

Hillary Lister  
Athens  
LD 2174

To the Members of the Committee on Environment and Natural Resources,

I am writing in opposition to the amended version of LD 2174.

My name is Hillary Lister, and I serve as First Selectman of the Town of Athens. The Selectboard became aware of the amended language for this bill this week, which appears to be dramatically changed from the original bill language. This bill was discussed at the Selectboard meeting this week, and the Selectboard is unanimously opposed to the repeal of Home Rule that is proposed in this amended legislation. Athens is a small town with a limited budget and small Fire Department, and over the past 5 years we worked on developing a local ordinance to responsibly regulate the siting and operation of solar facilities in the Town. Hundreds of hours of hard work went into developing this ordinance, along with paying for legal assistance needed in developing this land use ordinance.

The ordinance received significant discussion at multiple Town Meetings, and received unanimous support from voters. The Town ordinance does not ban solar or other renewable energy facilities, but simply permits the Town to regulate the size, location, and operation of solar facilities in order to protect local residents and ensure that fire safety needs are adequately addressed.

The State's Constitution makes clear that Maine's towns are authorized legislate over all matters of a "local or municipal character" unless denied expressly or by clear implication ("preempted") by the state Legislature. (Me. Const., Art. VIII, Pt. 2, § 1) LD 2174, as amended, proposes major changes to this Constitutional provision. The legislature already took away Home Rule authority of Towns regarding the siting and operation of waste facilities, resulting in certain communities being targeted for toxic waste operations, making Maine towns a target for waste from other states that have stronger protections for land and water use and local control, harming local landowners, health, and small businesses, and resulting in clean-up problems and costs that will take many generations to solve.

The amended language of LD 2174 would needlessly erode the ability of Maine Towns to preserve the the Constitutionally enumerated rights of local people to enjoy and defend life and liberty, possess and protecting property, and of pursue and obtain safety and happiness. I urge you to vote in opposition to the amended language of LD 2174 and ensure that Maine towns maintain Home Rule and the ability to have a say in local land use decisions.

Sincerely,  
Hillary Lister  
First Selectman, Town of Athens, Maine  
townofathens@tds.net