



Testimony in Opposition to LD 1498, An Act To Prevent Increased Heating Fuel, Natural Gas, Gasoline and Diesel Fuel Pricing in Maine by Prohibiting Adoption of Rules Limiting Greenhouse Gas Emissions

**By Sue Ely, Climate & Clean Energy Advocate and Staff Attorney
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Senator Brenner, Representative Tucker, and distinguished members of the Committee on Environment and Natural Resources. My name is Sue Ely. I am the Climate and Clean Energy Policy Advocate and Staff Attorney at the Natural Resources Council of Maine (NRCM), and I am testifying today in opposition to LD 1498, An Act To Prevent Increased Heating Fuel, Natural Gas, Gasoline and Diesel Fuel Pricing in Maine by Prohibiting Adoption of Rules Limiting Greenhouse Gas Emissions.

LD 1489 is unnecessary and will impede Maine's progress toward achieving statutorily mandated greenhouse gas emission reductions

LD 1489 proposes several significant and contradictory changes to Maine's Climate Law (38 MRSA, section 576-A) that would unnecessarily hinder the Board of Environmental Protection (BEP), Department of Environmental Protection (DEP), and Department of Transportation's (DOT) ability to achieve Maine's statutorily required greenhouse gas emissions reductions. A brief review of the legislative history of LD 1679 is helpful in understanding why this proposed legislation is contrary to, and would undermine, the Maine Climate Law enacted with overwhelming bipartisan support less than two years ago.

LD 1679 was a governor's bill introduced as emergency legislation by Senator Woodsome in April 2019. The bill set requirements for the reduction of greenhouse gas emissions and directed the DEP to develop and adopt rules to track and report on emissions, and it directed the BEP and DOT with adopting rules to ensure compliance with the statute. Rules adopted under this subsection were designated as routine technical rules.

LD 1679 was referred to this committee and received extensive testimony, debate, and discussion, with most of the testimony calling for passage of the bill as a critical step to achieving swift action. In particular, this committee discussed the appropriateness of requiring rulemakings by July 1, 2021, and September 1, 2021, and that the rules be routine technical rules. The committee voted 12-1 Ought to Pass as Amended. It was adopted unanimously in the Senate, by a vote of 107-29 in the House, and was signed into law on June 26, 2019. The governor and the Legislature recognized that the need to quickly address Maine's greenhouse gas emissions was an emergency and acted accordingly. The DEP has [already initiated a rulemaking](#) process as called for under the law. A draft rule has been posted for public comment until June 1st, and a public hearing is scheduled for May 20th.

LD 1498 would upend all of this work and unnecessarily delay the work that the Legislature determined constituted an emergency just two years ago.

- It would delay rulemakings already underway until at least July and September of 2022. However, other proposed changes in this bill could make this delay even greater by designating any rule adopted under this section of law a major technical rule, regardless of the content or importance of the rule. A rule proposed when the Legislature is out of session would have to wait for the Legislature to reconvene to undergo hearings, work sessions, committee votes, and votes in both houses before being sent back to the DEP for adoption.
- This delay is contrary to the intent of Maine's Climate Law (Section 576-A), which calls for the state to reduce gross annual greenhouse gas emissions to at least 45% below the 1990 gross annual greenhouse gas emissions level and to at least 80% below the 1990 gross annual greenhouse gas emissions level by 2050. To delay this work for several years, and add unnecessary procedural hurdles, defies reason and is not justified.

The Legislature got this right when they enacted LD 1679. The climate crisis is an emergency, and Maine's work to address this emergency must not be derailed by arbitrary roadblocks and delays.

For these reasons, NRCM strongly opposes LD 1498. Thank you for your consideration, and I welcome any questions that you may have.