

Testimony of John M. Fitzgerald
Of Sedgwick
Opposing LD 2266

March 17, 2024

Dear Co-Chairs and Members of the Energy and Natural Resources Committee:

In early 1972, as a young reporter on assignment for the New York Times, I followed literally on the heels of Senator Edmund Muskie of Maine as he walked through the falling snow to a speech he would give in Manchester, N.H.

In 1969 that great son of Maine had already coauthored the National Environmental Policy Act. In 1970 he coauthored the Clean Air Act and later in 1972 he would coauthor the Clean Water Act and in 1973 the Endangered Species Act.

Another great son of Maine, Senator George Mitchell was chairman of the Senate Environment and Public Works Committee in the 1980's when forces tried to weaken those laws and he resisted that onslaught and kept them flexible but strong. While my mother's family landed and settled in Maine in the early 1600's emigrating from England, on this Saint Patrick's Day, I must also add that the entire island of Ireland, north and south, holds Senator Mitchell in reverent gratitude for brokering an end to "the troubles" that plagued my father's family's homeland for generations.

I have spent most of my life as a lawyer and lobbyist for conservation and science organizations defending, employing and improving those laws and their implementation and helping 193 nations to create international law based on those U.S. laws in more than one treaty.

Today, you are being asked by Gerry Runte and the Governor to undercut everything Senator Muskie and Senator Mitchell stood for and worked for all their lives by simply waiving protection for a vital natural resource without any understanding or assessment of the alternatives that could well be better. In fact, there is at least one study by an engineering firm that shows how Mack Point can be a "win-wind" location for a mid-coast port for Maine's off shore wind energy future.

Let me incorporate here by reference the powerful testimony of Dr. Albert Manville submitted this Sunday evening not long ago:

Thank you for the opportunity to provide written comments on LD 2266. I am a full-time Maine resident, registered voter, Ph.D.-certified wildlife biologist, and I teach graduate-level field classes for Johns Hopkins University, including on climate change, recently in Maine. After a review of this bill, I urge you to vote **"ought not to pass" on LD 2266.**

While I support offshore wind and its related infrastructure, having authored the *Draft 2014 U.S. Fish & Wildlife Service's Offshore Wind Energy Guidelines* before I retired from USFWS, LD 2266 would set some terrible environmental precedents — e.g., (1) ignoring and/or preempting existing State and Federal laws and environmental regulations, as well as (2) allowing the State and/or any future administration to avoid existing environmental protection laws by skating around them by using this bill as a model.

The bill would not result in the development of offshore wind in an environmentally responsible manner, begging the question, what's the point of addressing climate change if we destroy the environment in the process? LD 2266 would preempt the review of the environmental consequences of developing the construction site on climate-fighting coastal sand dunes, coastal beach, coastal wetlands, and the flora and fauna likely impacted, including State and Federally listed species. The State has had adequate time to specifically determine what existing laws are applicable regarding development of off-shore wind, and whose job it is to assure that those laws are fairly and equitably implemented and enforced. They appear to have failed in this review process.

This disastrous bill has been introduced at breakneck speed with its introduction on March 14, a hearing scheduled for tomorrow, March 18, and the likely mark-up the same day. For a project that will likely take at least a decade to complete, the motivations for passage of this bill are suspicious. Because the development of offshore wind energy is so important to Mainers and the climate, let's do it right from the get-go. Please vote "**ought not to pass**" on LD 2266. Thank you for the opportunity to provide my comments. Respectfully submitted.

Dr. Albert Manville
Greenville Junction, ME

I agree with Dr. Manville and urge that you recommend that LD2266 **ought not to pass**.

I also recommend that you investigate why it is that Governor Mills asserts that she did not realize that her choice for Sears Island would require violating or waiving Maine's premier Natural Resources Protection Act and that you report to the public your recommendations on how to help Maine's Governor to understand and obey Maine's laws.

Thank you,

John M. Fitzgerald
Sedgwick, Maine