

Maine Joint Legislature Committee on Energy, Utilities and Technology
Via email to the EUT Committee Clerk
100 State House Station
Augusta, ME 04333

January 23, 2024

To Committee Members,

I am in support of LD 2087 – An Act to Protect Property Owners by Preventing the Use of Eminent Domain to Build Transmission Lines Under the Northern Maine Renewable Energy Development Program

1. It creates a level playing field where the buyer/developer can't use the threat of a taking by eminent domain to coerce the seller into selling their property, or to accept an offer that may be less in value than the just compensation that the landowner deserves.
2. By example, the transmission route, as was originally proposed for the ARG project would have traveled through large areas of economically disadvantaged and vulnerable communities whose residents often do not have the means with which to legally contest the taking of their property by eminent domain. [New power line proposal worries some in the potential path \(spectrumlocalnews.com\)](#)
3. The original enabling law states "favor use, where practicable, of existing utility and other rights-of-way and other existing transmission corridors in the construction of the line or lines. Examples of these options, that might eliminate the need for the eminent domain taking of private property, include use of Rt 95 or other state highways, the CSX railway, the Loring pipeline or potentially a previously proposed MEPCO line running from Chester to Pittsfield. [Title 35-A, §3210-I: Northern Maine Renewable Energy Development Program \(mainelegislature.org\)](#); [FINAL2021UtilAcmdnRules4-22-21.pdf \(maine.gov\)](#); [Longitudinal Occupancy Permits - CSX.com](#); [Loring Energy Projects](#); [A Transmission Line from Chester to Pittsfield \(power-viz.com\)](#)

4. The sponsor of this program, Senate President Jackson, has made various public comments of his concerns of the use of eminent domain for this program. His spokesperson, Christine Kirby is quoted in a 7/31/23 The County news article as saying that President Jackson doesn't support the use of eminent domain "in these circumstances" presumably meaning taking private land for this program. At the 1/11/24 EUT hearing he clearly stated that he was not aware at the time that he originally proposed this program that eminent domain would be used, and he would have great concern if it was his property that was being considered for such an action. [Aroostook power line would cut across Maine farms - The County](#)

5. There are alternatives to the wind energy generation that likely do not involve the need to construct long onshore transmission lines that may require large scale eminent domain taking of private property. Specifically the State offshore wind program would allow for options to bring ashore a transmission line, directly at say the Wiscasset Maine Yankee substation, by means of a subsea transmission line.

6. And to note, as related to a public utility, Title 35-A Section 711 already provides for the requirements of a joint use agreement for existing poles, ducts, conduits or rights-of-way owned or controlled by another joint use entity, so the taking by eminent domain of another utilities property, as described, is not required. [Title 35-A, §711: Joint use of equipment \(mainelegislature.org\)](#)

7. As a real life example of what even the thought of eminent domain can cause, a neighbor of mine had purchased a piece of property in hopes of building some homes someday for sale. The original proposed ARG route took the transmission lines across this property. In speaking with an LS Power representative about her concerns, the reply she received was that it was just woods and really not worth much. As she conveyed this story to me she said "I feel so helpless".

8. If the majority of the EUT committee is for some reason unable to agree with LD2087 as proposed, then at a minimum, the following amendment to LD 2087 should be considered: "Eminent domain may not be used in the development or construction of generation connection line or transmission line infrastructure under the program without the approval of the commission, and if approved by the commission, then it must be approved by the vote of 2/3 of all members elected to each House of the Legislature. See Title 35-A Section 3132 for a similar 2/3 vote requirement for use of certain public lands for High-Impact Electric Transmission Lines Title 35-A, §3132: Construction of transmission lines prohibited without prior order of the commission (maine.gov)

Sincerely,

Steven Ingalls – Stetson Maine