



**Testimony of Shelley Megquier, Policy and Research Director, Maine Farmland Trust, before the 131<sup>th</sup> Legislature's Joint Standing Committee on Agriculture, Conservation and Forestry**

May 10, 2023

Good morning Senator Ingwersen, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry My name is Shelley Megquier and I am testifying today on behalf of Maine Farmland Trust (MFT) in support of the LD 1881 – *An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife and Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws* We highly appreciate Representative Landry's leadership in sponsoring this bill and the input from a broad range of stakeholders that helped shape the bill's content

MFT is a member-powered statewide organization that works to protect farmland, support farmers, and advance the future of farming Since our founding in 1999, MFT has helped to permanently protect more than 330 farms and keep nearly 60,000 acres of farmland in farming Our Farm Network includes over 500 farms and, in 2022, 2,250+ individuals demonstrated their commitment to the future of Maine agriculture through an MFT membership In 2022 alone, MFT supported 48 farm businesses with workshops, technical assistance, and grants – delivering over 680 hours of technical assistance and \$309,000 in business and seed grants to help businesses grow their profitability Our main program areas are Farmland Protection, Farmland Access, Stewardship, Farm Business Planning, PFAS Support, Climate Resilience, and Policy and Research

Protecting farmland in Maine is a principal part of our mission because we believe it is essential for ensuring that we have the land base to grow our agricultural economy, particularly as more farmers reach retirement age and development pressures increase across the state Maine's farmland is a precious and limited resource According to the last USDA Census of Agriculture report, between 2012 and 2017 Maine lost 10% of its farmland – that is over 145,000 acres of pastureland, cropland, and woodland<sup>1</sup> This loss of farmland is troubling because farms provide many critical ecological, economic, and community benefits Protecting Maine's farmland, particularly its high-value farmland, is necessary to ensure we have enough land to grow our food in the future and that those who want to contribute to feeding our communities are able to access the land they need in order to do so

LD 1881 proposes changes to the permitting process for new solar installations in an effort to establish a stronger balance between supporting solar development in Maine and ensuring that it does not result in the loss of important natural resources, including agricultural lands The bill pays special consideration to prime agricultural soils and soils of statewide importance which are most

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<sup>1</sup> In 2012, Maine had 1,454,104 acres in farmland, but by 2017 that number had dropped to 1,307,566 acres – a loss of 146,491 acres or 10% of Maine's farmland United States Department of Agriculture (USDA), National Agricultural Statistics Service (NASS), *U S Census of Agriculture for 2017, Maine*, [https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Volume\\_1,\\_Chapter\\_1\\_State\\_Level/Maine/mev1.pdf](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/Maine/mev1.pdf)

conducive to productive agriculture, yet make up only 14 percent of all Maine soils<sup>2</sup> LD 1881 advances the goal of balanced solar siting by deterring renewable energy development on Maine's prime farmland soils and soils of statewide importance by requiring developers to pay a mitigation fee if development does occur on those lands. Revenue generated through this effort would be used to support farmland protection efforts. In addition, the bill requires developers of solar energy developments, wind energy developments or high-impact electric transmission lines to pay for conservation efforts or a compensation fee to fund off-site habitat improvement or preservation projects to alleviate the adverse effects of a development on wildlife and fisheries habitats.

It is important to note that this bill will not infringe on farmers' ability to install solar on their land but rather helps to ensure that Maine adds a layer of protection for its most valuable agricultural soils which are critical to supporting a robust local and regional food system – now and in the future. MFT supports renewable energy production on farmland and on active farms as long as it does not significantly diminish the potential for agricultural production. On-site energy production can provide economic support to a farm, reduce the farm's energy costs, and is important for addressing climate change.

Some stakeholders involved in crafting the language that is now LD 1881 have shared that prime agricultural soils and soils of statewide importance are not well-defined enough to be used in a regulatory fashion<sup>3</sup>. Certainly, any national data needs ground-truthing and the same is true of the national data on prime agricultural soils and soils of statewide importance. In response to concerns raised, LD 1881 directs the Department of Agriculture, Conservation and Forestry, in consultation with the Department of Environmental Protection, the Department of Inland Fisheries and Wildlife and the Governor's Energy Office, to initiate rulemaking to establish the compensation fee program inclusive of defining prime agricultural soils and soils of statewide importance and establishing variable compensation amounts based on the value of the habitats and agricultural soils affected and the degree of adverse effect caused by the development. We are confident in the ability of the Departments named in the bill to initiate and complete rulemaking that will include fine-tuned definitions as well as the establishment of compensation amounts that are fair and predictable – protecting Maine's natural resources and allowing developers to be able to predict and plan ahead for any needed mitigation when siting renewable energy projects.

LD 1881 helps to ensure that expanding solar development in Maine does not result in the loss of important natural resources including agricultural lands that are the most conducive to growing crops and raising livestock. For these reasons, MFT hopes that you will support LD 1881 and ensure that renewable energy generation and agriculture co-exist in Maine in a mutually beneficial manner.

Thank you for the opportunity to testify in support of LD 1881. I'd be happy to answer any questions that you may have.

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<sup>2</sup> Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>, Accessed 02/24/23. The calculation of 14% of all Maine land being prime agricultural soil or soil of statewide importance was reached by taking the ~2,903,317 acres of the state underlain by important agricultural soils (NRCS '22 data) and dividing it by the total acreage of Maine of 20,829,400.

<sup>3</sup> "Prime farmland" and "soils of statewide importance" (or "statewide important farmland") are defined pursuant to Maine Instruction 430-380 – Prime, Statewide, Unique and Locally Important Designation (May 2020). Soils meeting these definitions possess desirable attributes for agricultural production including gradient, water table, rock material, and water holding capacity.