



**RETAIL
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March 22, 2023

Senator Stacy Brenner, Chair

Representative Lori Gramlich, Chair

Members of the Environment and Natural Resources Committee

RE: Testimony in OPPOSITION to LD 928, RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Right to a Clean and Healthy Environment

Dear Senator Brenner, Representative Gramlich, and members of the Environment and Natural Resources Committee:

My name is Curtis Picard and I am the President and CEO of the Retail Association of Maine. I am a resident of Topsham. We have more than 350 members statewide and represent retailers of all sizes. Maine's retailers employ more than 85,000 Mainers.

I am writing to express our opposition to the proposed constitutional amendment, LD 928, to establish a right to a healthy environment. While I understand the intentions behind this proposal, I believe that it would have serious negative consequences for our society and our economy.

Firstly, enshrining a right to a healthy environment in the constitution would create a legal framework that is overly vague and difficult to interpret. What exactly would constitute a healthy environment? How would this right be balanced against other rights and interests, such as property rights or economic development? These questions are difficult to answer, and would likely lead to a flood of litigation and uncertainty.

Recently, Maine added a 'Right to Food' to Maine's Constitution, and there are now concerns that it could lead to overturning Maine's ban on Sunday hunting. Simply, while the legislative process can sometimes be messy, it is a process that allows for input from a variety of stakeholders, discussion, and compromise. This proposed amendment looks to usurp that process. Our current legal framework already provides protection for the environment through various environmental laws and regulations. These laws have been developed over many years

and are constantly evolving to keep up with changing environmental challenges. Therefore, I see no need for a constitutional amendment to protect the environment.

Secondly, this proposal could have a chilling effect on economic development and job creation. If businesses and industries believe that their activities may be challenged on environmental grounds, they may choose to invest elsewhere, leading to a loss of jobs and economic growth. While environmental protection is certainly important, it must be balanced against other legitimate societal goals, such as economic prosperity and job creation.

Thirdly, the proposed amendment could have unintended consequences for individual freedoms and property rights. For example, if a person's property is deemed to be harming the environment, they could be forced to take costly and burdensome measures to remediate the situation, or even face expropriation of their property. This would be a serious violation of individual rights and could lead to a number of unintended consequences.

Finally, I believe that individual responsibility and community action are the most effective ways to protect the environment. Rather than relying on a constitutional amendment, we should encourage individuals and communities to take action to reduce their environmental impact and advocate for stronger environmental policies at the local and national level.

Thank you for the opportunity to share our thoughts with you, and we look forward to the discussion.

Sincerely,

Curtis Picard, CAE
President and CEO