
Testimony of Nate Cloutier

Before the Joint Standing Committee on Environment and Natural Resources
May 8, 2023

In Opposition to LD 1845, "*An Act to Regulate Outdoor Lighting*"

Senator Brenner, Representative Gramlich, and distinguished members of Committee on Environment and Natural Resources: My name is Nate Cloutier, and I am submitting comment on behalf of HospitalityMaine representing more than 1,200 restaurant and lodging establishments of all sizes across the state. HospitalityMaine opposes LD 1845, "*An Act to Regular Outdoor Lighting.*"

LD 1845 proposes a solution that we believe would cause more harm than good. It would prohibit the placement or installation of an outdoor lighting fixture unless the fixture is shielded to direct the light downward. If the light is not shielded, the fixture would not be allowed to be operated between the hours of 11pm and sunrise. The bill provides for some narrow exceptions; however, we believe it is still impractical and unnecessary for several reasons.

SAFETY & LIABILITY CONCERNS

This proposal is especially concerning for our lodging members who rely on lights to illuminate parking lot areas as a security measure to keep customers safe. Not only are the lights necessary for cameras, but they also deter potential crime involving vehicles, employees, and customers. Dimmed or no lighting may not adequately record an incident, which may leave businesses liable to litigation.

INCREASES TO THE COST OF DOING BUSINESS

There will undoubtedly be a cost to our small businesses. They will need to rehab their current lighting system so that it can be "shielded" if that's even possible. If it's not, businesses will be required to buy new light fixtures, bulbs, and additional equipment, as not having lighting between the hours of 11pm and sunrise isn't an option for many. This is an expensive proposal to ask of the businesses in our industry, which is only a fraction of the sectors that would be impacted by this legislation.

ENFORCIBILITY CONCERNS

If this were to pass, it wouldn't become law until the end of September. A compliance date of January 1, 2024 would be difficult for many, including the timeframe for Department of Environmental Protection (DEP) to disseminate information on this new requirement and to establish enforcement protocols. The Department would be charged with enforcing this law and would have to ensure that each shield device has been installed in a way that "ensures the light emitted from the fixture is projected below a horizontal plane running through a point immediately above the emitting light". This seems nearly impossible to enforce and would likely result in the public making inappropriate violation complaints to the already overburdened DEP.

What works in Portland doesn't always work in Meddybemps and vice-versa. A statewide policy doesn't take into account the circumstances of individual municipalities, which are inherently better equipped to design their own standards around issues such as this. We agree with the intent of encouraging more energy efficient lighting equipment, however this legislation is not the best mechanism to accomplish that. Electricity costs are high, and I can assure you businesses are cognizant of their usage and limit it when they can. This is another piece of legislation that would increase the cost of doing business in Maine. I would urge the Committee instead to find ways to incentivize businesses to maximize energy efficiency and provide additional educational opportunities around energy efficient consumption.

We urge you to please vote LD 1845 ought not to pass. Thank you, and I would be happy to answer any questions you may have.