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**TESTIMONY BEFORE THE JOINT COMMITTEE ON ENVIRONMENT AND
NATURAL RESOURCES**

IN SUPPORT OF LD 269

Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection

IN OPPOSITION TO LD 1458

An Act Regarding Compensation Fees and Related Conservation Efforts for Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws

April 14, 2025

Senator Tepler, Representative Doudera, and members of the Joint Standing Committee on Environment and Natural Resource, my name is Nancy McBrady, and I am the Deputy Commissioner of the Maine Department of Agriculture, Conservation and Forestry (DACF). I am speaking in favor of LD 269, *Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection*.

Background

In fall 2022, a collaborative effort between land trusts, the Mills Administration, and solar development industry representatives led to the creation of LD 1881 and its passage in July 2023. That legislation, sponsored by Representative Landry of Farmington, was intended to improve the process for mitigating renewable energy development impacts on wildlife habitat and farmland. It allowed developers to pay a compensation fee instead of directly acquiring conservation land, streamlining the mitigation process while ensuring environmental protection.

Current Legislation (LD 269)

LD 269 implements one of the rulemaking processes mandated by LD 1881. It establishes a comprehensive compensation fee program for renewable energy projects, including solar, wind, and high-impact transmission lines. This program enables developers to contribute to habitat preservation through fee payments when their projects affect important wildlife areas.

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Public Process and Support

The Department of Environmental Protection (DEP) has conducted thorough public consultations and incorporated extensive feedback into the final rules. Based on this robust process, we fully support LD 269 as currently drafted.

We note that **LD 1458**, *An Act Regarding Compensation Fees and Related Conservation Efforts for Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws*, would require reopening DEP's newly finalized Chapter 375 rules. Pursuant to the passage of LD 1881, which also established a program within our department to permit energy development on high-value agricultural lands (HVAL), DACF has undertaken a public rulemaking process to establish the rules defining HVAL and establishing compensation tiers. DACF took great care to mirror DEP's fee structure so that the conservation values stewarded by our two agencies received roughly equal treatment. A consequence of LD 1458 would likely be to push development away from HVAL lands, and toward the parcels, DEP would seek to protect. For those reasons, we do not support LD 1458.

I welcome any questions now or during the work session.