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TESTIMONY BEFORE THE JOINT STANDING COMMITTEE ON ENERGY,
UTILITIES AND TECHNOLOGY

NEITHER FOR NOR AGAINST LD 711

An Act to Facilitate the State Meeting Its Climate Goals While Protecting Farms

March 27, 2025

Senator Lawrence, Representative Sachs, and members of the Joint Standing Committee on Energy, Utilities, and Technology, I am Craig Lapine, Director of the Bureau of Agriculture, Food and Rural Resources in the Department of Agriculture, Conservation and Forestry (DACF). I am here today to speak neither for nor against LD 711, "*An Act to Facilitate the State Meeting Its Climate Goals While Protecting Farms.*"

This bill expands the eligibility conditions for distributed generation resource projects to allow for appeals of a good-cause exemption denial over construction delays on "nonfertile land," so long as it can be shown that these delays are outside the developing entity's control. In doing so, the bill states that the Public Utilities Commission may consult with DACF in adopting rules to establish this appeals process.

DACF appreciates that LD 711 limits this appeals pathway only to projects slated for "nonfertile land." The Department is in the final stages of launching a compensation fee program for renewable energy development with the goal of discouraging solar development on high-value agricultural land (or HVAL). It will require solar developments of five acres or more to determine if some or all of the project occupies HVAL, and, if it does, a compensation fee may be owed. DACF's permitting authority is actually nested within the DEP's regulatory authority 38 MRSA §484-C.

Should the Committee support this bill, DACF suggests that it be modified in several ways:

- that the term "nonfertile" and its definition be changed to "non-high-value agricultural land (HVAL)" to align with related statutes as referenced above;
- that the definition of agricultural products be made consistent with that in Title 7 § 152; and
- that consultation with DACF "shall" occur as opposed to "may" occur.

Thank you for your time. I'm happy to answer questions at the work session.

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