



AGC MAINE

THE CONSTRUCTION ASSOCIATION

March 22nd, 2023

Senator Brenner, Senate Chair
Representative Gramlich, House Chair
Members of the Joint Standing Committee on Environment and Natural Resources
100 State House Station
Augusta, Maine 04333

RE: AGC Maine's Opposition to LD 928 "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Right to a Clean and Healthy Environment"

Senator Brenner, Representative Gramlich, and distinguished members of the Joint Standing Committee on Environment and Natural Resources my name is Matthew Marks, I am a Principal at Cornerstone Government Affairs, and sending this on behalf of my client The Associated General Contractors of Maine. AGC Maine is a statewide commercial construction trade association and a Chapter of AGC America which was founded in 1918 with 27,000 contractors, suppliers, and service providers nationwide.

AGC Maine is concerned with the uncertainty this bill provides to future development if this constitutional amendment was enacted. Maine has been a leader in establishing both climate goals and policy, including laws and regulations, that apply to the commercial and residential activity. We have a robust permitting process with both laws and rules enacted to protect the interest of our residents today and future generations. The existing rules and laws provide a level of certainty for the construction industry, with few exceptions, and we are concerned the language of this bill is unclear and broad.

The legislature continues to add new laws that reflect emerging technology, construction practices, and development activity. Maine has a State Board that reviews international building codes and integrates those with Maine laws and rules. Projects can be subject to state, local, and federal review process that considers the air, land, and water of our great state. When concerns or adjustments are found, agencies and the legislature has been swift to analyze, present facts, debate, and adjust where needed.

AGC Maine supports the sentiment of protecting our natural resources and construction practices continue to evolve based on new laws, but also technology and public feedback. The association believes it's important to have discussions based on specific requirements and this bill opens questions by an individual's interpretation of what constitutes their rights. I ask the Committee, why would that intent be left in the hands of the courts, not specifically addressed by those charged with that duty?

While it appears the intent is to fill any regulatory gap and not the creation of litigation between residents and businesses we should certainly anticipate lawsuits will be brought for that purpose. There is little doubt that regulations will continue to be adapted to respond to emerging industries we have faith that both agencies and lawmakers will respond accordingly.

AGC Maine respects the continued discussion on environmental improvements and suggests the Committee allow debate on specific language on Maine's environmental laws that is clear to both residents and the regulated community. I appreciate the opportunity to share our views and welcome any questions.