

Colleen Brown  
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LD 2174

Senator, Representative, and members of the Committee:

I am testifying in opposition to LD 2174 because it centralizes permitting authority, preempts meaningful municipal land use control, and does not guarantee ratepayer benefit despite being justified on the basis of rising electricity costs.

First, LD 2174 explicitly designates the Department of Environmental Protection as the “sole coordinating permitting state agency.” The bill further provides that municipalities may not enact a moratorium that delays local review, may not enact or enforce a land use ordinance that prohibits siting of the proposed development, and may not adopt standards more strict than state law or that would frustrate the purpose of state law.

This language materially limits municipal home rule authority in practice. Maine has long recognized local land use control as a foundational governance principle. LD 2174 removes meaningful local discretion over large-scale renewable and transmission projects. That is not a minor procedural change. It is a structural shift of authority from municipalities to the State.

Second, the bill applies to any “renewable or clean energy project” using a 5-megawatt or greater clean resource. That threshold captures utility-scale solar developments and associated transmission infrastructure. These projects are industrial in scale. Decisions about siting industrial facilities on agricultural land, open space, or scenic rural areas should not be insulated from local standards.

Third, the bill’s emergency preamble cites rising electricity prices as justification. However, LD 2174 contains no direct ratepayer protection mechanism. It requires the Department to consider whether a project provides “material benefits to ratepayers,” but it does not require demonstrable long-term rate reduction, nor does it mandate cost containment, competitive rate guarantees, or direct bill relief.

Streamlining permits does not, in itself, lower electricity rates. Maine ratepayers are subject to ISO-NE market pricing, transmission costs, and power purchase agreements. Accelerated permitting does not change that structural pricing framework.

Finally, the bill establishes expedited timelines and provides that a permit is deemed approved if the Department fails to act within the review period. That creates risk in complex environmental and land use matters where careful review is essential.

This legislation represents a significant reallocation of authority away from municipalities, does not guarantee ratepayer savings, and expands state-level preemption over local land use decisions for industrial-scale energy projects.

For these reasons, I respectfully urge the Committee to vote Ought Not to Pass.

Thank you for your consideration.

Kindly,  
Colleen Brown  
Whiting