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Testimony of Rep. Scott Landry presenting

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

Before the Joint Standing Committee on Agriculture, Conservation and Forestry

Good morning, Senator Ingwersen, Representative Pluecker and honorable members of the Agriculture, Conservation and Forestry Committee. I am Representative Scott Landry, and I represent the towns of Chesterville and Farmington in House District 75. Thank you for the opportunity to present **LD 1881**.

This bill has been a long time in the making. David Trahan of the Sportsman's Alliance of Maine, Jeff Romano of the Maine Coast Heritage Trust and I began discussing this idea more than a year ago, and since then, a broad group of stakeholders have worked closely together to draft the proposal before you today, meeting eight times between last fall and this spring. In addition to the Sportsman's Alliance, those stakeholders included The Nature Conservancy, Maine Audubon, Maine Coast Heritage Trust, Maine Farmland Trust, the Departments of Environmental Protection, Inland Fisheries and Wildlife, and Agriculture, Conservation and Forestry, the Governor's Energy Office, the Maine Renewable Energy Association, Longroad Energy, Walden Renewables, Dirigo Solar, Verrill Dana, and Haley Ward Inc.

LD 1881 seeks to balance renewable energy development with protecting some of our state's most valuable assets: our agricultural lands and our fish and wildlife habitat. Across the state, we are increasingly seeing large solar and other energy developments on farmland, including in my hometown of Farmington. This bill doesn't stop a landowner or developer from moving forward with these types of projects. Instead, it builds conservation into the process so that we can achieve multiple goals at the same time.

LD 1881

LD 1881 requires developers of large-scale solar projects on valuable agricultural land to mitigate adverse effects of the project. It provides the developer the option of finding an appropriate tract of land to conserve or to pay a fee to the fund that will be responsible for acquiring a tract of land to be conserved.

The bill also requires developers of large-scale solar, wind and transmission line projects to pay a compensation fee in order to fund fish and wildlife habitat improvement and preservation projects. These fees would be calculated based on the fair market value of the land being developed, plus reasonable costs of mitigation projects, with opportunities to reduce the amount by implementing mitigation strategies like dual-use solar and agricultural production.

Based on input from the agencies in support of the measure, I would ask the committee to consider several amendments.

First, I would suggest allowing a small portion of the compensation fund to be used to hire contract staff within the respective agencies to assist with implementation that could be tailored to meet each agency's unique needs. This has been a successful approach with other granting programs within state agencies and would help ensure that this new program does not detract from the agencies' ability to provide current levels of staff support for the work they are already doing.

Second, we believe it would be better to require the developer to pay the fee prior to construction rather than prior to issuance of a permit. The way the bill is currently drafted could be risky for applicants because, if the permit were not granted, they would have already provided conservation. Having the payment of the compensation fee prior to construction seems like a better approach.

I am happy to work with the committee and stakeholders to provide an amendment to this effect for consideration at work session.

A number of the stakeholders who have worked on this proposal, including representatives from the administration, are here today to speak in more detail to implementation. I encourage you to direct technical questions to them, but I am happy to take any questions you may have for me.

Thank you for your consideration.