Conservation
Law Foundation

For a thriving New England

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Testimony before the Committee on Energy, Utilities and Technology in opposition to LD 204: An Act to Reduce the Cost of Electricity by Removing the 100-megawatt Limit on Renewable Resources of Energy; LD 638: An Act to Create Equal Opportunity Access to Clean Energy by Removing the 100-megawatt Limit on Clean Energy Resources; and LD 371: An Act to Expand Hydroelectric Development by Removing the 100-megawatt Cap

March 20, 2025

Senator Lawrence, Representative Sachs, and members of the Committee on Energy, Utilities and Technology, my name is Sean Mahoney, and I am the Vice President and senior counsel of the Conservation Law Foundation (CLF). I appreciate this opportunity to testify in opposition to LD 204: An Act to Reduce the Cost of Electricity by Removing the 100-megawatt Limit on Renewable Resources of Energy; LD 638: An Act to Create Equal Opportunity Access to Clean Energy by Removing the 100-megawatt Limit on Clean Energy Resources; and LD 371: An Act to Expand Hydroelectric Development by Removing the 100-megawatt Cap.

CLF, founded in 1966, is a public interest advocacy group that works to solve the environmental and energy challenges threatening the people, natural resources and communities in Maine and across New England. In Maine for almost four decades, CLF is a member-supported organization that works to ensure that laws and policies are developed, implemented and enforced that protect and restore our natural resources; are good for Maine's economy and environment; and equitably address the climate crisis.

CLF opposes LDs 204, 371 and 638 because they would not accomplish their stated purposes and more importantly are inconsistent with the purpose of the underlying statute. On the face of the titles of these three bills, each shares the common goal of removing the requirement that only hydroelectric projects that generate less than 100MW of electricity are able to qualify as Class ~~I~~I or Class II renewable energy resources. That goal is apparently based on the belief that such a change would reduce the price of electricity, increase equity among generation sources and stimulate the development of new hydroelectric projects.

In fact, if the requirement were removed it would have little to no impact on price, which as you know is set by the market and is largely reliant on the price of natural gas. Nor would it increase equity among generation sources – the very purpose of the underlying statute was to make the energy generation market more equitable for new sources of renewable energy in a market dominated by older sources of generation, including the many hydropower projects that have been harnessing the power of a public resource and pocketing the revenue from that power, in some cases for more than a century. The changes proposed here would simply result in more money going into those pockets. Nor would it lead to the development of new hydroelectric resources in a state with a history of having dammed almost every one of our rivers for energy and industrial purposes and now engaged in the process of evaluating the costs and benefits of many of those dams, power producing or not.

If these bills had focused instead on providing incentive for existing dams that generate more than 100 megawatts of electricity to increase their power output and have that increased power output qualify as a renewable resource of energy, that would be worthy of debate and discussion. As it is, these three bills seek to revisit an issue that has been before previous Legislatures, who declined to make the changes sought here. This Committee should do the same and we urge you to vote ought not to pass on each of these bills. Thank you for the opportunity to present this testimony.