



Committee on Energy, Utilities and Technology  
% Legislative Information Office  
100 State House Station  
Augusta, ME 04333

March 11, 2025

Re: Public Hearing, LD 810, *An Act Regarding the Approval of Transmission Lines*

Dear Senator Lawrence, Representative Sachs and Members of the Committee:

Thank you for the opportunity to share testimony in support of LD 810, *An Act Regarding the Approval of Transmission Lines*, on behalf of the Maine Renewable Energy Association (MREA). MREA is a not-for-profit association of renewable energy producers, suppliers of goods and services to those producers, and other supporters of the industry. Our member companies include wind, solar, hydropower, biomass, and tidal energy generators and developers of such projects, as well as companies that provide services to those producers and developers, such as environmental engineers, electricians, and general contractors.

LD 810 provides that high-impact transmission lines advanced by a state agency pursuant to a requirement of law or by a state agency with specific authority to advance such a line is deemed to have received the majority legislative approval required by 35-A MRS §3132, 6-C. Notably, the bill uses the term “proposed” to capture action taken by a “state agency”. It is MREA’s understanding that “proposed” is meant to cover high-impact transmission lines that have bid into a competitive request for proposals (RFP) at the direction of the Maine Legislature or other authority specifically granted by the Legislature or has otherwise been advanced by the Legislature. It is also our understanding that “state agency” is meant to include the Maine Public Utilities Commission (MPUC). The bill may need to be amended to achieve this intent.

MREA supports LD 810 because we believe that the legislative authority contemplated by this bill, as well as other state agency oversight such as the MPUC’s Certificate of Convenience and Necessity (CPCN) and the Maine Department of Environmental Protection’s (DEP) Site Location of Development Law (Site Law) permitting, is commensurate with the project oversight and opportunity for public transparency and input intended by the legislative approval required by 35-A MRS §3132, 6-C (2023). As such, LD 810 would eliminate largely duplicative processes and promote efficiency.

Furthermore, LD 810 confronts a primary challenge of the currently required legislative approval: timing. It is MREA’s position that legislative approval for the construction of a

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transmission line should occur prior to significant project investment, but after a bidder/developer identified a route and has shared that route publicly. This is a difficult needle to thread. Bidders/developers should not be expected to make significant project investments (often in the millions of dollars), such as submission of DEP permits or a petition for CPCN in advance of obtaining legislative approval given the uncertainty of obtaining legislative approval. On the other hand, legislators may reasonably expect to understand initial plans for project location and estimated cost to ratepayers prior to their vote. Aligning the legislative schedule with reasonable bidder/developer investments and project details sufficient to inform votes is challenging, as many members of the current Committee encountered with LD 1710 in the 130th Legislature.<sup>1</sup> LD 810 eliminates this challenge, while maintaining legislative oversight and public project scrutiny.

LD 1710 from the 130th Maine Legislature is an example of legislative oversight. The bill, *An Act to Require Prompt and Effective Use of the Renewable Energy Resources of Northern Maine* (now codified as 35-A M.R.S. § 3210-I) required the Commission to issue an RFP for a transmission line or lines, as well as renewable energy generation projects that connect to and transmit power across the line or lines procured. The Act specified the criteria to be used by the Commission to evaluate proposals. Transmission proposals must be evaluated based on cost; economic benefits to Northern Maine; the qualification of the bidders; the long-term viability of the proposed project; and the anticipated contribution of each proposal toward the achievement of the State's renewable energy goals. The statute also requires the Commission to give preference to transmission proposals that "demonstrate the most cost-effective and efficient transmission access to renewable energy resources" in Northern Maine and that will "maximize benefits to the State", among other stated preferences. This is a clear expression of legislative intent and oversight.

Furthermore, the very high-impact lines that may bid into an RFP directed by the Maine Legislature must also obtain a Certificate of Convenience and Necessity (CPCN) from the MPUC and a Site Location of Development (Site Law) permit from DEP. All new transmission lines of 69 kilovolts or more must obtain a CPCN from the Commission, pursuant to 35-A M.R.S.A. § 3132 and the Commission's Chapter 330 rules. In their determination of whether to grant a proposed transmission line a CPCN, the Commission must take into account public health and safety; scenic, historic and recreational values; and proximity to inhabited dwellings, among other considerations.

Site Law is the DEP's primary environmental and land use permit and must be secured by projects that impact 20 acres or more land (among other triggers). The Site Law permitting process and standards are rigorous. Often, if not always, applicants meet with the DEP to introduce their project and to receive feedback on how the project's environmental impact, if any, may be avoided, minimized, or mitigated. The back-and-forth between the applicant and DEP can be prolonged and in-depth, resulting in significant modifications to the originally-proposed project.

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<sup>1</sup> See Maine Public Law 2021, Chapter 380, which established the Northern Maine Renewable Energy Development Program.

Site Law requires that approved projects have “no adverse impact on the natural environment” and that the applicant make “adequate provision for fitting the development harmoniously into the existing natural environment and that the development [not] adversely affect existing uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.”<sup>2</sup> This standard, accompanied by DEP’s associated process for determining whether that standard can or has been achieved, is prolonged, in-depth, and transparent to the public.

In summary, MREA encourages the Committee to vote “Out to Pass” (perhaps with some amendments to achieve our understanding of the bill’s intent) on LD 810 because it would eliminate largely duplicative processes and promote efficiency.

Sincerely,

A handwritten signature in black ink, reading "Eliza Donoghue". The signature is written in a cursive, flowing style.

Eliza Donoghue, Esq.  
Executive Director

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<sup>2</sup> See 38 M.R.S. § 484(3) (2023).