

The Bay State's ability to meet its greenhouse gas reduction goals is now in the hands of a Maine jury. Does that make any sense to you?

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Seems like just yesterday that the Maine Supreme Judicial Court ruled on New England Clean Energy Connect's challenge to the retroactive initiative petition that might have killed the project to get hydropower from Canada to Massachusetts after almost a half a billion dollars had already been spent on the project.

But, believe it or not, that was last August and now, eight months later, *The Boston Globe* reports that a Maine jury is about to consider the question given it by Maine's highest court last summer. That question is did the project developer "in good faith" rely on the many permits it had already received in spending \$450 million constructing the transmission line before one in four of Maine's registered voters decided to pull the plug ([visit my last of several blogs on this star crossed project](#)).

While we await the jury's answer, and the inevitable appeal of whatever that answer happens to be, here's what we already know for sure:

1. Yesterday climate emergency activist Greta Thunberg tweeted the disturbing but not much reported fact that apparently atmospheric CO₂, the green house effect supercharger, has hit the highest level in human history.
2. There is almost certainly no way Massachusetts can reach its near term greenhouse gas reduction goals without the New England Clean Energy Connect project.
3. There is absolutely no way that the United States will get to its renewable energy future in the time in which it needs to get there if major repowering infrastructure projects continue to be ensnared in years and years of permitting and subsequent litigation.

If we choose not to believe what the scientists have to say about our climate emergency, this matters less. But if we choose to believe the scientists, we might consider whether we should be relentlessly petitioning our Federal and State Legislators to legislatively make it much easier and faster to construct renewable energy infrastructure.

In August, the Maine Supreme Judicial Court found the state's constitution protects property owners

in these circumstances from retroactive legislation such as the vote to kill the power line, provided the work they completed was done “in good-faith reliance on the authority granted” by the permits it had received. That question will fall to the jurors, who will be asked to decide whether the work Central Maine completed was done “according to a schedule that was not created or expedited for the purpose of generating a vested rights claim,” according to the Supreme Judicial Court.

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