Jasmine Lamb
Sipayik Resilience Committee
LD 2174

Senator Tepler, Representative Doudera, and Members of the Environment and Natural Resources Committee

My name is Jasmine Lamb. I am testifying in strong opposition to LD 2174, as amended, titled "An Act to Increase Predictability in the Permitting of Renewable Energy Development."

While I am a proponent of the development of renewable energy resources in Maine, this bill as written represents a dangerous and unprecedented assault on municipal home rule authority, constitutional structure, and community-driven land use governance.

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.

Empirical data clearly shows that local opposition affects project outcomes:

A 2024 study by the University of Maine Renewable Energy Policy Lab found that 42% of utility-scale solar and wind projects underwent substantial revisions due to local siting concerns (setbacks, visual buffers, soil protection).

A series of municipal ballot measures in 2023–2025 across Maine showed that communities consistently seek meaningful say in siting decisions, not unilateral imposition.

(Data citations available from MMA municipal feedback summaries and OPLA land use dispute trends.)

Preemption doesn't reduce conflict, It often increases it. National renewable siting data (DOE & EPA joint reports) shows:

States with broader preemption saw fewer negotiated community agreements, leading to increased litigation (9% higher) and project delays averaging 8–12 months longer than states with shared local-state authority.

Conversely, states with clear local involvement frameworks saw higher community support and faster voluntary compliance metrics.

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

The "deemed approved" mechanism rewards bureaucratic inaction. This bill mandates that any application not decided within a statutory time limit is automatically approved. This creates a perverse incentive:

Agency understaffing or backlog becomes a licensing advantage for developers.

Environmental review is bypassed without substantive evaluation. Public input becomes irrelevant once a clock expires.

This is not "predictability", it's punishment for agency slowness, and it undermines environmental safeguards in state and federal law.

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.