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Testimony of the Maine Municipal Association

In Opposition To

LD 1845 - *An Act to Regulate Outdoor Lighting*

May 8, 2023

Sen. Brennan, Rep. Gramlich and distinguished members of the Environment and Natural Resource Committee, my name is Rebecca Graham, and I am submitting testimony in opposition to LD 1845, *An Act to Regulate Outdoor Lighting*, on behalf of Maine Municipal Association which represents the interests of municipal government before the legislature. The positions of the Association are determined by our 70-member Legislative Policy Committee (LPC) who are elected by the councils and selectboards in each of Maine's 35 Senate districts.

This bill creates an arbitrary statewide standard for outdoor lighting that is uninformed by the very people it will impact and unjustly overrides home rule authority of municipalities. Communities can already regulate lighting, and many have spent significant volunteer time to create ordinances and guidelines along with municipal investments directly informed by community residents. Several communities spent several years to accomplish informed ordinances and their deliberate, resident-informed work would be upended by this legislation.

Additionally, the exemptions for individuals included in the bill only carve out provisions for agricultural activities, airports, and the Maine Turnpike Authority. Lighting security is necessary to protect secure facilities, hospitals, and pharmaceutical manufacturing. There are several other businesses that may need greater lighting to protect facilities from criminal activity and deter individuals from attempting to break in, often activated between the hours this bill seeks to disallow. It's commonly known that well lit perimeters are a deterrent to thieves, and there are certain businesses that not only require such protection, but also have evening work hours such as shipyards, construction, and other sensitive manufacturing.

As the Department of Environmental Protection is the enforcement authority in this bill, it's unclear how this enforcement could be accomplished without the direct use of municipal employees who are likely to be implicated by rulemaking when this bill should have a mandate preamble instead. Municipalities are frequently issued with letters requesting them to enforce permits issued by the department that have expired on not be paid for which the municipality receives no revenue from or has any part in approving like personally permitted discharge systems on private lands. If the department does not have adequate resources to enforce their own permits for actual polluting discharge to waters of the state, it is very unlikely to have resources to enforce light pollution violations.

If municipalities are the only enforcement agent for this purpose, they should also be the authority that works directly with the citizens of their community on sensible incremental change in lighting policy. While the committee may choose to regulate how the state manages lighting installations on its own property, the residents of Maine should be included in the consultation on managing municipal costs for

installing new lighting, (which they must pay exorbitant fees to change) and rules for their own neighborhoods.

Towns are responsible for the safety of their residents, pedestrians, and users of the public way but they do not own the lights or poles that exist there frequently. Towns should have the final say on where those lights are installed and what types of light are fit for such a purpose, and they have the best knowledge of how to accomplish this in balance with what their residents can shoulder. Creating a mandate on the utility provider, and authorizing a rise in rates to do so, is egregious under the current utility burden impacting rate payers on fixed incomes.

A better path for all of Maine would be to inform and incentivize public policy through grants for lighting committees and statewide public information campaigns. For all these reasons, municipal officials ask you to carve out all requirements that impact the municipality, rate payer, and resident from the bill or vote ought not to pass.