



March 11, 2025

Senator Denise Tepler, Chair
Committee on Environment and Natural Resources
Cross Building, Room 216
100 State House Station
Augusta, ME 04333

Representative Victoria Doudera, Chair
Committee on Environment and Natural Resources
Cross Building, Room 216
100 State House Station
Augusta, ME 04333

RE: Opposition to LD 825, An Act to Prohibit Geoengineering, Including the Use of Cloud Seeding, Weather Modification, Excessive Radio Waves and Microwave Radiation -

Chairs Tepler and Doudera,

On behalf of CTIA, the trade association for the wireless communications industry, I write to respectfully oppose LD 825. The legislation as drafted imposes potential prohibitions on wireless infrastructure deployments that could severely hamper the wireless industry's ability to provide enhanced wireless service to Maine residents while providing no countervailing benefits. Numerous provisions of the bill are also unlawful and conflict with federal law.

As an initial matter, wireless infrastructure deployments must comply with structural, engineering and safety regulations as well as radio frequency (RF) emission regulations imposed by the Federal Communications Commission (FCC). The consensus among health experts – including the American Cancer Society, the World Health Organization and the U.S. Food and Drug Administration – is that the weight of scientific evidence shows no known adverse health effects to humans from exposure to wireless antennas or devices at, below, or even in some cases above, the RF limits set by the FCC. To the extent provisions in LD 825 assume that RF emissions from FCC-certified devices and equipment are unsafe, it is based on a false premise.

In addition, federal law preempts the proposals in this bill to the extent they seek to regulate FCC-certified wireless infrastructure. The bill defines "Geoengineering" to include "excessive electromagnetic, radio frequency or microwave radiation emissions." It defines "excessive . . . radio frequency" emissions as "emissions of a signal strength in excess of -85 decibel-milliwatts for any frequency or channel band specified by a transmitting entity's transmission license." The bill also charges "the department" with enforcement of any "violation" by issuing "a notice directly the person to cease all such activity" and prosecuting as a Class C crime and subjecting the violator to "a fine of \$500,000 for each day the violation continues." Federal law expressly prohibits regulations like this that are based on the alleged environmental or health effects of FCC-certified wireless facilities.



As set forth in Section 332(C)(7)(B)(iv) of the federal Communications Act, “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC]’s regulations concerning such emissions.”¹ Moreover, federal law impliedly preempts the proposals in this bill because any provision that enables state or local government determinations that FCC-certified wireless infrastructure is non-compliant, hazardous and unsafe directly conflicts with the FCC’s determination that the FCC-certified wireless infrastructure is both compliant and safe. Provisions in LD 825 are also preempted because Section 332(c)(3)(A) provides that “no State or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile service or any private mobile service...”² The restrictions of included in LD 825 constitute the very “market entry” regulation that the Communications Act preempts.

Finally, provisions in the bill that require cessation of operations of wireless infrastructure violates Section 332’s separate requirement that a regulation “shall not prohibit or have the effect of prohibiting the provision of personal wireless facilities” (Section 332(c)(7)(B)(i)), as well as Section 253 of the federal Communications Act that includes a prohibition against state and local regulations or requirements that “prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.”

For these reasons, we oppose LD 825.

Sincerely,

Jeremy Crandall
Assistant Vice President
State Legislative Affairs

¹ 47 U.S.C. sec. 332(C)(7)(B)(iv).

² 47 U.S.C. sec. 332(c)(3)(A).