

March 22nd, 2023

Senator Stacy Brenner, Senate Chair
Representative Lori Gramlich, House Chair
Joint Standing Committee on Environment and Natural Resources
100 State House Station
Augusta, Maine 04333

RE: MSCC Testimony in OPPOSITION to L.D. 928: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Right to a Clean and Healthy Environment

Senator Brenner, Representative Gramlich and members of the Environment and Natural Resources Committee:

My name is Ben Lucas, I live in Portland, and I represent the Maine State Chamber of Commerce, a statewide business organization consisting of a network of more than 5,000 small and large employers across Maine. The Maine State Chamber of Commerce is submitting testimony in respectful opposition to L.D. 928.

The Chamber supports a healthy environment one that protects our natural resources and our people of all ages. The Chamber was involved in identical legislation from the 130th Legislature, which was L.D. 489, and while we appreciate that the sponsor has put forward the amended version from last legislative session which is narrower in scope, the business community still has significant concerns.

Maine businesses are committed to protecting our environment. In compiling our, "Making Maine Work" report, we surveyed businesses across the state and according to those businesses, "Maine's two greatest economic development assets are its quality of life and its quality of place." Our quality of life is measured in large part by the state's natural resources and its physical beauty. Maintaining the pristine nature of our surroundings is vitally important to continuing to attract more businesses. Maine has one of the most pristine and cleanest environments not only in our country but the world. The State of Maine has done a great job in protecting our environment and the Maine State Chamber of Commerce believes the current regulatory structure in place is the correct one and a constitutional amendment is not necessary and could potentially lead to unintended consequences.

By enshrining environmental protections in the constitution and elevating them above the current statutory framework this would lead to one outcome – a more litigious regulatory environment at the local and state level. We would pose the question – is there a problem not being addressed? All one needs to do is to look out the window and see that protecting our environment in Maine is everyone's priority and the State of Maine, specifically the Maine Legislature has done a great job and has been responsive to people of Maine. Our clean

water and air prove this. We believe we need to continue to be vigilant and proactive in protecting our environment, but a constitutional amendment is not necessary and could have unintended consequences.

Our last point of concern is the proposed legislation has the potential to stop or slow down the permitting process, which could result in job loss, investment loss, and have a negative impact on Maine's economy and business community. This constitutional amendment is vague and can be interpreted in different ways and will vary among different individuals. Vagueness leads to uncertainty, and uncertainty leads to litigation. Businesses and investors need a consistent and reliable regulatory process. Maine already has strict environmental laws and a strict permitting process in place, and we feel L.D. 928 is unnecessary. The Chamber is a member of the Maine Climate Council, and we support the high-level goals. We are urgently combating the negative economic and environmental impacts of climate change, and to achieve these goals, we have the confidence in the state agencies who are currently doing the work to protect our environment.

We would respectfully ask the committee to vote, "ought not to pass" on L.D. 928.

Sincerely,
Benjamin R. Lucas
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Maine State Chamber of Commerce
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