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Testimony in Opposition to LD 2174

“An Act to Increase Predictability in the Permitting of Renewable Energy Development” Attachments: Appendix A and Appendix B

Senator Tepler, Representative Doudera, and esteemed members of the Committee:

My name is Tanya Blanchard, and I am submitting this testimony in opposition to LD 2174 on behalf of Preserve Rural Maine.

Preserve Rural Maine is a volunteer, bipartisan, citizen-led organization made up of landowners, farmers, foresters, small business owners, and rural residents from across the state. Our mission is simple: to preserve the communities, cultures, and environment of rural Maine. We are not opposed to renewable energy, but we are deeply concerned when state policy overrides local decision-making and places disproportionate burdens on rural towns and private landowners.

While the stated goal of this bill is to increase predictability in renewable energy permitting, the actual effect of the proposed language is to fundamentally alter Maine’s land-use system in ways that undermine local governance, weaken environmental and agricultural protections, and erode public trust in the permitting process.

Predictability should never come at the expense of accountability.

LD 2174 repeatedly establishes a “deemed approved” standard, meaning that if a state agency fails to act within a prescribed deadline, a permit is automatically granted—regardless of unresolved environmental concerns, incomplete analysis, or substantive public opposition. This converts regulatory review from a substantive evaluation into a procedural race against the clock. Automatic approval is not predictability; it is abdication.

The bill systematically preempts municipal home rule.

Across multiple sections, LD 2174 prohibits municipalities from enacting or enforcing any local land-use or zoning standards that are more protective than state minimums for solar, wind, energy storage, or high-impact transmission projects. Any such local ordinance is declared void.

This represents a sweeping and unprecedented removal of local authority. Maine communities vary widely in geography, infrastructure, settlement patterns, and economic base. Local governments are best positioned to evaluate site-specific impacts such as setbacks, noise, visual character, road use, emergency access, and compatibility with surrounding residential or agricultural uses. LD 2174 replaces that local judgment with one-size-fits-all state standards and removes the ability of towns to protect their residents and landscapes.

Maine’s Constitution recognizes the importance of municipal self-governance. Towns have long been responsible for land-use decisions because local officials and residents best understand their geography, infrastructure, and community values.

LD 2174 weakens that principle by limiting the ability of municipalities to regulate or guide large-scale energy and infrastructure projects within their borders. In practical terms, this means decisions with permanent impacts on local landscapes could be made without meaningful local consent.

Rural towns are not obstructionist by nature. When communities adopt ordinances or moratoria, it is often because development pressure has outpaced planning capacity. Removing those tools does not create balance — it creates conflict and mistrust.

Public participation is compressed and diminished.

The shortened and inflexible review timelines disproportionately benefit large, well-resourced developers while disadvantaging residents, farmers, and municipalities who must absorb, analyze, and respond to highly technical applications. Even when hearings are held, decision deadlines are further compressed, increasing the risk that legitimate concerns are left unresolved or ignored in favor of meeting statutory clocks.

Permit-by-rule expansion for projects up to 100 acres is inappropriate for rural Maine.

A 100-acre solar facility is not a minor development in a rural community. Moving projects of this scale into a permit-by-rule framework reduces site-specific review and public input and accelerates landscape-level change without adequate safeguards.

The Bill Shifts Costs and Risks Onto Rural Landowners.

Large-scale energy and infrastructure projects often bring significant external costs: loss of productive land, reduced property values, impacts on water resources, and long-term maintenance or decommissioning risks.

LD 2174 prioritizes speed and scale of development while failing to adequately protect the people who live next to these projects. Many affected landowners do not have the financial or legal resources to defend their interests when state authority is used to override local safeguards.

This creates a two-tier system: benefits accrue elsewhere, while rural communities absorb the impacts.

LD 2174 Conflicts with the Maine Constitution.

During the second regular session, the Constitution limits the legislature to consideration of budgetary matters, the Governor’s legislation, legislation of an emergency nature approved by the Legislative Council, legislation submitted pursuant to authorized studies, and legislation submitted by direct initiative petition of the electors.

LD 2174 was accepted by the Legislative Council pursuant to Joint Rule 203, which states that procedures must comply with the requirements of the Constitution of Maine.

Article 4, Part 3, Section 16 of the Maine Constitutions states that emergency bills shall not include an infringement of the right of home rule for municipalities, yet after Legislative Council's approval, LD 2174 was rewritten and voids all local ordinances for solar energy, wind energy, energy storage and transmission lines, directly limiting home rule.

LD 2174 Ignores Cumulative and Long-Term Impacts.

Rural Maine is already experiencing rapid change. Piecemeal approvals of energy projects, transmission corridors, and associated infrastructure add up over time, permanently altering landscapes that support agriculture, forestry, tourism, and wildlife.

LD 2174 does not sufficiently address cumulative impacts or ensure that communities have a voice in shaping development that will affect them for generations. Once land is converted or fragmented, it is rarely restored.

Preserve Rural Maine urges the committee to reject LD 2174 or substantially amend it to restore meaningful local authority, protect landowners, and ensure that energy policy does not come at the expense of rural communities.

Maine can pursue energy goals **without sacrificing the people and places that define this state**. Doing so requires partnership, transparency, and respect for local decision-making — not preemption.

