

Senator Stacy Brenner and Representative Ralph Tucker and members of the Joint Standing Committee on Environment and National Resources. I am Rev. Richard Killmer, representing *Defend Our Health* (formerly called the Environmental Health Strategy Center). I speak in favor of LD 489, “Proposing an Amendment to the Constitution of Maine To Establish a Right to a Healthy Environment”.

Much of the environmental degradation which exists in this world, hurts people. This proposed amendment to the Maine constitution, the Pine Tree Amendment (PTA) would guarantee that people have the right to pure water, clean air and healthy ecosystems, just like they have other rights including the right to free speech, to assembly, to possess firearms and to worship as they choose. The PTA prohibits the state from infringing on the rights of the people of Maine to have pure water, clean air and healthy ecosystems **by action or inaction or through the action of others.**

Under this amendment, in order to guarantee those rights to all people in the state, the state of Maine would have to conserve, protect and maintain the natural resources of the state, so that people are protected from environmental degradation and the harm that it causes both now and for future generations.

The PTA ensures that no legislature, governor, law, or permit can take these rights away. Laws can be made and unmade, but the Constitution is permanent. This amendment gives the people more opportunity to challenge the government, including legal suits, when a law, permit, or any other action threatens these basic rights. The PTA will also empower communities to address any government’s unconstitutional infringement on environmental rights such as clean water and air, by providing constitutional grounding for their advocacy and access to the courts for redress.

There are two states that have a similar green amendment to their constitution: Montana and Pennsylvania. The Pennsylvania’s Amendment has been used to check legislative overreach that would have put in place automatic waivers of environmental protection standards for fracking, and relieved the industry from notification requirements where there was potential drinking water contamination of private wells. The Pennsylvania and Montana amendments are also being used to prevent harmful gold mining operations.

Here are some things that will happen if Maine has the Pine Tree Amendment:
PTA could advance drinking water protections from PFAS contamination; requiring consideration of science and impacts before permitting environmentally damaging operations; and securing cleanup of toxic contamination.

Low-income communities and communities of color are particularly impacted by exposure to the manufacturing of toxic chemicals in or near their communities. PTA could help protect those communities by making it harder for industry to build new manufacturing plants or to get permits for activities that would harm the environment near those communities

The PTA is about the people of Maine - ensuring them of the basic right to a healthy environment. Defend our Health urges this committee and the legislature to approve the Pine Tree amendment.

