

Committee on Energy, Utilities, and Technology
Public Hearing January 21, 2024

Senator Lawrence, Representative Zeigler, and Members of the Committee on Energy, Utilities, and Technology:

My name is Eric Rolfson, and I am here today to testify in support of LD 2087 as written, or with certain amendments.

An HVAC above-ground transmission solution that would acquire farms, woodlots, and homesteads by eminent domain may simply be business for some in this room.

But for my family, it is deeply personal.

Since receiving the news in early July that an HVAC line would potentially bisect our property, through our organic maple sugar operation; through our professionally-managed woodlot; through our 3.5 miles of public recreation trails, through our organic hay fields, and between our family homes—

the past six months in our household has been characterized, by tears, anger, stress, frustration, insomnia, and the determination to work toward a better solution—not just for those us that would have been directly impacted, but for the future of all rural Maine residents.

It was inconceivable to us, that fifty years of hard work, significant sacrifice, considerable expense, and hopes for the future, would be negated, by the daily nightmare of seeing and hearing the largest transmission towers in the state from virtually every corner of our 120-acre farm.

And while our family only has half a century invested in our land, some whose lives and dreams would be shattered have worked and stewarded their properties for generations.

Just ten days ago we heard how Senator Jackson himself would feel if above ground transmission lines were to pass through his land, and I would ask everyone here to consider how they would feel if 150' towers became part of their landscape and had been acquired, against their will, by eminent domain.

Eminent domain may or may not be necessary for parts of this project, but it should not be used at the expense of rural Mainers who predominantly live in vulnerable or disadvantaged communities, and whose land is often their greatest asset.

The Fifth Amendment to the Constitution stipulates “just compensation” for property taken by eminent domain, yet the recent plan was to compensate landowners only for 150’ corridor easements—this despite documented studies showing up to 50% reductions in real estate values when transmission towers are co-located on private land.

In response to this inequity, Minnesota passed the “Buy the Farm” law that forces a power company to purchase an owner’s entire home or farm rather than just an easement. <https://lpdd.org/resources/minnesotas-buy-the-farm-statute/>

Eminent domain also could be limited to 5% of the entire project or could require that 90% of easements already be in hand before any taking is allowed. <https://www.desmoinesregister.com/story/news/politics/2023/03/22/iowa-house-passes-bill-restricting-eminent-domain-to-build-pipelines/70035687007/>

Finally, there is precedent for eminent domain concessions: In 2012, the New Hampshire Senate voted 23-1 to prohibit eminent domain for private land acquisition as part of the Northern Pass project. <https://www.nhpr.org/environment/2015-09-03/meet-the-cable-that-made-burying-52-miles-of-northern-pass-possible>

Maine needs and deserves the best comprehensive, green energy transmission plan possible: one that is informed by an independent feasibility study and one that bans or limits the use of eminent domain—as this bill, or an amended version thereof—would accomplish.

Thank you.

Respectfully submitted,

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