



Matthew A. Harrington  
Asst. Republican Leader  
Senator, District 33

**THE MAINE SENATE**  
132<sup>nd</sup> Legislature

3 State House Station  
Augusta, Maine 04333

**LD 556, “An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor”**

**Joint Standing Committee on State and Local Government**  
**March 24, 2025**

Senator Baldacci, Representative Salisbury, and members of the Joint Standing Committee on State and Local Government:

I am Matt Harrington; and I represent Senate District 33, which includes the municipalities of Alfred, Lebanon, Sanford and Waterboro.

I am happy to be here today as the prime sponsor of LD 556, “An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor.” This important legislation arises out of a simple desire to ensure that Maine businesses and individuals continue to be able to choose the form of heating they need and can afford. The goal of access to affordable heating has been bipartisan in Maine for as long as I can remember. This bill is about allowing Mainers to choose the form of heating and transportation they can best afford. This bill also helps ensure that developers of affordable housing can choose the heating sources that are most affordable for the housing that is critical to Maine people.

Individual heating choice is essential for affordability. I think we can all agree that the high cost of energy is one of the most difficult issues facing Mainers today. Many are struggling to pay their utility bills and are being forced to choose between other monthly costs of equal importance, such as rent or mortgage and feeding their families. As inflation takes a growing bite out of the household finances of every Maine family and as heating costs have gone up as a result of global fuel constraints, a growing number of Maine people and businesses have sought to diversify their heating options – from solar panels, wood pellets, propane and natural gas. In many cases, Mainers use multiple sources of heat in their homes and offices that they switch among based on cost, weather and other variables. This choice is essential to making sure Mainers can afford to heat their homes. The same goes for the vehicles we choose to drive. Mainers cannot afford mandates.

Municipalities outside Maine have sought to limit heating choice, including in Massachusetts and Vermont. This has prompted a number of states across the country to consider and pass legislation similar to LD 556, including a bill passed in New Hampshire four years ago. These local restrictions are often accomplished through changes in building codes and outright bans that would prohibit the use of certain equipment, like solar panels, or limit heating equipment relying on a variety of fuel sources such as propane or natural gas in new construction, remodels, and in some cases, existing

houses and commercial buildings.

Maine municipalities have limited authority to restrict heating choice. They enjoy broad home rule authority except where the Maine Legislature has acted to limit such choice. In the context of heating or energy choice, the Maine Legislature has, in fact, acted to limit such local authority.

- Maine Uniform Building and Energy Code (MUBEC). Maine has adopted the Maine Uniform Building and Energy Code (MUBEC), which governs the building codes that some municipalities outside Maine have used to restrict heating choice. MUBEC does not allow municipalities to broadly prohibit certain types of heating, other than in the course of normal regulation for health and safety. Moreover, MUBEC cannot be amended at the local level, except on a limited basis, as a result of current state law.
- Locating energy supply lines in public rights of way. Maine law currently requires that our state and local roads be available for utility facilities that carry electricity, natural gas, steam, as well as telecommunications and water lines. Local communities can work within this law to ensure the safe placement of utility facilities and to make sure that such facilities do not interfere with public safety or safe travel. Maine law does not allow municipalities to prohibit the installation of utility facilities.

Given these existing limitations on municipal home rule authority with regard to heating choice, LD 556 represents a very limited – if any – restriction on municipal authority.

As drafted, LD 556 would ensure that municipalities in Maine do not pass ordinances that directly or indirectly prohibit a consumer from choosing their own heating or energy system. This bill safeguards that individual choice so that Mainers can continue to do what makes sense for them economically and environmentally.

LD 556 is a path in the right direction for affordable housing. Heating is a key part of the costs of building and maintaining housing in Maine. As housing prices go up and Mainers struggle to afford rent and mortgage payments – if they can find housing at all – Maine needs to encourage new home construction that is affordable. LD 556 does so by allowing home builders to choose heating sources that are cost-effective to build. Without such choice, home prices could go up and work against our efforts to build affordable housing in Maine.

I am happy to answer any questions the Committee may have at this time; but I know there are others who will follow me that can speak to further specifics of this piece of legislation, including how any ordinances or restrictions would impact their personal experiences or that of their business.

Thank you. I appreciate your time and attention.