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**Testimony Neither For nor Against
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”
January 23, 2024**

Senator Lawrence, Representative Zeigler and distinguished members of the Joint Standing Committee on Energy, Utilities, and Technology,

My name is William Harwood, here today as Public Advocate, to testify neither for nor against 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.”

The OPA understands that the use of eminent domain is unpopular and disproportionately affects those Mainers landowners who happen to reside in the path of utility projects. However, in some cases it is essential to developing a utility or energy corridor. With this in mind, the OPA proposes the following amendment:

“The PUC may not grant eminent domain approval unless the utility demonstrates that it has made a good faith effort to negotiate with the property owner for a voluntary sale of the property and that the acquisition of the specific property is reasonably necessary for the project to be built. In a proceeding requesting approval of the use of eminent domain, the Commission shall hold a hearing and the utility has the burden of proof.”

The OPA notes that, before eminent domain is allowed, the transmission project must first obtain a Certificate of Public Convenience and Necessity pursuant to Title 35-A, section 3132. For such a certificate to be issued, the Commission must find: "In determining public need, the commission shall, at a minimum, take into account economics,



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reliability, public health and safety, scenic, historic and recreational values, state renewable energy generation goals, the proximity of the proposed transmission line to inhabited dwellings..." Sec 3132(6).

Thank you for your time, attention, and consideration of this testimony. The Office of the Public Advocate looks forward to working with the Committee on LD 2087 and will be available for the work session to assist the Committee in its consideration of this bill.

Respectfully submitted,

A handwritten signature in cursive script that reads "William S. Harwood".

William S. Harwood
Public Advocate