



Maine Forest Products Council

The voice of Maine's forest economy

Testimony in Opposition to LD 928

“Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Right to a Clean and Healthy Environment”

March 22, 2023

Patrick Strauch, Executive Director

Good morning, Senator Brenner, Representative Gramlich and members of the Committee on Environment and Natural Resources. I am Patrick Strauch from Exeter, Maine, and the Executive Director of the Maine Forest Products Council (MFPC). I represent Maine's forest product industry, which contributes more than \$8 billion to the state's economy, and creates more than 33,500 direct and indirect jobs.

I am here today to testify in strong opposition to LD 928, “Resolution, Proposing an Amendment to the Constitution of Maine to Establish a Right to a Clean and Healthy Environment.” Should it pass, this bill would create an unstable and litigious regulatory environment that would have a severe impact on every sector of Maine's forest industry, from the stump through the mills. Before voting on this bill, please consider the following:

1. This constitutional amendment would allow any person who is unsatisfied with environmental laws or permits to challenge the State or a municipality in court to adopt laws, ordinances or permits that more strictly regulate or ban activities to protect present or future generations.
2. A court judge would decide whether the legislature, state agency or municipality has sufficiently protected the environment with a law, ordinance or permit. This transfers decisions about environmental protection from elected state and municipal officials to an appointed judge.
3. Even if an agency or municipality has followed the law, this amendment would give any person or group or persons the right to file court actions to change the lawful decision. The law would no longer be a reliable protector of rights. So, if a forest product mill receives a permit to discharge into the air or water, that permit could be set aside by a court as

Companies represented
on the MFPC Board

A & A Brochu Logging
American Forest Mgmt.
Baskahegan Co.
BBC Land, LLC
Columbia Forest Prod.
Cross Insurance
Family Forestry
Farm Credit East
Fontaine Inc.
H.C. Haynes
Huber Resources
INRS
J.D. Irving
Katahdin Forest Mgmt.
Key Bank
Kennebec Lumber
LandVest Inc.
Louisiana Pacific
Maibec Logging
ND Paper
Nicols Brothers
Pingree Associates
Prentiss & Carlisle
ReEnergy
Richard Wing & Son
Robbins Lumber
Sappi North America
Southern Maine Forestry
Stead Timberlands
St. Croix Tissue
St. Croix Chipping
TD Bank
Timber Resource Group
Timberstate G.
Wadsworth Woodlands
Wagner Forest Mgt.
Weyerhaeuser
Woodland Pulp

insufficient to protect the environment, without any legal standard. Forest landowners could be subject to ongoing court actions in response to silviculture or harvesting practices occurring on private property in accordance with the law.

4. The Maine Legislature is a citizen legislature that has no barriers to access or participation - legislators are in our communities, and hearings are open to the public both in person and online. Moreover, Maine has a citizen initiative process to allow people to directly change laws that have not passed in the Legislature. This open process results in thousands of bills being proposed each session, and hundreds of laws being enacted each year.

5. Thanks to our elected legislature, Maine is often considered a leader in environmental protection - most recently in addressing PFAS contamination and climate action. Maine is known for its high-quality natural resources, from forests, lakes and rivers to marine environments. Our economy is based on these resources - forest products and tourism are the largest industries in Maine. [So where have we failed?]

The forest products industry in Maine is at a turning point. After a strong collaborative effort between the state and federal government, the University of Maine System, trade associations representing the industry, non-profit organizations and local communities, key investments to diversify the industry and add resilience are occurring. Since February of 2021, more than \$1 billion in private investments have been announced with companies looking at a variety of new operations including wood fiber insulation, wood-based biofuels, mass timber, biochar, wood fiber-based food packaging and more.

These investments are critical to Maine's economy and our climate future. According to research by the University of Maine, our managed forest currently captures 75% of the state's annual fossil fuel emissions, with 60% captured by the forest and 15% captured in forest products. In addition to carbon storage and sequestration, these innovative forest products are key to reducing our reliance on non-renewable fossil fuel-based products such as concrete, steel and plastic that ultimately aren't recycled and end up in our waste stream.

We are marketing Maine to all of these climate friendly companies , but these investors need to know we have a just and predictable regulatory environment. LD 993 would have a chilling effect on our ability to sustain rural communities, manage our private forestlands and position our forest products industry for the future. For these reasons, the Maine Forest Products Council urges an 'ought not to pass' vote on LD 993.

Thank you for your consideration.