Thank you for your time and consideration.

Respectfully submitted,
Tanya Blanchard
President
Preserve Rural Maine

Appendix A

Important Concepts to incorporate into LD 2174

1. Place a moratorium on all transmission line projects until the Bureau of Parks and Lands has completed the rulemaking as required in Title 12, section 598-C, enacted in 2024 and the Maine PUC has completed rulemaking as required in Title 35-A, section 3136, subsection 7, also enacted in 2024. Include in that moratorium the completion of the transmission study currently underway by DOER.

Notes - This rulemaking language was part of the eminent domain bill sponsored by Senator Curry. The Bureau of Parks and Lands rule has significant impact on the route transmission lines can follow. Without that rule, crossing a rail trail or other type of narrow public trail requires approval from 2/3 of the Legislature. The Maine Transmission Infrastructure Study is intended to identify best practices related to planning, siting, permitting, and community engagement related to transmission infrastructure.

2. As transmission line projects also carry eminent domain authority, at minimum transmission line ordinances should be excluded from the list of ordinances that will be voided.

3. Reinstate the law that designated Statutory Corridors - Title 35-A, Section 122.

Notes – this law not only allowed but encouraged infrastructure to be built within existing rights of way, including transportation rights-of-way.

4. Include a requirement that developers contact lien holders on parcels and arrange all paperwork and payments necessary to keep any mortgage agreements valid and out of default.

Notes – properties that have an existing mortgage may have, as a requirement of the mortgage, that the property not be diminished in size or value. Reverse mortgages have additional requirements that may include not allowing certain types of development or modifications to the property.

5. Prioritize energy projects that are built on contaminated land such as brownfields, landfills, and PFAS sites or on re-purposed industrial sites, retired gravel pits, or large parking lots, and add a premium payment to host communities for energy projects built on uncontaminated land. Prioritize transmission lines that are built underground, as most existing ordinances require, along existing rights-of-way and within existing corridors.

6. Amend the definition of High-impact electric transmission lines to remove the greater than 50 mile in length language.

Notes – as currently written, the bill impacts only language for High-Impact Transmission lines, which are defined as greater than 50 miles in length. All other Transmission line ordinances will stand.

7. Amend the setback requirements for solar, wind, energy storage, and high voltage transmission line easements to a minimum of 300 feet from an inhabited dwelling plus the setback distance

written in local land use ordinances regarding dwelling setback distances. In other words, the distance should be greater in more rural areas that have greater setback requirements.

8. Include language that entitles the owner of a parcel and any adjoining parcels owned by the same person to at least triple the appraised property value. Include any and all business values.
9. Include language that entitles all abutting and adjoining property owners to a minimum of double damages for all their property that experiences a diminution of value as a result of the construction, rebuilding, relocation of any solar, wind, energy storage, or transmission line.
10. Amend the definition of abutting property in Title 35-A to mirror Title 7 – Agriculture to state that Abutting land includes and is not limited to land separated by a road and is within 50 feet of an easement for an energy development project, including solar, wind, energy storage, and transmission and generation lines.
11. Include language that discusses a minimum community benefit agreement. All community benefit packages must include payments to the host community. All payments for land or natural resource conservation shall be paid to the host community. All payments will be used to directly benefit the host community and will not result in diminish state benefits paid to or otherwise given to the host community. Community benefits should increase annually based on current inflation numbers.
12. The value of energy development projects should be excluded from the certified state valuation calculation.
13. Reduce the acreage in section 11 of the bill that allows for the DEP to establish a permit-by-rule to no more than 20 acres.
14. Include language that provides annual payments to impacted property owners and abutters, much like oil and gas lease payments paid to property owners in other states. The payment terms should match the generation or transmission lease terms. Both the host property owner and the host community should be paid a percentage of annual profits from the developer or project owner based on the term of the PPA and the amount of property impacted for the entire project. Payments should increase with inflation.
15. All legislation that impacts home rule should be approved by a 2/3 vote of members present in each chamber and the Governor.
16. All rulemaking that infringes on home rule shall be considered major substantive rules.

Appendix B

A Partial List of Municipalities that have Ordinances Regarding Solar, Wind, Energy Storage, and Transmission Infrastructure

All energy ordinances in these municipalities will be void and without effect if LD 2174 passes as written:

Yarmouth, Brunswick, Gorham, Scarborough, Bar Harbor, Belfast, Vassalboro, Winslow, Dover-Foxcroft, Thorndike, China, Unity, Freedom, Stockton Springs, Searsport, Hersey, Palermo, Plymouth, Greenbush, Stetson, Detroit, Burnham, Troy, Albion, Patten, Windsor, Benton, Corinth, Embden, Waldo, Prospect, Readfield, Otisfield, Hancock, Freeport, Dresden, Scarborough, Oxford, Brunswick, Orono, Orrington, Augusta, Westbrook, Moscow, Phillips, Manchester, Hallowell, Monmouth, Gardiner, Waterboro, Sanford, Fairfield, Skowhegan, Union, Newport, Pittsfield, Andover, Rangely, Presque Isle, Fort Fairfield, Camden, Rockport, Lincolnville, Northport