



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
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Testimony of Meghan Russo
Maine Department of Transportation
Before the 131st Legislature, Joint Standing Committee on Environment and
Natural Resources

In Opposition

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, members of the Joint Standing Committee on Environment and Natural Resources, my name is Meghan Russo, Manager of Legislative and Constituent Services at MaineDOT. MaineDOT submits this 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*.

The passage of this bill could have unintended consequences to potentially all MaineDOT projects. As drafted the bill could create a whirlwind of litigation on any development. For example, the bill reads: “The people of the State have the right to a clean and healthy environment and to the preservation of the natural, cultural and healthful qualities of the environment. The State may not infringe upon these rights. The State shall conserve, protect and maintain the State’s natural resources, including, but not limited to, its air, water, land and ecosystems for the benefit of all the people, including generations yet to come.” Due to the broadness of this language we believe that its passage could allow any one person or entity who opposes a proposed MaineDOT project, anywhere from a bridge replacement, rehabilitation of rail lines, construction of a bike path, or port development and all points in between, to bring a court challenge halting the project. That opposition could make the argument that the project in question infringes upon their right to a clean and healthy environment.

MaineDOT’s process, whether dictated by federal oversight on federally funded projects, or state requirements on state funded projects, already requires and allows for significant public involvement. We fully support a healthy natural environment, and our employees and contracting partners design and build infrastructure to support that goal. Should this

Constitutional Amendment pass as drafted, we fear that projects could be delayed in court, such as what we recently experienced with the Frank J. Wood Bridge replacement project.

It is for these reasons we urge the committee to vote in opposition to LD 928. Thank you.