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Joint Standing Committee on Energy, Utilities and Technology  
131<sup>st</sup> Maine Legislature, Second Regular Session  
Augusta, ME 04333

**RE: L.D. 2087 (S.P. 880): 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**

Dear Sen. Mark Lawrence, Rep. S. Paige Zeigler, and Honorable Members of the Committee,

Thank you for reading my testimony.

My name is Carole Getchell. My husband and I have lived in Corinth the last 35 years on ten acres comprising a field and woods. We've worked jobs all our lives, paid our taxes, and are now retired. Our property, small gardens, and abundant wildlife are very important to us. Spring, summer, and fall finds us outside working on and enjoying the land.

As you know, in October 2022, the Maine PUC approved a bid from LS Power Grid Maine to develop and construct a 140 to 160 mile 345-kilovolt transmission line. The Maine Legislature passed LD 924: "Resolve, to Provide Legislative Approval of the Transmission Project Selected by the Public Utilities Commission Pursuant to the Northern Maine Renewable Energy Development Program." Gov. Mills signed June 22. <sup>1</sup>

A letter from LS Power, postmarked June 22, was sent to us stating: "The Project may impact property that you own depending on the route chosen." The corridor rights of way would be 150' wide and contain poles 90'-160' tall. From Glenwood Plantation to Coopers Mills, private property stakeholders who refuse to sell/lease would face eminent domain. The PUC terminated the agreement with LS Power in December but it's reported the PUC will accept new bids for the project. <sup>2</sup>

Please refer to **Maine Title 35-A, §3136: Transmission and distribution utilities have eminent domain.** <sup>3</sup> To the best of my knowledge for Maine private property owners, this statute states a transmission and distribution public utility may take and hold lands and easements necessary for the proper location of transmission lines carrying 5 kV or more if:

1. a certificate of public convenience and necessity (CPCN) has been granted to the utility,
2. the location is approved by the commission, and
3. the development site has had environmental approval under Title 38, section 484.

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<sup>1</sup> [Summary \(mainelegislature.org\)](https://www.mainelegislature.org/Summary)

<sup>2</sup> [Regulators kill deal for wind power line from northern Maine to New England grid \(pressherald.com\)](https://www.pressherald.com/news/regulators-kill-deal-for-wind-power-line-from-northern-maine-to-new-england-grid/)

<sup>3</sup> [Title 35-A, §3136: Transmission and distribution utilities have eminent domain; approval \(maine.gov\)](https://www.maine.gov/legis/other/title35-a/35-a03136.html)

For private property owners, eminent domain exempts lands or easements located within 300 feet of an inhabited dwelling.

The Cornell Law School, Legal Information Institute states:

*The Fifth Amendment of the United States Constitution mandates that if the government takes private property for public use, the government must provide “just compensation.” Typically, a “just compensation” is determined by an appraisal of the property’s fair market value. This means that any sentimental or other value held by the owner will not be considered in calculating compensation. Depending on the size and unique nature of the land, calculating the market value of property can be quite complex. Generally, one determines the fair market value by looking at the sales of similar property to that being taken. In many circumstances, there may not be similar sales under current market conditions to compare with. The property may have some complex considerations such as leasing value that must be considered. This all can make the valuations for fair market value challenging.*<sup>4</sup>

As stated in my 8/22/23 Bangor Daily News editorial, easements will potentially be paid at current “fair market value.” What’s “fair” when the corridor bisects dairy and agricultural farms (decimating livelihoods), hay fields, woodlands, house lots, and etc.? Many properties have been in families for generations. For many, their property may be all they have. What’s “fair” about potential herbicides on a 150 feet right-of-way? What’s “fair” about a one-time easement payment which doesn’t compensate for significantly devalued property with little future use, or, for a sale at pre-easement value?<sup>5</sup> What’s fair for the abutter whose property decreases in value but has zero compensation? What’s fair if property is then worth less than the mortgage owed? What’s fair living next to and viewing ugly 160’ metal towers with high voltage electric lines?

Other negatives of eminent domain:

1. If the transmission line utility has power of eminent domain for the route, the balance of power is in the hands of the taker, not the property owner. Maine’s and Massachusetts’ energy gain would be a burden on the backs of rural Maine property owners.
2. How long will the project be delayed if hundreds of private property owners go through the courts to rule on property taking or just compensation? How much money would developers lose in the delay?
3. Taking land from agricultural and dairy farmers, apiaries, woodland owners, small businesses, and other landowners etc. is counterproductive. Rural towns depend on these. How do you justly compensate for loss of income, property value, and the rural community market?

If eminent domain is swept off the table and prevented under the Northern Maine Renewable Energy Development Program, developers would be compelled to develop alternative solutions and paths, such as using existing corridors. They could opt to work with landowners as equal partners and offer the best “just” compensation while burying the lines to mitigate de-valued lands.

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<sup>4</sup> [eminent domain | Wex | US Law | LII / Legal Information Institute \(cornell.edu\)](#)

<sup>5</sup> [Our ‘backyards’ should not be shared without our permission \(bangordailynews.com\)](#)

I ask you to please prevent eminent domain under the Northern Maine Renewable Energy Development Program. If that's impossible, then please enact a law to ensure the best possible compensation and the least impact on lands of rural Maine property owners.

Thank you.

Carole L. Getchell