

OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Agriculture, Conservation and Forestry (ACF)
From: Karen S. Nadeau, Legislative Analyst
Date: April 15, 2021
Subj: **LD 820, Resolve, To Convene a Working Group To Develop Plans To Protect Maine's Agricultural Lands When Siting Solar Arrays**

- Directs the Department of ACF to convene a working group of stakeholders to develop plans and consider ways to discourage use of land of higher agricultural value and encourage the use of more marginal agricultural lands when siting a solar array.
- Requires DACF to submit a report to the Joint Standing Committees on ACF, EUT and ENR no later than January 1, 2022.

TESTIMONY

Proponents: *Maine Organic Gardeners and Farmers Association; Written only: Residents of Waldoboro and Fayette*

- A constituent and farm owner approached the sponsor of LD 820 with the observation that Maine was losing some of its best agricultural land as solar arrays were being put up.
- Sponsor discovered Maine Farmland Trust “Solar Siting Guidelines” and wondered if any of those guidelines should be put into statute – as in tax or other incentives to place the arrays on land that is not “prime farmland” or “land of statewide importance.”
- LD 820 aligns with a title that Representative Berry submitted and relates to a bill from the past Legislature.
- MOFGA understands that DACF is just about ready to convene a stakeholder group so it’s appropriate to carry this bill over to the next session when the committee may consider informed recommendations.
- Sponsor of LD 820 would like to retain authority to report out a bill.

Opponents: *None*

NFNA: *Department of ACF; Written only: American Farmland Trust*

- DACF has taken multiple steps to develop and share information with solar developers and landowners to encourage thoughtful siting practices – “DACF Technical Guidance for Utility-Scale Solar Installations and Development on Agricultural, Forested and Natural Lands” webpage.
- In concert with the Governor’s Energy Office, DACF will soon be launching a stakeholder group specifically designed to address the issues raised in this bill.
- This effort is an outgrowth of the Maine Climate Council’s Climate Action Plan Strategy E – which includes developing policies by 2022 to ensure renewable energy project siting is streamlined and transparent while seeking to minimize impacts on natural and working lands and engaging key stakeholders.
- DACF suggests tabling this LD for a future discussion.
- “Smart Solar Siting in New England” and “Solar Siting Policy Strategies for Farmland Protection” are resources compiled in partnership with AFT, Conservation Law Foundation and others.

NOTES:

LD 856, An Act To Balance Renewable Energy Development with Natural and Working Lands Conservation, which is a concept draft sponsored by Rep. Berry.

PRELIMINARY FISCAL IMPACT STATEMENT: *Not yet received.*