Pt. A, §16 (NEW).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW).

§10313. Competitive solicitations

The department is responsible for initiating and conducting procurements for energy, associated environmental attributes or other services from renewable and clean resources. For the purposes of this section, "renewable and clean resources" means generation eligible for any portfolio requirement in section 3210, energy storage, demand management or related transmission. Beginning January 15, 2027, and every 2 years thereafter, the department shall conduct one or more competitive solicitations during the following 2-year period to procure renewable and clean resources, which may include environmental attributes through long-term contracts if the department determines procurement is necessary to achieve the requirements of section 3210 or Title 38, section 576-A or 577, to meet and manage reasonably expected growth in electricity demand or to meet reliability needs or the department determines is otherwise necessary based on the comprehensive state energy plan prepared pursuant to section 10305, subsection 1. These contracts are not subject to the rules of the Chief Procurement Officer. [RR 2025, c. 1, Pt. A, §49 (COR).]

1. Objectives. The department shall conduct competitive solicitation under this section in a manner consistent with the following objectives:

A. To provide the benefits of renewable and clean resources to ratepayers in the State; [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. To provide the benefits of renewable and clean resources toward meeting the greenhouse gas reduction obligations and climate policies established by Title 38, sections 576-A and 577; [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. To contribute to the State's economic and workforce goals, including through the actions detailed in section 3210-I, subsection 3, paragraph D, subparagraph (2); [PL 2025, c. 476, Pt. A, §16 (NEW).]

D. To minimize the impact of energy generation on the environment of the State; [PL 2025, c. 476, Pt. A, §16 (NEW).]

E. To ensure the protection of low-income ratepayers; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

F. To avoid or minimize the curtailment of other renewable or clean resources. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

2. Solicitation initiation. If the department determines one or more competitive solicitations are necessary based on the comprehensive state energy plan required pursuant to section 10305, subsection 1 and related analysis, the department shall initiate solicitations in order to select resources for contracts under this section. The department shall determine the total amount sought in all competitive solicitations within any 2-year period under this section in accordance with the state energy plan, except that the amount may not exceed 15% of the average annual statewide electric retail sales in the preceding 2-year period.

A. The department shall develop a request for proposals for each competitive solicitation that meets the requirements of subsection 3. [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. The department shall consult with the Office of the Public Advocate in developing a request for proposals. The department may also solicit public input, including through requests for information, to obtain information prior to publishing any final competitive solicitation. [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. The department shall submit a request for proposals to the commission for approval prior to its issuance. The commission shall approve or reject a request for proposals submitted by the department in accordance with this section as expeditiously as possible but within 120 calendar days, unless a longer period is requested by the department. The commission shall approve a request for proposals upon finding that it conforms to the requirements of subsection 3, is reasonably likely to result in one or more contracts that provide benefits to ratepayers in the State in excess of any costs to ratepayers as a result of the contract and is reasonably likely to result in competitive bids. [PL 2025, c. 476, Pt. A, §16 (NEW).]

D. The department may hire expert consultants necessary to assist in the development of the competitive solicitation and evaluation of proposals. [PL 2025, c. 476, Pt. A, §16 (NEW).]

E. The department may coordinate a competitive solicitation with other governmental entities or entities designated by those jurisdictions or transmission and distribution utilities. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

3. Solicitation requirements. A competitive solicitation under this section must be conducted using a request for proposals. A request for proposals must include, but is not limited to:

A. Criteria to determine the eligibility of prospective bidders; [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. Criteria to determine the eligibility of submitted projects; [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. Criteria to determine the selection of awarded projects, including criteria to determine ratepayer benefits and costs consistent with subsection 1; [PL 2025, c. 476, Pt. A, §16 (NEW).]

D. A process for the submission of questions by prospective bidders and the provisions of responses by the department in a manner that is equally accessible to all prospective bidders; [PL 2025, c. 476, Pt. A, §16 (NEW).]

E. A timeline with expected dates for each phase of the bidding and evaluation process; [PL 2025, c. 476, Pt. A, §16 (NEW).]

