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THE MAINE SENATE
131st Legislature

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**LD 894: An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality
From Prohibiting Particular Energy System or Energy Distributor**

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Senator Nangle, Representative Stover, and Members of the Joint Standing Committee on State and Local Government, my name is Matt Harrington, and I am the State Senator from Sanford representing the people of Senate District 33.

I am happy to be here today as the sponsor of LD 894. This important legislation arises out of a simple desire to ensure that Maine businesses and individuals continue to be able to choose the form of heating that they need and can afford. This bill also helps ensure that developers of affordable housing can choose the heating sources that are most affordable for the housing that is critical to Maine people.

Individual heating choice is essential for affordability. We can all agree the cost of energy is one of the most difficult issues facing Mainers today. Many are struggling to pay their bills and are choosing between paying their rent or mortgage, feeding their families, or heating their homes. A growing number of Maine people have sought to diversify their heating options, from solar panels, to wood pellets, to propane, to natural gas. This choice is essential to making sure Mainers can afford to heat their homes.

Municipalities outside Maine have sought to limit heating choice. Outside of Maine, including in Massachusetts and Vermont, heating choice has been reduced in some municipalities. This has prompted a number of states across the country to consider and pass legislation similar to LD 894, including a bill passed in New Hampshire two years ago. Maine municipalities enjoy broad home rule authority except where the Maine Legislature has acted to limit such choice. In the context of heating or energy choice, the Maine Legislature has in fact acted to limit such local authority.

- **Maine Uniform Building and Energy Code (MUBEC).** Maine has adopted the Maine Uniform Building and Energy Code (MUBEC) which does not allow municipalities to broadly prohibit certain types of heating, other than in the course of normal regulation for health and safety. Moreover, MUBEC cannot be amended at the local level, except on a limited basis, as a result of current state law.
- **Locating energy supply lines in public rights of way.** Maine law currently requires that our state and local roads be available for utility facilities that carry electricity, natural gas, steam, as well as telecommunications and water lines. Local communities can work within this law

to ensure the safe placement of utility facilities and to make sure that such facilities do not interfere with public safety or safe travel. Maine law does not allow municipalities to prohibit the installation of utility facilities.

Given these existing limitations on municipal home rule authority with regard to heating choice, LD 894 represents a very limited – if any -- restriction on municipal authority.

LD 894 helps ensure individual choice. As drafted, this bill would ensure that municipalities in Maine do not pass ordinances that directly or indirectly prohibit a consumer from choosing their own heating or energy system.

LD 894 helps ensure affordable housing. It allows home builders to choose heating sources that are cost-effective to build. Without such choice, home prices could increase and work against our efforts to build affordable housing in Maine.

LD 894 is technology neutral. LD 894 does not promote or benefit any particular type of fuel or heating equipment. It preserves the ability to install solar panels, heat pumps, or propane heaters. Such diversification of resources is critical to addressing the long-term needs for our state and our businesses.

Maine is a long way away from having enough renewable energy to completely power our state. Given the very real challenges facing our energy sector, the best way to ensure affordable heating and sound environmental choices is to ensure heating choice. This “all of the above” approach is the essence of LD 894.

Conclusion. There are certainly others who can speak to further specifics of this piece of legislation, including how any ordinances or restrictions would impact their personal experiences or that of their business. I am happy to answer any questions that the Committee may have at this time. Thank you, and I hope you will see fit to adopt LD 894.