



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF

**MELANIE LOYZIM
COMMISSIONER**

MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN OPPOSITION TO

L.D. 735

**AN ACT TO PROTECT SAND DUNES ON SEARS ISLAND AND TO ESTABLISH
CRITERIA FOR LEGISLATION REGARDING LAND DEVELOPMENT**

SPONSORED BY REP. PAUL AND SEN. GROHOSKI

**BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES**

DATE OF HEARING:

MARCH 12, 2025

Senator Tepler, Representative Doudera, and members of the Committee, I am Melanie Loyzim, Commissioner of the Department of Environmental Protection, speaking in opposition to L.D. 735.

L.D. 735 would repeal legislation that became law just law year, after substantial discussion in this very Committee and debate in the chambers (P.L. 2023, c. 643).

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769
(207) 764-0477 FAX: (207) 760-3143

Those provisions that became law did not fly under the radar. They did not lack debate, protest or negotiation.

New construction on frontal sand dunes is currently prohibited by a major substantive rule of the DEP, Chapter 355. DEP brought an update of that rule to clarify the locations of regulated sand dune to this Committee in February 2024, which passed as an emergency resolve (2023 Resolve, c. 130). This Committee then heard L.D. 2266, where a sand dune on Sears Island was specifically identified for special exemption from that major substantive rule due to the projected environmental and economic benefits of supporting off-shore wind operations. The exemption passed into law as Part YYY of the FY24/25 Supplemental Budget (P.L. 2023, c. 643), with \$1 million appropriated from the General Fund to compensate for construction of a wind terminal port on the frontal dune. That's \$1 million compensation for damage to less than ½ acre of a protected natural resource, that has now been paid into the Coastal Sand Dune Restoration and Protection Fund for grants to restore, protect, conserve, nourish or revegetate other coastal sand dune systems in Maine. DEP received 10 applications for those grants in February and plans to distribute awards later this year. L.D. 735 would leave the funding for sand dune restoration and protection grants in place, but would otherwise repeal provisions of law that received a majority vote by the 131th Legislature just last year.

The Department is unclear what the sponsor's intent is for Section 1 of the bill. As a general matter, the Legislature should not pass laws that conflict with federal regulations, and the Department regularly testifies in opposition to bills that would conflict with U.S. Environmental Protection Agency (EPA) regulations. In relation to this bill, the Department opposes proactively establishing a process for passing laws that the Legislature knows conflict with EPA regulations.

L.D. 735, An Act to Protect Sand Dunes on Sears Island and to Establish Criteria for Legislation Regarding
Land Development
DEP/Melanie Loyzim
March 12, 2025
Page 3 of 3

Thank you for the opportunity to provide testimony on L.D.735. I am available to answer questions of the Committee, both now and at work session.