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Testimony in Opposition to LD 226 (“An Act To Limit the Use of Hydrofluorocarbons To Fight Climate Change”)

J. Andrew Cashman on behalf of the Maine Association of REALTORS®

March 15, 2021

Senator Brenner, Representative Tucker and members of the Joint Standing Committee on Environment and Natural Resources, my name is Andy Cashman. I am a Partner at Preti Flaherty and I am here on behalf of my client, the Maine Association of REALTORS®, which is a professional trade association with over 5600 members state wide. My members represent both buyers and sellers and are involved in both residential and commercial transactions. Our membership also includes affiliates, which are those professionals involved in real estate transactions, such as bankers, closing agents, title agents, appraisers, building inspectors, surveyors, etc. The Maine Association is a member of the National Association of REALTORS® (NAR) which is the largest trade association in the nation.

The Maine Association of REALTORS® supports the concept of LD 226 but opposes LD 226 in its current form because it needs clarification. If passed, this bill would prohibit certain products with chemicals that contribute to climate change from being sold, leased, rented, installed, used or entered into commerce. As drafted the bill does not adequately exempt residential property from the prohibition. We fear the ambiguity of this exemption could lead to confusion in the real estate market. The rulemaking section of the bill defines the term “use” to exclude “residential use.” However, it is unclear whether this exemption extends to the sale, lease, or rental of a property with any of the identified products and chemicals. For this reason, we respectfully urge the Committee to build on the proposed exemption to clarify the application of the residential property exemption. In addition, under Section 1(2) of the bill the prohibition does not include the residential exemption. We would ask that this section be revised to specifically include the exemption by mirroring the clarified definition of “residential use” from the rulemaking section and including that as a definition in Section 1(1) of the bill.



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March 15, 2021

Page 2

For these reasons, we urge you amend LD 226 to include this important clarification.
Thank you for your time and consideration.