

[Union of Concerned Scientists

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May 15, 2025

Committee on Energy, Utilities, and Technology
c/o Office of Fiscal and Program Review
5 State House Station
Augusta, ME 04333

RE: Testimony in Support of LD 1949, An Act Regarding Energy Fairness

Dear Senator Lawrence, Representative Sachs, and other members of the Committee,

My name is Steve Clemmer, Director of Energy Research in the Union of Concerned Scientists (UCS) Climate and Energy Program. UCS is the nation's leading science based non-profit organization with more than a half a million supporters, including more than 2,500 in Maine. I offer this testimony on behalf of UCS in support of LD 1949.

Access to affordable, reliable, and clean energy should be a basic right for all Mainers. Unfortunately, Maine residents have some of the highest energy burdens in the country. Many low-income households in Maine often face a difficult decision of whether to pay their energy bills or other basic life necessities such as food, housing, or medical care for their families. At the same time, Maine spends more than \$4 billion per year on imported fossil fuels and millions more per year on damages from fossil-fueled climate change and extreme weather while big oil and gas corporations are making hundreds of billions of dollars in profits. And while our electric utilities made over \$200 million in profits in 2023, they sent out more than 440,000 disconnection notices to Maine households who were unable to pay their electricity bills.

UCS supports the Energy Fairness Act because it will help protect vulnerable customers from disconnections, reduce energy burdens for low-income customers, require greater accountability and transparency from our utilities, improve standards for workers, and ensure the fair treatment and meaningful involvement of environmental justice populations and disadvantaged communities in Maine Public Utilities Commission (PUC) decision making. These outcomes are especially important as Maine transitions to 100% clean electricity to meet its climate goals.

Maine needs a state-specific environmental justice definition

On at least two separate occasions, this committee voted ought to pass on similar bills to adopt a state-specific definition of environmental justice populations under LD 1621 in 2023 and LD 2018 in 2022. The committee also voted in favor of LD 1682 in 2021, requiring the Maine PUC to consider climate change, equity and environmental justice in its decision making, which was enacted as Public Law 2021, Chapter 279.

In addition to testifying in support of these bills, I participated in the subsequent PUC proceeding to prioritize funding to encourage greater participation by environmental justice groups and disadvantaged communities in PUC proceedings, submitting joint comments with other environmental, community-based, and youth groups.¹ I also participated in the virtual public forums organized by the Governor's Office on Policy Innovation and the Future (GOPIF), which

¹ Joint Supplemental Comments of Conservation Law Foundation, Union of Concerned Scientists, Natural Resources Defense Council of Maine, Acadia Center, Maine Conservation Voters, Maine Climate Action Now, and Slingshot. Amendments to Intervenor and Participant Funding Rule (Chapter 840), Docket No. 2022-00299, November 21, 2022. Online at: <https://mpuc-cms.maine.gov/CQM.Public.WebUI/Common/ViewDoc.aspx?DocRefId={0DDF9B3A-9F16-47A0-B1C5-E1871356F2B8}&DocExt=pdf&DocName={0DDF9B3A-9F16-47A0-B1C5-E1871356F2B8}.pdf>

incorporated feedback from diverse stakeholders that attended those forums into their February 2022 report to the legislature that led to LD 2018.²

My comments on LD 1949 are also informed by work UCS is doing in collaboration with environmental justice, frontline, and disadvantaged communities in other states and at the federal level. This includes being a co-author and original signatory of the Equitable and Just National Climate Platform, which has been signed by 324 organizations.³ UCS has supported the creation of state-specific environmental justice definitions in many of these efforts.

As discussed in our November 2022 joint intervenor funding comments to the PUC, there is not one single definition of “environmental justice populations” that will be uniformly applicable across every state seeking to define the term. The definition should reflect the on-the-ground reality of geographic areas that are: underserved by the current infrastructure, markets, and laws; lacking access to environmental benefits; and overburdened by pollution, infrastructure, and climate impacts. The definition should be based on demographic factors including race, income, and limited English proficiency. In some circumstances, it will be appropriate to exclude high-income communities that are encapsulated by other indicators (although we caution that communities generally perceived as wealthy are often not exclusively so). The definition should also include an opt-in provision that allows some flexibility for the designation of neighborhoods that meet certain criteria. Any definitions and thresholds used should be carefully informed by resident input and local knowledge.

At least eight other states, including six in the Northeast (CT, MA, NJ, NY, RI and VT), have adopted specific definitions of environmental justice populations. Based on analysis by the Conservation Law Foundation, our joint comments to the PUC laid out four possible state specific definitions of environmental justice populations for the Commission to consider in our joint comments using criteria for income, race, and English proficiency that would cover an estimated 32% - 57% of the Maine’s population. We support using a broader, more inclusive definition of environmental justice populations in LD 1949 that would cover an estimated 52% of Maine’s population. Using this definition, Maine would be among the regional leaders in coverage of its population, comparable with Vermont at 55% and New Jersey at 51%.

LD 1949 is important for enhancing the participation and contribution of more diverse perspectives in the Commission’s decision making that will result in stronger and better-informed decisions and improve services for all communities. We also believe that more robust processes and upfront opportunities for engagement may lead to greater public support and buy-in to the results, lowering regulatory risk by obviating or reducing the need for subsequent challenges to those decisions.

For these reasons, we encourage you to vote “Ought to Pass” on LD 1949. Thank you for the opportunity to testify.

² Governor’s Office of Policy Innovation and the Future Report on Equity Considerations in Decision Making Pursuant to An Act To Require Consideration of Climate Impacts by the Public Utilities Commission and To Incorporate Equity Considerations in Decision Making by State Agencies, Online at: <https://www.maine.gov/tools/whatsnew/attach.php?id=6869935&an=1>

³ <https://ajustclimate.org/index.html>