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LD 2174

Greetings Senator Tepler, Representative Doudera and Members of the ENR Committee:

My name is Jesse Labbe-Watson, I live in Rockland, ME and I am testifying in opposition to LD 2174 "An Act to Replace the Maine Waterway Development and Conservation Act with the Maine Renewable Energy and Associated Transmission Development and Conservation Act"

While I'm inclined to support renewable energy deployment in Maine, this bill represents a dangerous and unprecedented assault on municipal home rule authority, constitutional structure, and community-driven land use governance. This bill is a power grab by non-local corporate interests that significantly degrades our long-standing tradition of self-governance based on Home Rule.

This Bill Directly Violates the Home Rule Guarantees in the Maine Constitution. The Maine Constitution provides that:

"Each municipality ... shall have the right to exercise any function ... in the conduct of its local affairs except as prohibited by law."

— Maine Constitution, Article VIII, Part Second

This constitutional language affirms that municipalities have the authority to regulate local land use, including the power to adopt standards more stringent than state minimums to protect public health, safety, and welfare.

LD 2174 explicitly overrides this constitutional guarantee for renewable energy project siting. Its repeated "notwithstanding any provision to the contrary" and "void and no force or effect" clauses are not ambiguous; they are categorical nullifications of municipal authority.

This bill is not a mere regulatory tweak, it is a constitutional power grab.

Blanket preemption is a bad energy policy. Renewable energy deployment is most successful when it is locally informed, predictable, and legally sustainable.

In plain terms: stripping local authority often increases resistance, increases litigation, and slows deployment; the exact opposite of the bill's stated intent.

This bill eviscerates municipal zoning authority. Under current law, municipalities retain the ability to:

- ~Establish stricter setbacks
- ~Protect prime agricultural soils
- ~Maintain scenic and historic buffers
- ~Regulate stormwater and surface water impacts
- ~Mitigate noise and wildlife disturbance

LD 2174 would nullify that authority for renewable siting projects. Any local standard "more stringent than ... state standards ... is void and has no force or effect."

This means a town can no longer protect:

- ~Drinking water aquifer recharge zones
- ~Shoreland character and tourism economies
- ~Historic landscapes
- ~Unique community development patterns

This isn't harmonization, this is eradication of the local voice. Maine courts have held that home rule preemption must be clear and justified. A statute cannot be read to abolish local authority by implication. Yet LD 2174 does so expressly:

- ~Repeatedly across four major statutory frameworks
- ~With "notwithstanding" clauses

If the legislature wishes to preempt local authority, it must do so narrowly and with compelling justification — such as a demonstrated emergency or clear state interest that cannot be served under shared governance. No such emergency exists.

This committee should reject or substantially amend LD 2174. If this committee is serious about supporting renewable energy deployment, then it should preserve:

- ~Municipal voice and tailored local standards
- ~Meaningful environmental review
- ~Negotiated solutions that prevent litigation
- ~Local-state coordination frameworks

Accepted amendments could include:

- ~Removing automatic “deemed approved” provisions.
- ~Allowing municipalities to adopt stricter standards supported by documented environmental concerns.
- ~Creating a state-local coordination board for renewable siting.
- ~Incorporating dispute resolution mechanisms before approval.

Without these, LD 2174 is antithetical to democratic governance and will fracture local-state relationships.

In conclusion, I repeat I support renewable energy expansion. I do not support this constitutional overreach. LD 2174 in its current form undermines home rule, invites litigation, weakens community buy-in, and does not deliver the predictability it claims to provide.

For these reasons, I strongly urge the Committee to oppose LD 2174 as drafted and to work instead on a balanced alternative that respects both state policy goals and municipal authority.

Thank you.