

April 26, 2023

Senator Henry Ingwersen, Chair
Representative Bill Pluecker, Chair
Committee on Agriculture, Conservation and Forestry
100 State House Station
Augusta, ME 04333

Re: Testimony in opposition to LD 1700, “An Act to Protect Agricultural Lands by Creating a Permitting Process for Solar Development on Those Lands”

Senator Ingwersen, Representative Pluecker, and members of the Agriculture, Conservation and Forestry Committee:

My name is Jeremy Payne and I am a principal with Cornerstone Government Affairs Group here to testify in opposition to LD 1700 on behalf of our client the Maine Renewable Energy Association (“MREA”).

MREA is a not-for-profit association of renewable energy producers, suppliers of goods and services to those producers, and other supporters of this industry. MREA members sustainably manufacture electricity from solar, wind, hydro biomass and tidal.

Solar companies have begun to deliver on their promises of making tens of millions of dollars of investment, creating and sustaining jobs for Mainers and Maine companies, and helping to offset the damaging impacts of greenhouse gases. Notably, these projects are providing vital new revenue streams to landowners, including farmers.

LD 1700 would create a brand new regulatory structure exclusively for solar farms proposed on agricultural land. We have a number of questions related to some of the standards the legislation would create:

- ⇒ What is meant by “viable agricultural land”? What does “highly suitable” mean?
- ⇒ The standards referenced in 3-C and 3-D are ambiguous, and will introduce considerable regulatory uncertainty. “Societal benefit”? “Viability of a farm business”??
- ⇒ Existing law¹ already instructs DEP to require an approved and fully funded solar decommissioning plan

1. Decommissioning. "Decommissioning" means the physical removal of all components of a solar energy development, including but not limited to solar panels and associated anchoring systems and foundations to a depth of at least 24 inches or to the depth of bedrock, whichever is less, and other structures, buildings, roads, fences, cables, electrical components or associated facilities and foundations to a depth of at least 24

¹ <http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0113&item=3&snum=130> “An Act To Ensure Decommissioning of Solar Energy Developments” – LD 802, 130th Maine Legislature.

inches or to the depth of bedrock, whichever is less, to the extent the components of the development are not otherwise in or proposed to be placed in productive use or otherwise authorized to remain in place by the environmental permitting entity.

For any portion of a solar energy development located on land classified as farmland any time within 5 years preceding the start of construction of the development, "decommissioning" means the physical removal of all such components of the development to a depth of at least 48 inches or to the depth of bedrock, whichever is less, to the extent such components are not otherwise in or proposed to be placed in productive use or otherwise authorized to remain in place by the environmental permitting entity.

"Decommissioning" includes the grading to postconstruction grade and revegetation of all earth disturbed during construction and decommissioning, except for areas already restored.

As we have all learned in the last few years, lands contaminated by PFAS have wreaked havoc on many Maine farming families. Placing solar farms on these contaminated lands may be one of the only types of development our regulatory agencies can approve, and it would be tragic if LD 1700 somehow thwarts that potential lifeline.

At its core, this bill may stand in the way of farmers' ability to monetize their land – whether that is an effort to lease a parcel entirely to a solar farm developer, a portion of it, or an approach allowing them to continue traditional farming alongside harvesting the sun. This begs the question as to when and whether a landowner has the right to make the choices on what can occur on his or her land.

Solar energy is one of the cheapest forms of clean electricity, and we should be looking for ways to deliver on the Governor's commitment in her State of the State speech that 100% of electricity consumed in Maine will come from renewable sources by 2040. As part of that effort, we must streamline regulatory outcomes for these types of inflation-proof fuels to help shield Maine ratepayers from violent price swings from natural gas price spikes. Unfortunately, introducing a duplicative regulatory review by DACF would accomplish the opposite.

For the reasons above, we respectfully urge you to vote ought not to pass.

Thank you.