



Testimony in Opposition to LD 1073:

“An Act to Amend Provisions of the Maine Metallic Mineral Mining Act to Advance Health Equity and Improve the Well-being of Vulnerable Populations”

Senator Tepler, Representative Doudera, and the distinguished members of the Committee on Environment and Natural Resources, my name is Harris Van Pate, and I serve as policy analyst for Maine Policy Institute. Maine Policy is a free market think tank, a nonpartisan, non-profit organization that advocates for individual liberty and economic freedom in Maine. Thank you for the opportunity to provide testimony in opposition to LD 1073.

Unnecessary Regulatory Overreach Will Stifle Economic Opportunity

LD 1073 proposes sweeping new restrictions on mining operations in Maine that go far beyond reasonable environmental protections. It adds excessive regulatory burdens that will discourage investment, destroy job opportunities, and harm Maine’s economic competitiveness. While environmental stewardship is essential, this bill prioritizes bureaucratic red tape over balanced policy, making it virtually impossible for mining operations to operate successfully in the state.

Maine has already enacted some of the strictest mining regulations in the nation. Adding more restrictions and financial liabilities will create a hostile business environment and drive potential investors and job creators away. Rather than fostering economic development in Maine’s rural areas—where mining could provide high-paying jobs and tax revenue—LD 1073 imposes costly, duplicative, and vague new mandates that will chill private-sector activity.

The Human Health Impact Assessment: A Vague and Unworkable Requirement

LD 1073 mandates that mining applicants conduct a human health impact assessment, including a baseline health data evaluation of the surrounding population. This requirement is subjective, overly broad, and nearly impossible to execute effectively. The bill's language does not define a "threat" to human health, leaving room for arbitrary enforcement and legal challenges.

Mining companies already comply with rigorous federal and state environmental standards that assess potential impacts on public health. Additional mandates such as this serve no practical purpose other than delaying and discouraging projects.



Unattainable Financial Burdens and Open-Ended Costs

LD 1073 imposes unlimited financial liability on mining applicants by requiring them to demonstrate “specific plans” to fund the perpetual treatment and monitoring of mine waste and tailings—even in unforeseen circumstances. This means that:

- Maine’s mining sector will face more significant financial risks than anywhere else.
- No company can justify investment in Maine, knowing they must plan for indefinite costs that could stretch into eternity.
- Maine will miss out on the economic benefits that responsible mining could provide, particularly in developing critical minerals.

This bill conveys to mining companies that Maine is closed for business.

Unnecessary Restrictions on Clean Energy and Climate Resilience Requirements

LD 1073 requires mining operations to use “clean energy measures and technologies to the greatest extent practicable” and implement climate adaptation plans. These requirements sound good in theory, but in practice, they are subjective and vague, opening the door to ever-changing regulatory interpretations that will deter investment.

If Maine is serious about promoting clean energy and climate resilience, the free market—not burdensome government mandates—should drive innovation. Private companies already have incentives to adopt cleaner and more efficient technologies when they are economically viable. Arbitrary government-imposed requirements will only increase costs and discourage development.

Banning Essential Mining Materials and Restrictive Setbacks

LD 1073 outright bans any mining operation that involves the release of perfluoroalkyl and poly-fluoroalkyl substances (PFAS) or the use of blasting materials containing perchlorate. However, these materials are essential to modern industrial and technological processes, and existing regulations already govern their safe use and disposal. A blanket prohibition is extreme and unnecessary, as PFAS is incredibly widely used in this industry.¹

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<https://www.mineconferences.com/bluepixeldesign/wp-content/uploads/2022/07/47.-Krista-Barfoot-PFAS-and-the-Mining-Industry-Understanding-the-Challenges-Final.pdf#:~:text=The%20use%20of%20PFAS%20within%20the%20mining,as%20use%20of%20AFFF%20for%20firefighting%20activities.&text=PFAS%20can%20be%20found%20at%20mining%20sites,industrial%20processes%2C%20as%20well%20as%20in%20AFFF.>



Additionally, the bill imposes excessive setbacks from schools, churches, elder care facilities, community gardens, parks, and even locations deemed sacred by federally recognized tribes. These restrictions are so broad that they would render most mining activity in Maine impossible—even in areas where responsible mining could occur with minimal environmental impact.

Duplicative and Overly Burdensome Air Quality and Liability Insurance Requirements

LD 1073 introduces redundant air quality regulations, requiring direct measurement of emissions rather than estimates and additional fence-line monitoring equipment. These mandates are unnecessarily rigid and would impose significant costs on businesses that already comply with Maine's strict air quality laws.

Additionally, mining operators must maintain liability insurance indefinitely, another open-ended financial burden that will deter private investment. Companies already provide financial assurances as part of their permitting process, and this new requirement is simply another roadblock to economic development.

The Importance of Mining for Emissions Reduction and Clean Energy Goals

One of the greatest ironies of LD 1073 is that while it claims to advance environmental justice and climate resilience, it actively undermines Maine's ability to provide essential materials for clean energy technologies. Among the minerals commonly found in Maine's pegmatite deposits is lithium, a critical component for batteries used in electric vehicles (EVs), solar energy storage, and other renewable energy applications.²

The federal government has classified lithium as a critical mineral, recognizing its role in reducing greenhouse gas emissions and transitioning to a low-carbon economy.³ However, the U.S. remains heavily dependent on foreign sources, particularly from countries like China, which currently supplies 80% of the world's batteries, including lithium batteries.⁴ Expanding domestic production is essential for ensuring that

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<https://lithiumharvest.com/knowledge/green-energy-transition/how-lithium-is-powering-the-renewable-energy-revolution/#:~:text=Solar%20energy%20systems%20convert%20sunlight,low%20sunlight%20or%20high%20demand.>

³

<https://www.usgs.gov/news/national-news-release/us-geological-survey-releases-2022-list-critical-minerals#:~:text=Lanthanum%2C%20used%20to%20produce%20catalysts,Platinum%2C%20used%20in%20catalytic%20converters>

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<https://www.atlanticcouncil.org/blogs/new-atlanticist/the-us-wants-to-end-its-reliance-on-chinese-lithium-its-policies-are-doing-the-opposite/>



increased reliance on renewable energy remains affordable, reliable, and free from geopolitical risks.

LD 1073 would eliminate our opportunity to become a lithium production leader by imposing extreme restrictions that make mining operations unfeasible. If lawmakers are serious about supporting clean energy and climate goals, they should work to streamline regulations for responsible mining, not make it more complicated.

By rejecting LD 1073, Maine can embrace responsible environmental stewardship and economic growth. We can ensure that we provide the resources necessary for a sustainable energy future while supporting jobs and innovation right here at home.

Conclusion

Maine needs a balanced approach to mining regulation that protects the environment while allowing responsible resource development. LD 1073 goes too far by layering excessive financial, regulatory, and legal barriers on an industry that could provide jobs, tax revenue, and economic growth for Maine's rural communities.

If enacted, this bill will cripple the mining industry in Maine, prevent responsible resource development, and deprive the state of economic opportunities in critical minerals—including those needed for renewable energy technologies, batteries, and advanced manufacturing. For these reasons, we urge the committee to vote "Ought Not to Pass" on LD 1073. Thank you for your time and consideration.