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STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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**TESTIMONY OF  
NAOMI KIRK-LAWLOR, POLICY DEVELOPMENT SPECIALIST  
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN SUPPORT OF L.D. 1976**

**RESOLVE, REGARDING LEGISLATIVE REVIEW OF CHAPTER 379:  
COMPENSATION FOR IMPACTS TO HIGH-VALUE AGRICULTURAL LAND FROM  
SOLAR ENERGY DEVELOPMENT, A LATE-FILED MAJOR SUBSTANTIVE RULE  
OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**REPORTED BY REP. GRAMLICH**

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

**DATE OF PUBLIC HEARING:**

**May 19, 2025**

Senator Tepler, Representative Gramlich, and members of the Committee, I am Naomi Kirk-Lawlor, from the Office of the Commissioner at the Department of Environmental Protection, speaking in support of L.D. 1976 and legislative approval of the Department's Chapter 379 provisionally adopted rule.

This provisionally adopted rule would regulate compensation requirements and establish an in-lieu fee compensation program for impacts to high-value agricultural land from solar energy development that requires a Site Law permit, as mandated by P.L.

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L.D. 1976: Resolve, Regarding Legislative Review of Chapter 379: Compensation for Impacts to High-Value Agricultural Land from Solar Energy Development, a Late-filed Major Substantive Rule of the Department of Environmental Protection

Testimony of: Naomi Kirk-Lawlor, Policy Development Specialist, Office of the Commissioner, DEP  
Public Hearing: May 19, 2025

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2023, ch. 448.<sup>1</sup> That law amended the Site Location of Development Law and directed the Department, in concert with the Department of Agriculture, Conservation, and Forestry (DACF), to create a compensation fee program for impacts to high-value agricultural land from solar energy development.

This rule would work in concert with DACF's Chapter 575 rule, *Permitting Solar Energy Development on High-Value Agricultural Land*, which was adopted in April. DACF Chapter 575 defines high-value agricultural land and sets compensation ratios for impacts to such land from solar energy development. The DEP's provisionally adopted Chapter 379 rule addresses the practical and administrative components of approving and accepting compensation fees and compensation projects to compensate for impacts to high-value agricultural lands required during the DACF permitting process. Final adoption of this rule is necessary to begin accepting in-lieu fee compensation funds for agricultural impacts from solar energy developments.

Thank you for the opportunity to express the Department's support for L.D. 1976. I am happy to answer any questions about the provisionally adopted Chapter 379 rule or the Department's rulemaking process both now and at the work session.

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<sup>1</sup> P.L. 2023, ch. 448, *An Act Regarding Compensation Fees and Related Conservation Efforts to Protect Soils and Wildlife and Fisheries Habitat from Solar and Wind Energy Development and High-impact Electric Transmission Lines Under the Site Location of Development Laws*