

Testimony of Ashley Luszczki
Committee on Environment and Natural Resources
LD 2070, An Act to Prohibit Landfill Expansion into Wetlands
February 11, 2026

Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee, my name is Ashley Luszczki and I am providing testimony on behalf of the Maine State Chamber of Commerce, the state's largest business association. The Chamber supports innovation, economic competitiveness, and a predictable regulatory environment where businesses can thrive. Our membership spans across Maine's economy – from manufacturers and engineering and environmental firms to waste management and recycling operators.

Maine is facing a serious waste management challenge, driven by a combination of policy decisions, consumer behavior, and limited landfill capacity. We believe this legislation would further exacerbate that challenge by prohibiting any landfill expansion that alters freshwater wetlands – even in circumstances where impacts could be minimized or fully mitigated under existing law. LD 2070 is particularly consequential in a state where 25 percent of the land base consists of wetlands. If passed, it will significantly constrain siting and expansion options.

Recognizing the ecological importance of wetlands while also acknowledging that certain development activities are at times necessary, the Legislature established a comprehensive, science-based regulatory framework under the Natural Resources Protection Act (NRPA). The Board of Environmental Protection has also adopted several rules that outline standards for permitting and mitigation. NRPA requires applicants to first avoid wetland impacts where feasible, then minimize unavoidable impacts, and compensate for remaining impacts. Under current law, the Department of Environmental Protection is required to conduct site-specific, detailed environmental and technical reviews. LD 2070 would replace that established process with a categorical prohibition on landfill expansion where wetlands are altered. It eliminates the ability to evaluate projects on their merits and removes opportunities for mitigation, compensation, or restoration of wetlands elsewhere.

This legislation would impact all types of landfills – including privately-owned industrial landfills. These facilities represent long-term infrastructure investments that have operated for decades under Maine's regulatory framework. Many have made substantial investments through land acquisition, environmental measures, and monitoring. By eliminating the possibility of expansion, regardless of site-specific conditions or mitigation, this bill risks stranding prior

investments, undermining long-term planning, and discouraging future infrastructure investments in Maine. It's also important to recognize that it would increase pressure on other disposal facilities, potentially concentrating impacts rather than managing them strategically.

While the Chamber appreciates the sponsor's intent to protect wetlands, LD 2070 represents a significant regulatory shift by replacing Maine's established and science-based, case-by-case permitting process with an inflexible statutory ban. It also singles out one sector of development that will differ from other regulated activities such as energy, housing, and transportation, which will continue to operate under Maine's avoidance, minimization, and compensation framework.

At a time when Maine is already facing waste capacity constraints, this legislation risks creating broader challenges for how the state manages waste moving forward and adds strain to an already stressed system.

For these reasons, the Maine State Chamber of Commerce respectfully urges you to vote Ought Not to Pass on LD 2070. We appreciate your consideration.