



**Testimony before the
Environment and Natural Resources Committee
Sean Mahoney
Conservation Law Foundation
May 3, 2021**

Re: 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.

Good morning Senator Brenner, Representative Tucker and members of the Environment and Natural Resources Committee. My name is Sean Mahoney, Executive Vice President for Conservation Law Foundation, testifying 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. CLF uses the law, science, and economics to address the challenges and opportunities presented by the climate crisis here in Maine and across New England.

Maine's Climate Action Plan is aptly titled *Maine Won't Wait* because quite simply we can't – the climate crisis is fully upon us and unless we act now, Maine's economy and environment will be devastated. The litany of harms is by now a familiar one to members of this Committee - increases in the number and severity of storms, rising sea levels and warming oceans, droughts and invasive species – all are poised to utterly change “the way life should be.” We commend the Mills Administration and the Maine Legislature for having shown a commitment to implementing our Climate Action Plan to confront the extreme impacts of climate change on Maine's coastal communities, public health, fishing and marine industries, forests, and low-income and other vulnerable populations. LD 1498 is not consistent with that commitment.

LD 1498 would delay taking action under the Climate Action Plan and add process and expense, with no benefits to Mainers. LD 1498 aims to unduly restrict the robust rulemaking process and access to regional partnerships that are very likely key to the goals of reducing the costs and environmental impacts of energy use. Specifically, LD 1498 makes any rules adopted by the Board of Environmental Protection, Department of Environmental Protection, and the Department of Transportation to limit greenhouse gas emissions *major substantive rules*. It prohibits the adoption of rules that; 1) limit the amount of heating fuel, natural gas, gasoline or diesel fuel sold to meet GHG emissions limits; 2) impose a tax or permitting fee to reduce GHG emissions, including as part of a rebate or dividend program; or 3) causes the State to join a

multistate consortium that requires the State to implement either of those policies as a condition of membership. It also requires that a proposal limiting the sale of gasoline or diesel fuel to limit GHG emissions or imposing a tax or permitting fee to reduce GHG emissions or joining a multistate consortium must be approved by the Legislature.

Essentially, the bill serves to delay any climate action by making such typical executive branch activity a substantive rule subject to legislative approval. In doing so, LD 1498 at best imposes unnecessary delay and at worst, takes away the ability of state agencies to follow the Climate Action Plan or use their discretion to employ the most cost-effective and consumer-friendly methods of achieving these carbon targets. In essence, LD 1498 is an effort to change the title of the Climate Action Plan to Maine Will Have to Wait. Conservation Law Foundation urges the Committee to reject that effort and vote “ought not to pass.”

Thank you.