



**Testimony before the  
Energy, Utilities, and Technology Committee  
Sean Mahoney  
Conservation Law Foundation  
May 4, 2021**

**Re: LD 1587 An Act to Remove the Municipal Ordinance Exemption for the Development of Nonessential Transmission Lines**

Good morning Senator Lawrence, Representative Berry, and members of the Energy, Utilities, and Technology Committee. My name is Sean Mahoney, Executive Vice President for Conservation Law Foundation, testifying neither for nor against LD 1587, An Act to Remove the Municipal Ordinance Exemption for the Development of Nonessential Transmission Lines. CLF uses the law, science, and economics to address the challenges and opportunities presented by the climate crisis here in Maine and across New England.

As Maine's climate action plan makes clear, meeting the climate crisis here in Maine will require moving away from oil and methane gas not only as a source for electricity but also as the sources for both heating and cooling our buildings and for transporting people and goods. Doing so will require a transformation of our current electric system, in terms of how we generate that electricity as well as how it is transmitted and stored. And it will also require taking a regional approach that extends beyond our state borders.

LD 1587 has the potential to limit those efforts or at a minimum to make them more difficult by removing the ability of the Maine Public Utilities Commission to grant an exemption from municipal ordinances for the development of a certain class of transmission lines. CLF's position on LD 1587 is neither for nor against because of our concern over the potential for the bill's unintended consequences. In particular, we are interested in learning more about the following:

1. LD 1587 applies to investor-owned utilities but why does the ownership structure bear on the issue of exemption from municipal ordinances? Why wouldn't a consumer owned utility be subject to the same rules?
2. LD 1587 only applies when "electricity from a generation source located outside of the State" is delivered by the transmission line. One would presume that to cover electricity generated by our neighbor to the north, Canada, but would it also apply to offshore wind power generated outside of Maine's territorial waters? And how would the new statute apply to situations where a transmission line is proposed to carry a mix of electricity that is generated by projects located in Maine and Canada or the Gulf of Maine?

3. LD 1587 is limited to “non-essential transmission lines” which it defines as “a transmission line that is not constructed primarily to provide electric reliability within the State and not constructed primarily to provide electricity to retail customers within the State.” By using the conjunctive “and” it is presumed that both conditions must be satisfied in order to be an essential transmission line that would still be exempt from municipal ordinances. Is that truly the intent? Further, both conditions are inconsistent with the nature of our regional grid in New England - electric reliability depends as much on what happens outside of Maine as it does in Maine (and thus why electric reliability costs are proportionately shared in New England), just as the electrons powering the lights in my home could be from Connecticut at any one moment.
4. Transmission lines can change use – will LD 1587 apply to a line that for its first 20 years of service can deliver power from wind projects in Aroostook County but for its second 20 years could develop power from wind projects in New Brunswick under a long term contract to another state?
5. A possible scenario under LD 1587 is that the inability to obtain approval under one municipality’s ordinances could halt a transmission project that has otherwise received all other necessary approvals under municipal, state and federal ordinances, statutes and/or regulations. Is giving that amount of power to potentially just one of many municipalities whose real estate is used for a transmission project actually serving the best interests of the people of Maine?

There is no question that the current design for planning, financing and developing transmission lines needs to be overhauled, including more opportunity for community input and benefits. But we urge the Committee to consider the implications of LD 1587 on other important goals and obligations here in Maine as it works on this bill.

Thank you.