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May 8, 2023

Senator Stacy Brenner, Chair
Representative Lori Gramlich, Chair
Members of the Environment and Natural Resources Committee

RE: Testimony in OPPOSITION to LD 1845, An Act to Regulate Outdoor Lighting

Dear Senator Brenner, Representative Gramlich and members of the Environment and Natural Resources Committee:

My name is Curtis Picard and I am the President and CEO of the Retail Association of Maine. I am a resident of Topsham. The Maine Grocers & Food Producers Association and the Retail Association of Maine are jointly opposed to LD 1845. Our business trade associations represent Main Street businesses including independently owned and operated grocery stores and supermarkets, general merchandise retailers, and convenience stores, distributors and supporting partners — together representing more than 450 members statewide. Maine's retail sector employs more than 85,000 Mainers.

Our understanding is that communities already have the authority to regulate outdoor lighting and many communities have certain standards in place. LD 1845 goes much further and establishes a statewide ordinance which may not make sense in all communities. Additionally, it is our understanding that most new construction utilizes fixtures that take light pollution into consideration.

One of our biggest concerns with LD 1845 is that it would impact the safety and security of customers, employees, and the physical locations. Well-lit perimeters help protect from theft, vandalism and other crime. Our members are retailers, grocers and food production facilities. Certainly, consumer parking lots are one consideration. There is also lighting necessary around a building perimeter, and staff parking. LD 1845 would restrict lighting in many situations from 11 PM until sunrise. However, it is worth understanding that many commercial operations happen at all hours of the day. Some businesses are open to the public 24 hours a day. Some businesses conduct other non-public facing operations during the nighttime hours. The exemptions proposed in the bill are extremely limited, and that will likely impact a number of businesses negatively.

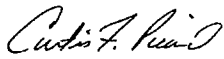
It is also important to note that not all commercial property is owned by the retailer, grocer or food producer. As such, the business located at that property may not be the responsible party. Who the property owner is may or may not be evident to the enforcement arm as proposed in the bill. A news story about a non-compliant business could unfairly target the business, and not the responsible party.

We also have concerns that LD 1845 would make the Maine DEP act as the “light police” for any municipality that does not already have an ordinance at least as strict as what is proposed in LD 1845. It is not clear from the bill how such a violation gets reported.

Lastly, all businesses, but especially medium-sized electricity consumers like many Maine small businesses, have experienced exorbitant electricity cost increases over the last 12 to 24 months. LD 1845 would give the utilities the authority to raise electricity rates to cover their costs for installing or retrofitting certain lighting. We have significant concerns about additional costs being passed on to ratepayers.

We urge the committee to oppose LD 1845.

Thank you for the opportunity to provide testimony.



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