



SIERRA CLUB

MAINE CHAPTER

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To: Members of the Joint Committee on State and Local Government
From: William Weber, Sierra Club Maine
Date: March 16, 2023
Re: Testimony in Opposition to L.D. 894: An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor

Senator Nangle, Representative Stover and Members of the Joint Standing Committee on State and Local Government,

My name is William Weber and I am testifying on behalf of Sierra Club Maine, representing over 22,000 supporters and members statewide. Founded in 1892, Sierra Club is one of our nation's oldest and largest environmental organizations. We work diligently to amplify the power of our 3.8 million members nation-wide as we work towards combating climate change and promoting a just and sustainable economy. To that end, we urge you to vote "ought not to pass" on L.D. 894: An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor.

I am also a member of the Portland Climate Action Team (PCAT), a volunteer group of greater Portland residents committed to addressing the current climate crisis. We advocate for reducing greenhouse gas emissions in Portland and promote the equitable transition from fossil fuels to clean renewable energy.

In the last several years many municipalities have adopted greenhouse gas reduction goals. L.D. 894 would prevent many municipalities from reaching these climate goals set by voters and their elected local representatives and in doing so, significantly weaken our ability to effectively reduce carbon pollution at the local level.

To use a specific example, Portland and South Portland have adopted a common Climate Action Plan, [One Climate Future](#). The Plan approved by our City Council in 2020 sets aggressive, but achievable goals to reduce the greenhouse gasses emitted by our two cities, including an 80% reduction in greenhouse gasses by 2050. L.D. 894 would not only eliminate one tool to achieve those goals, but it would also undercut the statutory goals presented in the Maine Won't Wait climate action plan. These state goals were signed into law with bipartisan support of the Legislature in 2019.

As you know Maine is historically a strong “[home rule state](#),” which holds the principle that the government, in this case the state, should not interfere with local democratic decisions delegated to municipalities. In November 1969, an amendment to the Maine State Constitution delegated broad “home rule” powers to municipalities. This home rule power was recognized by the legislature in 2018 when then Governor Paul LePage tried to override local ordinances that banned dangerous synthetic pesticides. Similar anti-home rule legislation was submitted time and time again, and the legislature rightly rejected the proposed bills each time.

Our municipalities, as well as the state, are making progress to meet our climate goals. And the provisions offered in the Inflation Reduction Act (IRA) will give us more tools to reduce our dependence on imported oil and gas and reduce our carbon footprint. The IRA offers financial incentives that will allow the state to grow our green work force and domestic supply chain. But [recent history](#) suggests that the “carrot” offered in the IRA will only take us so far. Incentives alone will not be enough to reach our long-term emission goals. Allowing our local governments the tools to meet our community adopted goals is very much in alignment with the practice of home rule and important if we want to reach a sustainable future.

I expect this won’t be the last time preempting legislation like this will be proposed. We know that the oil and gas industry has a strong incentive and significant resources to delay and confound a transition to a decarbonized planet. Much of this funding as a result of lying and distorting the true impacts of burning fossil fuels. And each year that this legislation is proposed, twice, three times, maybe four times, we should be reminded of the increasing impact on human health and the state we all love. Please don’t pass this legislation.

I respectfully urge an “ought not to pass” report on L.D. 894: An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor. Thank you for the opportunity to testify, and I am happy to answer any questions you may have.

Sincerely,
William Weber

A handwritten signature in blue ink that reads "William Weber". The signature is written in a cursive, flowing style.

Member, Energy Team
Sierra Club Maine