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THE MAINE SENATE
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Testimony of Senator Craig V. Hickman introducing
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
Before the Joint Standing Committee on Environment and Natural Resources
Monday, April 14, 2025

Senator Tepler, Representative Doudera and esteemed members of the Joint Standing Committee on Environment and Natural Resources, I'm Senator Craig Hickman, and I have the distinct honor of representing Senate District 14, which includes the towns of Chelsea, Farmingdale, Gardiner, Hallowell, Manchester, Monmouth, Pittston, Randolph, Readfield, Wayne, West Gardiner and my beloved hometown of Winthrop. I stand before you today to introduce 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," and to discuss how this bill relates to the other bill that will be heard today, 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."

Last session, as a member of the Agriculture, Conservation and Forestry Committee, I supported legislation initiated by the Sportsman's Alliance of Maine to mitigate impacts to high-value agricultural soils and wildlife habitats by the large-scale renewable energy projects, mainly solar, that have swept across much of central and southern Maine, including my district and even my neighborhood. These projects, which have been prioritized by the Administration and the Legislature as a means to reach our renewable energy goals, are having a concerning impact on the high-value fields that once grew crops to feed our state, and on wildlife that is no longer able to move freely through territory that has traditionally provided habitat. The result, in some cases, has been that we now frequently see wildlife in areas that are sometimes less ideal – our gardens, homesteads, orchards, and fields of beans and greens – as wildlife must adapt to the changing landscape.

LD 1881, enacted as PL 2023, c. 448 (Chapter 448), was the Legislature's initial attempt to address growing constituent concerns regarding these issues as we continue to site projects that are necessary to meet our clean energy goals. LD 1458 seeks to advance these goals in a few ways. It establishes the ability for developers to make mitigation payments in lieu of projects. This will allow developers to focus on responsible solar siting and permitting without requiring them to identify mitigation projects for conservation. Chapter 448 allows the State to pool mitigation funds together to accomplish larger and more consequential conservation projects. The law also requires mitigation for impacts to high- and moderate-value agricultural soils.

Now, you may be wondering, since this law was initiated in ACF, why are we here in this Committee today considering major substantive rules from the Department of Environmental Protection in the form of LD 269 as authorized by Chapter 448? Because the latter sought to influence the siting of renewable energy projects by taking the concept of Large Undeveloped Habitat Blocks, which comes from the non-regulatory Beginning with Habitat conservation planning program at the Department of Inland Fisheries and Wildlife, and defining it under Site Law to allow DEP to require mitigation for impacts to critical wildlife habitats that are under high pressure in populated areas.

While I initially agreed with this approach during the committee process, I have since learned that groups representing both large commercial and small-family land ownerships have significant concerns with this approach. Many of these are my constituents, with whom I sympathize, and so I present this legislation on their behalf to give them an opportunity to argue their case before you today.

The landowner groups behind me will further articulate their concerns with LD 269; I focus the remainder of my testimony on this legislation, LD 1458 – the result of ongoing discussions and collaboration between the Sportsman's Alliance of Maine, Maine Coast Heritage Trust, Maine Woodland Owners, and the Maine Forest Products Council, with input from other organizations as well.

As I understand it, LD 1458 simplifies the new policy in a way that allows for predictability. Rather than encouraging development through a complex regulatory scheme that may devalue land based on non-specific habitat characteristics, this bill provides a simple formula applied equitably to all renewable energy development projects that trigger site law — think big projects — for mitigation funds that can then be used to protect high-value wildlife habitats within the region of the development.

By taking this approach, landowners are no longer disincentivized to hold large blocks of land. Instead, there is value in either facilitating renewable energy development or engaging in a conservation project. LD 1458 doesn't create unintended incentives to break up habitat blocks; doesn't apply a regional formula that presumes wildlife needs differ based on geographic location; and encourages developers to work with municipalities to identify sites in communities that make the most sense for future renewable energy project locations.

Furthermore, this legislation does not attempt to roll back the advancements made by the Legislature last session with the enactment of Chapter 448; does not impact the rulemaking process under the jurisdiction of the Department of Agriculture, Conservation and Forestry; and does not eliminate the concept of Large Undeveloped Blocks, which will continue to exist where I believe they belong – in the Beginning with Habitat program administered by IF&W for collaborative planning purposes.

Most importantly, in presenting this legislation before you today, I mean no disrespect to all of the hard work that has brought us to this place, most notably by ACF Committee House Chair, Representative Bill Pluecker. I simply request in good faith that you use it as the vehicle to advance and further codify directly into statute the policies embraced by Chapter 448.

I will defer any questions you may have about the bill or the proposed sponsor's amendment your analyst shared with you last week to those behind me. Thank you for your consideration.

Craig V. Hickman
State Senator, District 14