

Maine State Legislature

Committee on Energy, Utilities and Technology

January 23, 2024

Testimony of Conservation Law Foundation on LD 2087

An Act to Protect Property Owners by Preventing the Use of Eminent Domain to Build Transmission Lines Under the Northern Maine Renewable Energy Development Program

Chairmen Lawrence and Zeigler, and members of the Energy, Utilities & Technology Committee, I am Sean Mahoney, Vice President and Senior Counsel of the Conservation Law Foundation, a member-supported nonprofit advocacy organization working to conserve natural resources, protect public health, and build healthy communities in Maine and throughout New England. CLF submits this testimony neither for nor against LD 2087 in light of the testimony presented by Senator Curry at today's public hearing.

Earlier this month, CLF submitted testimony in support of LD 1963, *An Act Regarding the Future of Renewable Energy Transmission in Northern Maine*, that will restart the process to obtain competitive solicitations for new renewable energy generation in Northern Maine and associated electric transmission upgrades to make that renewable energy deliverable throughout Maine. Such generation and transmission investments are critical to meeting the economic needs of Northern Maine and Maine's legal obligations under the Climate Action Plan. In its current form, LD 2087 will almost certainly make those investments close to impossible by removing the ability to use the powers of eminent domain as a tool of last resort.

The impact on people and communities of new energy infrastructure was presented in striking testimony at the hearing on LD 1963 last week and at today's hearing on LD 2087. That impact is at the heart of Senator Curry's bill, which is a completely understandable reaction to it. But if passed, it would set up the likely scenario that a small handful of landowners, or even just one, could thwart any new development of renewable energy transmission in Northern Maine.

There are other steps that can be taken that would better serve the individual interests of impacted landowners and the collective good of the people of Maine and we welcome Senator Curry's suggestion that those steps be explored rather than pursuing the bill's original call for precluding the use of eminent domain under the Northern Maine Renewable Energy Development Program. These include but are not limited to the following: (1) the PUC could require energy infrastructure developers to negotiate robust community benefit agreements to be approved by the PUC; (2) require developers to meaningfully involve stakeholders in project design; (3) ensure that intervenor funding is deployed where applicable to assist parties in such meaningful involvement; (4) require a comprehensive alternatives analysis; (5) prescribe the exact sequence as to how the developer moves through the planning and development process; and (6) require that the pros and cons of burying transmission lines instead of putting them above ground be fully evaluated and effectively communicated to the public. We would be very interested in these and other improvements to the process of siting new energy infrastructure.

In its current form, this Committee should vote ought not to pass on LD 2087 but we also hope to work with Senator Curry and you to address the very real concerns underlying this bill as it goes to work session.

Sean Mahoney
Conservation Law Foundation
LD 2087

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