



PO Box 301, Albion, ME 04910  
207.505.0737  
Tanya@PreserveRuralMaine.org  
www.PreserveRuralMaine.org

To: Representative Chris Kessler  
From: Tanya Blanchard, President  
Date: March 3, 2026  
Subject: Suggestions for LD 2174 Amendments

---

Dear Chris:

Thank you for reaching out to Preserve Rural Maine for suggestions that would make LD 2174 and subsequent legislation more palatable to rural communities so that energy generation, transmission, and storage projects can move forward efficiently while respecting the unique needs and perspectives that are represented by town residents and the ordinances they pass.

Several of the recommendations that follow reflect core constitutional and governance principles that Preserve Rural Maine considers foundational. They represent essential protections of municipal home rule, due process in permitting, and appropriate legislative oversight, and we believe these protections should remain intact in any policy discussion. What follows are some high-level ideas that could be pursued, studied, or incorporated into legislation to structure win-wins that address both the State's renewable energy goals and the constitutional rights of Maine towns and citizens. To ignore these rights and the voices of those who appreciate rural Maine is to guarantee delay and ultimate failure, as was learned in New Hampshire after more than a decade's struggle with the [Northern Pass](#) project – a failure due to intense, sustained opposition from local, environmental, and business groups, that resulted in a unanimous rejection by the New Hampshire Site Evaluation Committee, a decision that was upheld by the state Supreme Court.

- **Firmly oppose any infringement to a municipality's right to home rule.**
- **Firmly oppose any automatic permit approval if a DEP performance date is missed.**
- **Require any State agency rulemaking that proposes to infringe on home rule to be considered a major substantive rule.**
- **Reinstate the law that encouraged statutory corridors**, which protected the environment by building infrastructure in already-disturbed areas. This once was part of statute but has been repealed.
- **Lower the permit by rule project size to 20 acres.** 100 acres in a rural area is a huge change in land use.
- **Include the following in any study that is being proposed:**
  - Require that:

- An applicant demonstrates site control (to be defined) at the time of application;
  - An applicant cannot submit an application until it is "complete" in accordance with DEP standards;
  - The DEP clock to stop if the DEP determines an application is incomplete; and
  - If the applicant does not respond to the DEP with the requested information for an incomplete application within a certain window of time, that application is automatically considered withdrawn. Also include a review of what any proposed performance date expectations should be.
- For any expedited transmission line permitting, require:
  - The transmission line be proposed in an existing transportation, utility or rail corridor. A transportation corridor definition should include, Rt. 95, Rt. 295, and the Loring to Searsport pipeline corridor. Also include other State roadways, where underground installation could be used; and
  - An existing T&D providing a joint use agreement of a utility ROW corridor that they control.
- Amend Title 35-A, Section 3131 definition of a high-impact electric transmission line to eliminate the 50-mile length reference and instead be of any length.
- Amend Title 35-A, Section 102 regarding abutting property to read the same as the definition of abutting land in Title 7, Section 52.
- Review/determine what the setback distance from an inhabited dwelling should be for a solar energy development, energy storage system, wind energy development and high-impact electric transmission lines. If the distance is determined to be greater than 300 feet, then the distance of a transmission line carrying 5,000 volts or greater from an inhabited dwelling, for purposes of exercising eminent domain, should be commensurately increased. Include in this review what, if any, potential public peace, health, or safety issues are related to electromagnetic fields and establish requirements to safeguard the public peace, health and safety.
- Review what further enhancements can be made to the eminent domain laws related to T&D development including:
  - Determining who is an impacted landowner;
  - Increasing the amount a developer must pay to an impacted landowner;
  - Determining the diminution in value that may occur to impacted landowners; and
  - Expanding the “buy the farm” provision in Title 35-A, Section 3136 to include all electric transmission lines carrying greater than 5,000 volts of any length.
- Consider a permit-by-rule for a solar energy development acreage limit that is up to 20 acres, which is consistent with the DACF permit-by-rule acreage.

- Review/determine what the financial impact to municipalities may be, including any change to the school funding formula and revenue sharing formula, when a solar energy development, wind energy development, energy storage system development, pumped storage hydroelectric facility, or high-impact electric transmission line development is proposed in the municipality. Such financial impact should include a review of the potential reduction in receipt of funds from the State due to a change in the total municipal tax assessment resulting from the development and also from any community benefits package.
- Review all existing State laws to ensure that a municipality is entitled to fully tax all of the real and personal property of any energy development, including solar, wind development, storage system, pumped storage hydroelectric facility or electric transmission line development (of any voltage and size) proposed in the municipality.
- Allow, but do not require, a municipality to establish a community benefits package, catered to their own needs.
- Ways to improve public engagement in the DEP application review/approval process for any of these development projects.

Finally, The primary argument against placing transmission lines underground is that it is "too expensive for rate payers." While that may be true in the short run, it is a false argument in the mid- and long-term, which is how we ought to be thinking. The non-profit NextGen's Feasibility Study cited below makes the financial case for running high-voltage transmission lines underground instead of above ground.

Here is their executive summary: [https://nextgenhighways.org/wp-content/uploads/2023/01/NGH\\_Feasibility-Report-Executive-Summary.pdf](https://nextgenhighways.org/wp-content/uploads/2023/01/NGH_Feasibility-Report-Executive-Summary.pdf)

The full study may be found here, and Finding # 4 on p. 66 is especially pertinent: <https://nextgenhighways.org/wp-content/uploads/2023/01/NextGen-Highways-Feasibility-Study-Minnesota-DOT.pdf>

FEMA, among others, also makes the case for underground lines. (<https://www.fema.gov/case-study/overhead-underground-it-pays-bury-power-lines>), and states like New Hampshire, Vermont, and New York are increasingly requiring it.

Thank you again the opportunity to provide input, and we welcome continued dialogue.

Sincerely,

Tanya Blanchard  
President  
Preserve Rural Maine