



**Testimony of Maine Public Health Association in Opposition to:
LD 894: An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting
a Particular Energy System or Energy Distributor**

Joint Standing Committee on State and Local Government
Room 214, Cross State Office Building
Thursday, March 16, 2023

Good afternoon, Senator Nangle, Representative Stover, and distinguished members of the Joint Standing Committee on State and Local Government. My name is Rebecca Boulos. I am a resident of South Portland and executive director of Maine Public Health Association.

MPHA is the state's oldest, largest, and most diverse association for public health professionals. We represent more than 700 individual members and 60 organizations across the state. The mission of MPHA is to improve and sustain the health and well-being of all people in Maine through health promotion, disease prevention, and the advancement of health equity. As a statewide nonprofit association, we advocate, act, and advise on critical public health challenges, aiming to improve the policies, systems, and environments that underlie health inequities – but which also have potential to improve health outcomes for all people in Maine. We are not tied to a national agenda, which means we are responsive to the needs of Maine's communities, and we take that responsibility seriously.

MPHA is in opposition to LD 894: "An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor." This bill would prohibit municipalities from prohibiting – or have the effect of prohibiting – an individual or entity from installing a heating or energy system for that individual's or entity's own heating or energy needs or engaging the services of an energy distributor of that individual's or entity's choice unless the prohibition is otherwise authorized by statute.

LD 894 would prohibit municipalities from implementing innovative clean energy programs, such as rebates to encourage the use of heat pumps. [South Portland's Electrify Everything! program](#) is one such example. This municipal program offers up to \$2,000 in rebates, per household, for electric vehicles, lawn equipment, e-bikes, heating and cooling systems, and home weatherization. These rebates are in addition to rebates from [Efficiency Maine](#) and other sources, and available to South Portland residents with a household income up to 100% of the Area Median Income. Restricting a lower level of government's ability to respond to its community's public and environmental health challenges, like implementing innovative clean energy programs, perpetuates health risks and threatens health equity. Indeed, state, and local governments are often at the forefront of public health challenges and tend to be nimbler and more responsive to community needs.

[According to the American Public Health Association \(APHA\)](#), preemption is a legislative tool whereby a "higher level" of government (such as the federal government or a state government) overrides the authority of a "lower level" of government (such as a state or municipal government) to act on a particular issue. [Preemption is not inherently adversarial to public health, equity, or good governance](#). Indeed, preemption has been used for

the betterment of public health – such as prohibiting smoking on airplanes. Generally, though, entities seeking preemption policies are those that benefit financially. Across the country, state legislatures have preempted local laws related to labor standards, civil rights, public health and safety, cannabis, alcohol, tobacco, technology, environmental protection, local zoning, and local taxes, among others.

This bill would set precedent, eroding municipalities' ability to enact policies that are more protective of public and environmental health than state policies – policies such as preventing the use of harmful pesticides on school property, ending the use of flame retardants that increase cancer risk, establishing smoke-free policies in restaurants and bars, preventing tar sands pipelines, and others. Indeed, it is often the case that local governments are leaders in advancing public health protective policies that are then enacted at the state and federal levels. We believe this bill threatens public and environmental health, and we respectfully request the committee vote LD 894 “Ought Not to Pass.” Thank you for considering our testimony.