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Sen. Ingwersen, Rep. Hall and the entire Agriculture, Conservation, and Forestry Committee, thank you for the chance to present LD 1700, “An Act to Protect Agricultural Lands by Creating a Permitting Process for Solar Development on Those Lands.”

The primary thrust of this bill is to create a process by which we, as a State, can steer solar development away from our agricultural soils. We have all seen the pressure being put on farmers and communities as solar developers have sought sites to build solar installations. On this committee, we know that the value of our land is much more than just a place to generate solar energy, it is where we grow food for our families and communities, build our soil, and live our agricultural heritage. It is where we build an agricultural industry to sustain the people and economy of the state. When we construct solar installations that will be in place for the rest of our lifetimes, it takes land out of cultivation for the long term. It is important that we conserve these lands for the sake of food production, and for the sake of the industry at large. The more land that is taken out of production the more the cost will increase for those looking to buy or lease land to put into production. If farmers intend to make a profit off of more expensive land, then food prices will necessarily increase. That will either increase the cost of local food, or make our food unable to compete with the food from away.

This bill creates a permitting process within the Department of Agriculture, Conservation, and Forestry that would only allow solar development on agricultural soils if certain conditions were met. If the soil was contaminated, then it could be developed. If the land is owned by an active farming operation and the solar development will aid the production of food by creating an additional income source, then that is also acceptable for development. If the field is near a substation, or there is another clear reason why this land should be used for solar development rather than growing food, or food production will continue along with the solar installation, then development may occur.

This bill is still a work in progress. I believe you will hear a few different language suggestions from the Department as well as other stakeholders. I look forward to working with them on a bill that meets all our needs. There is a chance that this permitting process would work best in a supporting way to the existing DEP permitting process, though we want to make sure that the bill keeps its teeth in terms of enforcement. I am also interested in continuing the conversation about which soils are defined as agricultural soils, and making sure that small scale installations for a home or small business don't have to go through needless red tape. In line 22 of page 1, there is a sentence requiring that the value of the solar installation must exceed the value of the land. I believe this was the result of a miscommunication between myself and the Revisor's office, and this sentence should be struck entirely.

We have many areas of land in our state, developed areas, disturbed lands, or contaminated soils that are more suitable for solar development than our precious agricultural land. We have seen the loss of the hayfields and crop land in the state to development of all sorts. It is important that we control this development and steer it in the directions where it will do the least harm to our ability to produce food as a state and build a resilient agricultural economy for the future.

Thank you very much, and I'd be happy to answer any questions.