



Maine Conservation Voters

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Testimony in opposition to LD556, *An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor*

March 24, 2025

Senator Baldacci, Representative Salsbury and distinguished members of the Joint Standing Committee on State and Local Government, my name is Cathy Breen. I am the Director of Government Affairs at Maine Conservation Voters (MCV), a statewide non-profit organization with 13,000 members and supporters that is building a just, thriving future for all by acting on the climate crisis, protecting the environment, and safeguarding our democracy. I'm speaking in opposition to **LD556, *An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor***

MCV's opposition to this bill stems from two basic concerns:

1. It violates the Home Rule (Article VIII) section of Maine's Constitution¹ as well as Title 30-A, Chapter 111 in Maine statute²; and
2. Under the cloak of words like "choice" and "freedom," it puts the state's thumb on the scale for the fossil fuel industry, despite common knowledge that it contributes to climate change, poor health outcomes, air pollution, rising ocean temperature, sea level rise, extreme weather events, and more.

First, Maine has a long history of home rule that recognizes the powers of municipalities to adopt charters, and enact ordinances, rules, etc. that it deems "necessary for the welfare of the municipalities and their inhabitants."³ Towns and cities all over Maine regularly develop and enact ordinances in land use planning, issue regulations of sewer, septic and water systems, undertake transportation planning, levy and collect local taxes, fund public education and so on, for the public good. And when municipalities undertake their legislative duties, they do that through public hearings and public meetings where they seek feedback from interested parties and members of the public as they deliberate. In the event that a municipal board sees a risk to the health and welfare of its community, such as where to permit smoking, where to permit use of certain pesticides, how to manage solid waste, and so on, it develops and acts on ordinances

¹<https://legislature.maine.gov/doc/10674>

²<https://docs.google.com/document/d/1CdRzYZx1pLBolraVxPCahmxhalReM06he3leowtByG4/edit?tab=t.0>

³<https://legislature.maine.gov/statutes/30-a/title30-Asec2109.html>

and it develops budgets to address those risks and improve public health and safety. If a town or city perceives risks posed by the fossil fuel industry, it should retain its home rule authority to address those risks.

Second, as I said, towns and cities conduct their business in a public fashion. And the fossil fuel industry certainly has the right and agency to participate in these public processes and make their interests known. And, yes, that can be annoying, tedious, and expensive. But that doesn't mean that the State of Maine should enact a policy that gives this industry - or any other - blanket protection from any action in any municipality. This bill reminds me of tactics used by the tobacco industry when I was growing up. I remember very well when I walked into a restaurant or flew on a plane or attended an event, and the room was full of smoke. With growing awareness of the risks posed by secondhand smoke, municipalities first enacted "non-smoking sections" and eventually banned smoking in many settings like restaurants, schools, libraries, sporting venues, public parks, and so on. And towns did not legislate whether people smoked in the privacy of their own homes because they did not have authority to do that, and they still don't have that authority.

Think for a minute if the State of Maine had prevented these local ordinances that keep residents safe from smoke in their communities by shielding the tobacco companies from home rule authority. And consider whom the State of Maine would be protecting if you support LD556.

I urge you to vote Ought Not to Pass. Thank you for your consideration.