F. A standard form contract, which must include commercially reasonable terms and terms that to the extent practicable avoid or minimize the curtailment of other renewable or clean resources and protect ratepayers from impacts of negative pricing, and may not be for a term greater than 20 years, unless a different term is determined by the commission to be in the public interest; [PL 2025, c. 476, Pt. A, §16 (NEW).]

G. Notice of state wage, safety and apprenticeship requirements that may be required based on the solicitation type; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

H. Any necessary materials or templates to enable submission of comparable and competitive bids. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

4. Evaluation and selection. The department shall evaluate and select proposals in accordance with this subsection. The department may coordinate with other entities, including, but not limited to, state agencies, the Office of the Public Advocate, transmission and distribution utilities, other states and the independent system operator of the New England bulk power system or a successor organization, in the evaluation and selection of proposals under this section. The department may find

a submitted proposal ineligible if the department, at its sole discretion, determines the proposal does not conform to the criteria established in the request for proposals.

A. In evaluating eligible proposals and selecting one or more proposals for contract awards, the department shall give the greatest weight to the benefits to ratepayers. The department may not select a proposal for a contract award unless the department determines the proposal is reasonably likely to provide benefits to ratepayers in the State in excess of any costs to ratepayers as a result of the contract. [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. In selecting projects that meet the requirements of paragraph A, the department shall also weigh factors consistent with the objectives established in subsection 1, as long as the factors and weight are consistent with the criteria established pursuant to subsection 3, paragraph C. [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. The department shall evaluate and to the extent practicable, select proposals that avoid or minimize negative impact on other renewable or clean generation due to congestion and curtailment. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

5. Wage, safety and apprenticeship standards. If the department selects a project for a contract for energy from an assisted project located in the State as defined in Title 26, section 1304, subsection 1-A, the department shall ensure that standards under the contract applicable to contractors and subcontractors involved in the project's construction include requirements that a contractor or subcontractor:

A. Ensure that all construction workers earn compensation at or above the prevailing hourly wage as described in Title 26, section 1308; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. Meet the requirements described in Title 26, sections 1301, 1317 and 3502. [PL 2025, c. 476, Pt. A, §16 (NEW).]

[PL 2025, c. 476, Pt. A, §16 (NEW).]

6. Contracts. Contracts must be based on the standard form contract required by subsection 3, paragraph F. The department may coordinate with any entity listed in subsection 4 in the negotiation of contracts. The department or a transmission and distribution utility may make a request to file information relevant to the contract negotiations with the commission pursuant to a protective order. [PL 2025, c. 476, Pt. A, §16 (NEW).]

7. Commission approval. The department shall submit contracts negotiated pursuant to subsection 6 to the commission for approval, and the commission shall approve a contract upon finding that:

A. The solicitation process conducted by the department conformed to the requirements of this section; [PL 2025, c. 476, Pt. A, §16 (NEW).]

B. The contract is commercially reasonable; and [PL 2025, c. 476, Pt. A, §16 (NEW).]

C. The contract is reasonably likely to provide benefits to ratepayers in the State in excess of any costs to ratepayers as a result of the contract, as determined using the criteria established pursuant to subsection 3, paragraph C. [PL 2025, c. 476, Pt. A, §16 (NEW).]

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.

[PL 2025, c. 476, Pt. A, §16 (NEW).]

8. Bidding fees. The department may require a bidder to pay a reasonable and nonrefundable bidding fee to defray the department's administrative costs associated with a solicitation, as well as

financial security due at contract execution, which may be at risk if projects fail to meet project milestones. The department may require a transmission and distribution utility to hold those fees. A bidding fee must be set forth in the request for proposals required by subsection 2.
[PL 2025, c. 476, Pt. A, §16 (NEW).]

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.
[PL 2025, c. 476, Pt. A, §16 (NEW).]

10. Commission rules. The commission shall establish a process by rule for the review of requests for proposals under subsection 2, paragraph C and the review of contracts under subsection 7. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[RR 2025, c. 1, Pt. A, §50 (COR).]

SECTION HISTORY

PL 2025, c. 476, Pt. A, §16 (NEW). RR 2025, c. 1, Pt. A, §§49, 50 (COR).

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