



AGC MAINE

THE CONSTRUCTION ASSOCIATION

Testimony of Matt Marks Against 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
Joint Standing Committee on Energy, Utilities, and Technology
January 23, 2024

Senator Lawrence, Representative Zeigler, and distinguished members of the Joint Standing Committee on Energy, Utilities, and Technology, my name is Matthew Marks, I am a Principal at Cornerstone Government Affairs, a resident of Scarborough, and sending this on behalf of my client The Associated General Contractors of Maine.

AGC Maine is a statewide commercial construction trade association and a Chapter of AGC America which was founded in 1918 with 27,000 contractors, suppliers, and service providers nationwide.

The development of transmission and delivery systems in Maine has become increasingly difficult. The process includes years of planning and design, agency approvals, and permitting. Maine also requires the Legislature to approve high-voltage transmission lines. When and if the Maine Public Utilities Commission issues a certificate of public convenience and necessity the developer will enter negotiations with landowners to secure rights to build on their property.

Charting a path for a new power line is challenging with regulatory agencies, town requirements, and public requests for changes. Avoiding built and natural structures creates additional roadblocks. The statute makes it clear that eminent domain cannot be used under the following conditions:

- A. Lands or easements located within 300 feet of an inhabited dwelling;
- B. Lands or easements on or adjacent to any developed or undeveloped water power;
- C. Lands or easements so closely paralleling existing wire lines of other utilities that the proposed transmission lines would substantially interfere with service rendered over the existing lines, except with the consent of the owners;
- D. Lands or easements owned or used by railroad corporations, except as authorized pursuant to section; and
- E. Lands or easements owned by the State.

The statute enables the Maine Public Utilities Commission to approve a request for eminent domain, allotting the landowner(s) the right to state their opposition to the taking.

Maine has set aggressive goals for electrification. While this bill is intended to target the Northern Maine Renewable Gateway, any future transmission and distribution development will encounter similar conditions if this were to pass. This legislation would put future generation projects, both inside and outside of our state in jeopardy. It's entirely unclear how Maine would meet the statutory goals for state renewable electricity generation if additional layers were added to development projects. Maine has continued to increase demand for electricity with new goals for heat pump installations and future installation of EV charging stations. Regardless of where the generation is located or from what resource, more transmission and distribution facilities will have to be installed to meet the eventual demand.

The use of eminent domain is a last resort for development projects that are approved and supported by the Maine Public Utilities Commission. This law would allow one landowner to stop a project the state has deemed critical to delivering energy throughout the state. AGC Maine encourages the Committee to reject this measure for those reasons and to ensure that future projects do not face the same criteria. I want to thank the Committee for considering my comments, and I'm happy to answer any questions.