

March 16, 2023

Committee on State and Local Government
Maine State Legislature
100 State House Station
Augusta, ME 4333

RE: Testimony 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

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

Thank you for the opportunity to provide testimony 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. I regret not being able to do so in person.

Conservation Law Foundation (“CLF”) is a member-supported nonprofit advocacy organization working to conserve natural resources, protect public health, and build healthy communities in Maine and throughout New England. I have been CLF’s Vice-President for Maine since 2007. While much of our advocacy is before other committees of this Legislature such as the Environment and Natural Resources, the Energy, Utilities and Technology and the Judiciary Committees, as a former town councilor for my home of Falmouth, I have a special appreciation for the work of this Committee.

The bill before you today conflicts with the very premise of local government here in Maine, namely that communities have the right to make decisions as to how best to provide for their rights, safety, and public health. To be sure, the state and federal government provide baseline thresholds in those areas but as you all are well aware, Maine communities have had the right to enact local ordinances and regulations that go beyond those thresholds to protect the public health and safety of their citizens, subject of course to meeting standards of procedural and substantive due process.

LD 894 is not a surprising bill, as it has been a part of the playbook of the oil and natural gas industry response to the increasing realization that the product they sell is bad for the pocketbook, bad for public health and bad for the environment. And as consumers and communities are beginning to respond to that realization by seeking cheaper, healthier and less destructive alternatives, those who have long profited from Maine’s overreliance on oil and gas to heat our homes and businesses are seeking to limit the ability of communities and

consumers to make those alternative choices. LD 894 is a perfect example of the doublespeak employed by the oil and gas industry – what they claim is a bill to protect “choice” is really a bill to deprive communities of choice. Indeed, by preempting local action that will benefit the future health and economic well-being of a community, LD 894 attempts to lock those communities into choices made in the past.

One need only look at the success of heat pumps across Maine to understand what this bill seeks to accomplish. Mainers, to the tune of thousands of households who have installed more than 100,000 heat pumps, have begun the transition from oil and gas to electric heat pumps because of the cost savings, the cleaner indoor air to breathe and the climate benefits. That transition has come at the cost of the oil and gas merchants who seek to keep people tethered to fossil fuels, just as tobacco companies did, and continue to do, with respect to cigarettes. LD 894 is a cynical effort to make this Legislature complicit in precluding communities from exercising their long established and cherished home rule rights.

If towns want to adopt ordinances that are in the interest of their residents, then they should be free to do so without the Legislature pre-empting them from doing so. If the oil and gas industry want to oppose local actions that impact their businesses, they are of course free to do so, but the Legislature should not be a party to this cynical effort to block local decision-making cloaked in the language of “choice” and “freedom.” We urge this Committee to reject that effort and to vote Ought Not to Pass on LD 894.

Very truly yours,



Sean Mahoney
Senior Counsel and Vice President, CLF Maine