



SIERRA CLUB

MAINE CHAPTER

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To: Joint Committee on State and Local Government
From: Andrew Blunt, Sierra Club Maine Chapter
Date: March 24, 2025
Re: **Testimony in Opposition to L.D. 556: An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor**

Senator Baldacci, Representative Salisbury, and members of the Joint Committee on State and Local Government,

I write on behalf of Sierra Club Maine, representing over 22,000 supporters and members statewide. Founded in 1892, Sierra Club is one of our nation's oldest and largest environmental organizations. We work diligently to amplify the power of our 3.8 million members nationwide as we work towards combating climate change and promoting a just and sustainable economy. To that end, we urge you to vote "Ought Not to Pass" on L.D. 556.

L.D. 556 is troubling legislation that prioritizes perceived liberties of energy choice over the common good of addressing climate change. In particular, there are two major issues with this legislation:

1. L.D. 556 arbitrarily constrains Maine's "home rule"
2. L.D. 556 preempts local climate action, with uneven impacts statewide

L.D. 556 arbitrarily constrains Maine's "home rule"

Article 8.2.1 of the Maine State Constitution established the long-standing principle of home rule. *"The inhabitants of any municipality shall have the power to alter and amend their charters on all matters, not prohibited by Constitution or general law, which are local and municipal in character. The Legislature shall prescribe the procedure by which the municipality may so act."* Clearly, this Article allows for the constraint of "home rule," in cases where the Legislature may choose to do so. L.D. 556 would do just that.

The local policy-making process is well-considered, democratic, and thorough. Therefore, in cases where the legislature pre-empts home rule, we would expect to see reasonable justification for that constraint. In addition, statewide preemption ought to be reserved for issues of statewide significance with buy-in from communities. This approach has so far not been adequately justified or proven to have broad buy-in from communities around the state.

L.D. 556 preempts local climate action, with uneven impacts statewide

Local governments in Maine have done incredibly well so far at moving the needle on climate change, and they must continue to act boldly and do more. L.D. 556 would hurt these efforts as

municipalities ask important questions about the impacts of their energy sources and make choices to reduce their communities' emissions.

More pointedly, this legislation would preempt efforts to transition away from residential gas systems to alternative and electrified forms of home heating. Local efforts to shift away from a reliance on natural gas have been gaining momentum nationwide over the past five years, and are a clear local policy opening to address the climate and public health costs associated with continuing to burn natural gas. For example, according to the City of Portland's testimony on a similar bill last session, 45% of Portland's emissions are attributable to the combustion of natural gas and fuel oil in buildings.¹ This means that, for Portland, natural gas and fuel oil are serious environmental challenges that must be confronted to meet local climate goals. If passed, L.D. 556 would prohibit that.

And the public health impacts of taking such action are significant. Gas appliances and natural gas distribution systems pose serious public health risks, and it's crucial that communities work to reduce our reliance on this energy source to reduce our exposure to hazardous emissions. NOx and CO emissions from burning natural gas, and well as methane emissions leaking directly from distribution networks are all a major risk to public health.

So far, efforts to phase out natural gas distribution have not taken serious hold in Maine, but support for them will likely grow over the coming years. And, local communities should be able to decide how and when they want to phase out fossil fuels. This is especially important in Maine, where natural gas is not widely available to communities statewide, leaving this bill's impacts disproportionately impacting communities on natural gas distribution networks.

Prohibiting these local choices, while couching it in cynical language of "energy choice" and "personal liberty" is a dishonest overstep that strips agency from municipal governments and the citizens they represent. Bills like this are attempts to hamstring local governments from dealing seriously with climate change.

We urge an Ought Not to Pass vote on L.D. 556

L.D. 556 is an unnecessary overreach by Augusta, and does not reflect the needs of constituents and the communities that you all represent. Local governments know best how to implement statewide policies to match the unique needs and characters of their communities. We urge the committee to encourage thoughtful and diverse local decision-making, and oppose L.D. 556.

Sincerely,
Andrew Blunt
Sierra Club Maine Chapter
Legislative and Political Strategist

¹ <https://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=10012634>