



Testimony in Opposition to LD 894, An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor

**To the Committee on State and Local Government
by Jack Shapiro, Climate and Clean Energy Program Director
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Senator Nangle, Representative Stover, and members of the Joint Committee on State and Local Government, my name is Jack Shapiro. I am the Climate and Clean Energy Director at the Natural Resources Council of Maine (NRCM). NRCM has been working for more than 60 years to protect, restore, and conserve Maine's environment, and I am here today on behalf of our 25,000 members and supporters to testify in opposition to LD 894, An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor.¹

This bill would strip Maine communities of their ability to adopt policies based on their home rule authority to protect the health of their residents, reduce utility costs, and tackle climate change with the urgency it requires. It would undermine Maine's long tradition of local self-determination.

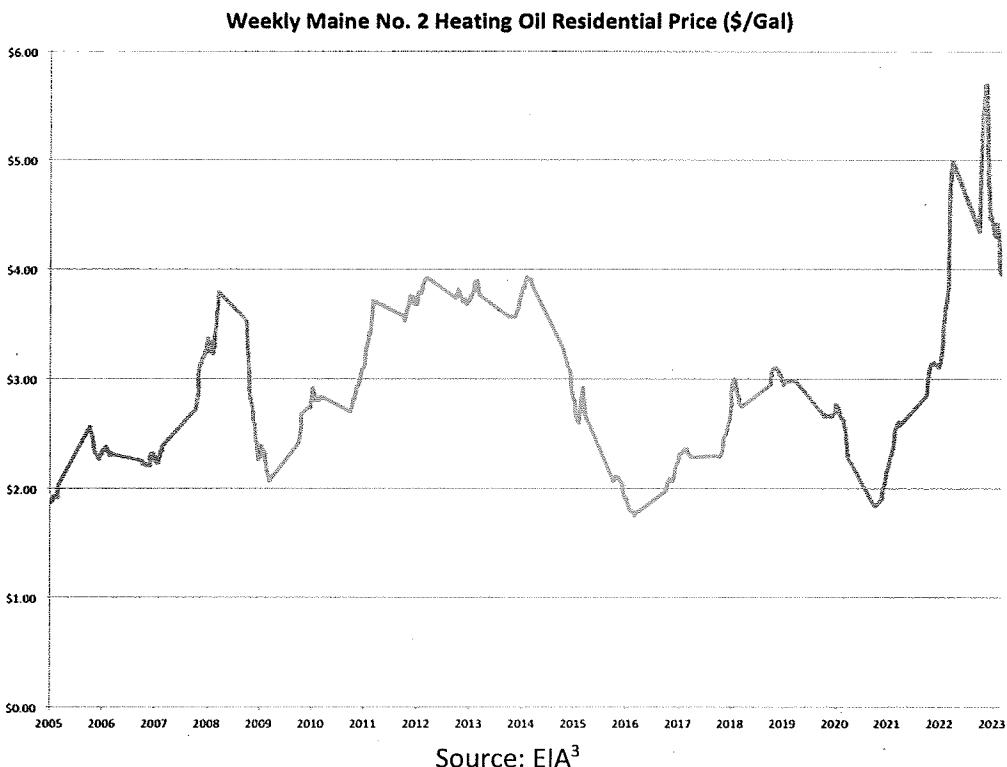
Bills like this are often cynically framed as being about choice, but in reality they seek to preempt local action that might interfere with the profits of large out-of-state corporations. In this case, the attack on local control is designed to protect fossil fuel businesses from efforts to reduce our dependence on fossil fuels. It's not a new approach. It originated with the tobacco industry as it sought to prevent cities and towns from limiting smoking and advertising to protect people's health. Now it's part of a concerted national legal strategy backed by the fossil fuel industry to hamstring the most cost-effective efforts to switch away from expensive oil and gas for heating our buildings.

Electrification of our homes, businesses, and transportation is central to Maine's plan to meet the climate targets set by bipartisan majorities in the Maine Legislature. Electrification is critical to help prevent the impacts of climate change that already are impacting Maine businesses, our outdoor traditions, and ecosystems from our forests to our lakes to our coastline.

¹ http://www.mainelegislature.org/legis/bills/display_ps.asp?PID=1456&snum=131&paper=&paperId=1&ld=894

Buildings are a critical focus area for thinking about more sustainable energy systems for the future because they last a long time, which means construction of new buildings and the installation of appliances that depend on polluting fossil fuels can lock in emissions for decades.

Fossil fuels are expensive, and their prices are volatile, making Maine households and businesses vulnerable to huge price swings. Sixty percent of Maine households remain dependent on heating oil. This legislation is aimed at locking that deep dependence in place, even as Mainers have been paying record prices to heat their homes and while the fossil fuel industry and their investors have been making record profits.²



This bill could be motivated by the fact that Maine has become a national leader in high-efficiency cold-weather heat pump installations, which heat homes and businesses in our cold climate at the same or lower costs than natural gas, and much lower than other fossil fuel heating sources.⁴ Maine people are saving money through the transition from oil heat to heat pumps, which many proponents of LD 894 apparently don't appreciate.

² <https://www.cbsnews.com/news/exxon-chevron-shell-conocophillips-record-profits-earnings-oil-companies-most-profitable-year/>

³ https://www.eia.gov/dnav/pet/hist/LeafHandler.ashx?n=PET&s=W_EPD2F_PRS_SME_DPG&f=W

⁴ <https://www.efficiencymaine.com/at-home/heating-cost-comparison/>

More than 100,000 heat pumps and heat pump water heaters have been installed in Maine by employees at hundreds of Maine businesses. Just a few weeks ago, a significant investment was announced that will bring 200 jobs to a company in Brewer to build heat pump water heaters.⁵

Heat pumps also avoid the very real health risks associated with burning fossil fuels inside the home. Burning fossil fuels for cooking and heating creates indoor air pollution including nitrogen dioxide (NO₂), carbon monoxide, and formaldehyde⁶ — pollutants linked to asthma in children and other health impacts.⁷ Studies show that natural gas in homes contains air toxics including carcinogens like Benzene.⁸

Municipalities in Maine have every reason to take common-sense steps that will save their residents money and protect their health. If towns want to adopt ordinances that are in the interest of their residents, then they should be free to do so without the Legislature pre-empting them from doing so. This is especially true in a case like this where the pre-emption is intended to benefit the few at the expense of the many. This bill's language would expose towns to expensive litigation for adopting a wide swath of policies and have a chilling effect on the ability of Maine communities to make decisions that fully fit within their home rule authority.

If fossil fuel interests want to oppose local policies that impact their businesses, they are of course free to do so, but the Legislature should not be a party to this cynical effort to block local decision-making cloaked in the language of "choice" and "freedom."

Instead, the Legislature should uphold the right of Maine communities to take actions deemed necessary to protect themselves against high fossil fuel prices, air pollution, and the impacts of climate change, and to build a thriving clean energy economy that works for everyone.

I urge the Committee to vote Ought Not to Pass on LD 894, and I would welcome any questions you have.

⁵ <https://www.bangordailynews.com/2023/02/28/news/bangor/new-jobs-bangor-water-heater-factory-xoasq1i29i/>

⁶ <https://www.npr.org/2021/10/07/1015460605/gas-stove-emissions-climate-change-health-effects>

⁷ <https://rmi.org/insight/gas-stoves-pollution-health/>

⁸ <https://publichealth.berkeley.edu/news-media/research-highlights/leaks-from-gas-stoves-can-create-toxic-levels-of-hazardous-air-pollutants/>