

**Testimony before the Committee on State and Local Government
in opposition to: LD 556, An Act to Preserve Heating and Energy Choice by Prohibiting a
Municipality from Prohibiting a Particular Energy System or Energy Distributor**

March 24, 2025

Senator Baldacci, Representative Salisbury, and members of the Joint Committee on State and Local Government, my name is Sean Mahoney, and I am the Vice President and senior counsel of the Conservation Law Foundation (CLF). I appreciate this opportunity to testify 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.

CLF, founded in 1966, is a public interest advocacy group that works to solve the environmental and energy challenges threatening the people, natural resources and communities in Maine and across New England. In Maine for almost four decades, CLF is a member-supported organization that works to ensure that laws and policies are developed, implemented and enforced that protect, restore and benefit our communities and natural resources; are good for Maine's economy and environment; and equitably address the climate crisis. I have been CLF's Vice-President for Maine since 2007. While much of our advocacy is before other committees of this Legislature such as on Environment and Natural Resources, Energy, Utilities and Technology, and the Judiciary Committees, as a town councilor for my home of Falmouth, I have a special appreciation for the work of this Committee.

CLF opposes L.D. 556 because it fundamentally conflicts with the very premise of local government here in Maine, namely that communities have the right to make decisions as to how best to provide for their rights, safety, and public health. To be sure, the state and federal government provide baseline thresholds in those areas but as you all are well aware, Maine's Constitution and law provide communities with the right to enact local ordinances and regulations that go beyond those thresholds to protect the public health and safety of their citizens, subject of course to meeting standards of procedural and substantive due process.

L.D. 556 is not a surprising bill: it has been a part of the oil and gas industry's playbook in response to increasing public awareness that the products they sell are bad for the pocketbook, bad for public health and bad for the environment. Indeed, when Senator Harrington introduced essentially the same bill two years ago, the 131st Legislature considered and ultimately rejected it. As consumers and communities are beginning to respond to that realization by seeking cheaper, healthier and less destructive alternatives, those who have long profited from Maine's overreliance on oil and gas to heat our homes and businesses are seeking to limit the ability of communities and consumers to make those alternative choices. L.D. 556 is a perfect example of the doublespeak employed by the oil and gas industry—what they claim is a bill to protect “choice” is really a bill to deprive communities of choice. The bill would preempt local action,

removing a critical tool from municipalities' tool belts at a time when energy costs are hobbling Mainers even as climate change impacts increasingly devastate property and livelihoods.

One need only look at the success of heat pumps across Maine to understand what this bill seeks to accomplish. Mainers, to the tune of thousands of households who have installed more than 140,000 heat pumps, have begun the transition from oil and gas to electric heat pumps because of the cost savings, the cleaner indoor air to breathe, the comfort in winter *and* summer, and the climate benefits. That transition has come at the cost of the oil and gas merchants who seek to keep people tethered to fossil fuels, just as tobacco companies did, and continue to do, with respect to cigarettes. L.D. 556 is a cynical effort to make this Legislature complicit in precluding communities from exercising their long-established and cherished home rule rights.

If towns want to adopt ordinances that are in the interest of their residents, they should be free to do so—as Maine's Constitution rightly allows. If the oil and gas industry want to oppose local actions that impact their businesses, they are of course free to do so. The Legislature should not endorse this blanket attempt to block local decision-making cloaked in the language of "choice." We urge this Committee to reject that effort and to vote Ought Not to Pass on L.D. 556.