



# SOLAR ENERGY ASSOCIATION OF MAINE

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## Testimony in Opposition to L.D. 1231

### An Act Concerning Climate and Community Investment Projects

Steven L. Weems, Executive Director

Solar Energy Association of Maine

To the Joint Standing Committee on Labor & Housing

April 9, 2021

Senator Hickman, Representative Sylvester, and other members of the Joint Standing Committee on Labor & Housing: my name is Steve Weems, Executive Director of the Solar Energy Association of Maine. We genuinely appreciate the intent of the sponsor and co-sponsors of LD 1231, but are compelled to oppose the bill as written. We are hopeful it will be revised sufficiently through some combination of sponsor amendment(s) and Committee work so that we can become a supporter of this legislation, since it addresses important issues.

The Solar Energy Association of Maine (SEAM) is a broad coalition of solar energy supporters. It is a not-for-profit corporation governed by a diverse Board of Directors, from which it gets its perspective. Since we're new appearing here, there is more information about SEAM at the end of this testimony.

We like the intent of **Section 1** of the bill, but it seems to us the detailed language is at the same time sufficiently vague in some places and overly prescriptive in others, such that the overall effect would be to create extremely burdensome compliance requirements for many project sponsors, contractors, and subcontractors. The net effect could work against the interests of the workers intended to be helped. SEAM acknowledges it is not expert in labor matters so this skepticism is intuitive. We ask the bill sponsors and Committee members to work the bill, in consultation with project sponsors and contractors, to make sure it will help achieve the desired ends at a reasonable cost.

With trepidation borne of wading into an unfamiliar area, SEAM offers the following more specific thoughts on Section 1.

- The \$50,000 threshold of State assistance in the definition of an “Assisted project” seems too low, and the inclusion of renewable energy credits probably should be deleted. SEAM suggests a \$100,000+ threshold without the inclusion of renewable energy credits, which are not a form of direct State assistance.
- We think the definition of a “Labor organization” is too vague and open-ended.
- SEAM recommends that Section 3701, subsections 2, 3, and 4 be reviewed and all the listed provisions modified as necessary to prevent putting parties responsible for “Assisted projects,” prime contractors, and subcontractors in a straightjacket. It seems to us that the cumulative impact of these provisions in the original bill would end up working at cross-purposes with the reasons the project came to be designated as an “Assisted project” in the first place – in other words, if the project is good enough to receive the State assistance that satisfies the definition of an “Assisted project” it should not become difficult to implement by over-specification of the labor provisions the responsible party and its subcontractors must meet.

With apologies to the sponsor and co-sponsors if this has already happened, we think collaboration with the organizations that would be affected by the training and compliance provisions of this bill would be a good idea. It would be reassuring to learn the provisions of the bill will not hamper good projects unnecessarily, possibly to the ultimate disadvantage of potential workers. This said, we understand it probably is unrealistic to think the construction industry is going to rush to embrace a bill of this nature.

## **Section 2**

Section 2 of the bill addresses a legitimate concern but would make a current problem worse. There is no doubt the existing statutory language of

32 MRSA Section 1101, subsection 2 has caused problems. The cure for this proposed in LD 1231, as written, would make the existing situation far worse. In the simplest terms, workers doing actual electrical work in photovoltaic, fuel cell and wind power generation systems should be bona fide electricians (e.g., Masters, Journeymen, and Apprentices). However, it is a waste of time and otherwise disruptive to require that electrical craft workers be utilized to install supporting structures, such as towers, frames, racks, rails, purloins, footings, concrete pads and any other part of an installation that is not electrical in nature. This is unnecessary, would create additional labor bottlenecks when there already is a shortage of qualified electrical workers, and would block qualified workers from other industries (e.g., paper mill workers, workers from other closed manufacturing facilities, other displaced trades) from getting new jobs.

There already are serious problems, under the existing statute and how it is being interpreted, in this area. There is no clear, workable definition of an electrical component in an installation. Some contractors and subcontractors are taking advantage of this and having workers without sufficient electrical training doing work that should be assigned to electrical workers. Sometimes these contractors and subcontractors attempt to justify this by saying it is a necessity, due to the shortage of electrical workers. This cannot stand, in the interest of protecting buyers and the health and safety of everyone. But the answer is not to require electrical workers to do **all** the work on **every aspect** of an installation that has electrical components, as would be required by the original language of LD 1231. This provision alone compels us to oppose the bill.

The best approach would appear to be in a better analysis of the particulars of different types of projects, careful delineation of electrical work from non-electrical work, sensible rulemaking, and good inspection and enforcement. There might be merit in a new limited solar electrical license, as part of an apprenticeship program. There has to be a more surgical, sensible solution to this issue than the sledgehammer solution proposed in Section 2 of LD 1231. Specifically, we think the following new language should be struck from the bill:  
*“Installation of photovoltaic systems includes but is not limited to the installation*

*of supporting structures, such as frames, racks, rails, purlins and any part of the supporting structure that has an Underwriters Laboratory LLC listing as a raceway, and footings.”* The foregoing language would make a bad situation worse, would be debilitating for the solar industry, and could have the unintended negative consequence of blocking workers from declining industries getting good, non-electrical work in the solar field.

SEAM is all for addressing the needs of many worker groups and communities singled out in LD 1231, and agrees the issues the bill seeks to address are real and deserve attention. In its present form however, we just cannot support it for the reasons cited. We fervently hope the bill can be re-worked so we and others who are advocates of renewable energy can endorse it wholeheartedly.

#### More About the Solar Energy Association of Maine

The Solar Energy Association of Maine (SEAM) is a broad coalition of solar energy supporters. It is a not-for-profit corporation governed by a diverse Board of Directors, from which it gets its perspective. These directors are from a wide variety of sectors, including (1) municipalities, (2) colleges, (3) conservation organizations, (4) the solar industry, (5) community and economic development entities, (6) consumer-owned utilities, and (7) electricity consumers – especially residential customers and members of small, owner-financed community solar farms.

SEAM exists to advocate for the development of solar electricity of all project sizes and ownership models, as an essential component of the renewable energy system necessary to decarbonize our economy and facilitate the process of “beneficial electrification,” in response to the burgeoning climate crisis. SEAM believes achieving this clean energy future will benefit all Maine people, and should be accomplished specifically to the benefit of certain named groups in this bill, including working Mainers, traditionally underrepresented populations, and people living in disadvantaged communities. We regret being off the web temporarily.

Steven Weems  
Solar Energy Association of Maine

Please accept this revised testimony from the Solar Energy Association of Maine in place of the version submitted earlier. Thank you.