

Testimony in Opposition to LD 928
“Resolution, Proposing an Amendment to the Constitution of Maine to Establish
a Right to a Clean and Healthy Environment.”

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Good afternoon distinguished members of the Committee on The Environment and Natural Resources. My name is Peter Triandafillou, and I live in Orono. I am retired from Huber Resources Corp (HRC) based in Old Town. I am submitting testimony in opposition to LD928.

LD928 puts too much policy decision making in the courts and takes it out of the legislative and executive branches. Maine has a deep and functional process for enacting environmental policy. It requires public hearings and work sessions before you and other committees. In these sessions, both legislators and citizens have the opportunity to voice their concerns and help steer new policy. In the executive branch, subject matter experts in agencies work with the public and stakeholders to craft appropriate rules to implement policy enacted by the legislature. Major rules are then reviewed by committees like yours that either approve them or send them back to the agency for further work.

This detailed give and take of public input helps create rules and regulations that address policy directives. The process is understandably lengthy, but this give all parties – the legislature, agencies, and the public – the opportunity to fully explore, debate, and craft rules and regulations.

LD928 short circuits the entire process. Well crafted public policy and rules and regulations can be challenged by anyone who feels that their constitutional right to a clean environment has been abridged. The challenge goes to the courts, who can discard environmental law based on their interpretation of the proposed amendment. In effect, LD928 takes the power and process of making environmental policy away from the legislature, public, and executive branch and grants it to individuals and the courts.

Make no mistake, this proposal is specifically designed to bypass the normal process of enacting and crafting environmental law and regulations, including deliberations before this committee. Entities that do not wish to take the time and effort to enact public policy, or who are unsatisfied with the legislative process will use this amendment to bypass you and the rest of Maine’s public.

LD928 is bad public policy and an unneeded and dangerous change to our constitution. I urge you to vote ought not to pass on this proposal. Thank you for your time.