



**Testimony before the  
Committee on Energy, Utilities and Technology  
by Sean Mahoney, Executive Vice President and State Director  
Conservation Law Foundation**

**May 12, 2021**

**Re: LD 1682 – An Act to Require Consideration of Climate and Equity Impacts by the  
Public Utilities Commission**

Senator Lawrence, Representative Berry and members of the Committee on Energy, Utilities and Technology, my name is Sean Mahoney and I am the executive vice-president and state director of the Conservation Law Foundation. I appreciate this opportunity to testify in support of LD 1682, An Act to Require Consideration of Climate and Equity Impacts by the Public Utilities Commission.

CLF, founded in 1966, is a public interest advocacy group that works to solve the environmental challenges that threaten the people, natural resources and communities in Maine and across New England. In Maine for almost four decades, CLF is a member-supported organization that has worked to ensure that laws and policies are developed, implemented and enforced that protect and restore our natural resources, are good for Maine’s economy and environment and to address the climate crisis in a manner that recognizes its fierce urgency, as well as the need to do so in a just and inclusive way.

Throughout New England, CLF works to recognize and center the experiences of communities and community partners who are most impacted by the disproportionate effects of environmental injustice and degradation, which harms are often exacerbated by the climate crisis. We acknowledge the history of environmental injustice that persists in Maine, including for tribal nations, communities of color and low-income communities, and we work to redress these longstanding injustices.

CLF appreciates the efforts of Representative Doudera in bringing this legislation forward and supports LD 1682 because it seeks to enhance consideration of two inextricably-linked and fundamental energy issues—climate and equity—by one of the leading agencies on energy regulation and policy in Maine, the Public Utilities Commission. At the same time, CLF believes that to fully advance these objectives, LD 1682 must be designed to ensure compliance with the greenhouse gas objectives of 38 M.R.S. § 576-A, and designed to do so in accordance with Maine’s climate action plan, which recognizes that Maine’s “vulnerable communities . . . should be given foremost consideration for opportunities and support from climate action,” and which

requires active engagement with communities most impacted by climate and climate actions.<sup>1</sup> We respectfully make the following suggestions to strengthen LD 1682 along those lines.

### **Uniformity of language**

To avoid inconsistency, and to ensure legislative precision about the mandatory nature of Maine’s greenhouse gas emissions targets, CLF suggests standardizing the terminology used in 35-A M.R.S. § 101 with that in 38 M.R.S. § 576-A as follows: “to reduce greenhouse gas emissions to meet the greenhouse gas emissions ~~reduction goals~~ levels set forth in Title 38, section 576-A(1)-(3) . . . .” CLF makes the same suggestion with respect to 35-A M.R.S. § 103-A(1), and would correct as follows: “the greenhouse gas emissions ~~reductions goals~~ levels set forth in Title 38, section 576-A(1)-(3) . . . .”

### **§ 101. Statement of purpose**

CLF strongly supports LD 1682 expanding the scope of the Public Utilities Commission’s basic purposes to include meeting the state’s decarbonization targets. But CLF urges the committee to be bolder in redressing longstanding injustices in the state. Rather than merely “address[ing] and mitigate[ing] disproportionate energy burdens,” CLF encourages the Legislature to direct the Public Utilities Commission to proactively “promote environmental justice principles and address historic and current environmental injustices experienced by environmental justice populations.”

### **Definitions**

CLF recommends replacing the definition of “Environmental justice” in LD 1682 with the following definition of “Environmental justice principles”:

**“Environmental justice principles”** are principles that support protection from environmental pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race, color, income, class, handicap, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief or English language proficiency, which includes: (i) the meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies, including climate change policies; and (ii) the equitable distribution of energy and environmental benefits and environmental burdens.

To encapsulate all communities in Maine that ought to benefit from the environmental justice principles, CLF recommends expanding the definition of “Environmental justice population” in LD 1682 as follows:

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<sup>1</sup> Maine Climate Council, “Maine Won’t Wait: A Four-Year Plan for Climate Action,” December 2020, [https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait\\_December2020.pdf](https://www.maine.gov/future/sites/maine.gov.future/files/inline-files/MaineWontWait_December2020.pdf), at 37. Further, as Maine Climate Council Member, Equity Subcommittee Co-Chair and Penobscot Nation Ambassador Maulian Dana states in the climate action plan, Maine must also advance substantive policies that ensure meaningful equity: “Frontline communities like tribal nations, new Mainers, those in poverty, people of color, and more are disproportionately affected by the climate crisis. If we overlook their needs and experiences, we are not only doing them a disservice, we are setting back all of our work because it will be less effective in meeting our goals. A society is only as strong as its most vulnerable populations, and this holds true in climate work. As we make policy, we need to work from a place of inclusivity and equity to make sure our work is lasting and meaningful.” *Id.*

“**Environmental justice population**” means a neighborhood that meets 1 or more of the following criteria: (i) the annual median household income is not more than 65 per cent of the statewide annual median household income; (ii) minorities comprise 40 per cent or more of the population; (iii) 25 per cent or more of households lack English language proficiency; or (iv) minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; provided, however, that for a neighborhood that does not meet said criteria, but a geographic portion of that neighborhood meets at least 1 criterion, the Commission may designate that geographic portion as an environmental justice population upon the petition of at least 10 residents of the geographic portion of that neighborhood meeting any such criteria.

### § 103-A. Climate and Environmental Justice Considerations

The Commission will play a key role in the state’s achievement—or not—of the statutorily mandated greenhouse gas emissions targets. The climate action plan recommends many strategies that require or would benefit from implementation by the Public Utilities Commission, from initiating pilots to encourage the adoption of zero emitting vehicles, to increasing investment in energy efficiency and heat pumps, to advancing renewable energy in Maine. As such, LD 1682 should go further and should explicitly codify the commission’s affirmative obligations under the law and climate action plan. Accordingly, CLF suggests the following language in place of that proposed for 35-A M.R.S. § 103-A:

In executing its powers and duties, and by adopting rules as necessary, the Public Utilities Commission shall:

1. **Greenhouse gas emissions reductions; decarbonization.** Ensure compliance with the greenhouse gas emissions levels established by 38 M.R.S. § 576-A(1)-(3), consistent with the climate action plan, as updated pursuant to 38 M.R.S. § 577(1).
2. **Environmental justice; equity.** Ensure compliance with the environmental justice principles to reduce the potential for unfair or inequitable effects upon environmental justice populations and frontline communities.

CLF supports LD 1682 and its objective of enhancing the Public Utilities Commission’s consideration of climate and equity in its actions and decisions. The importance of this objective was recently acknowledged and advanced by a diverse group of 25 energy system stakeholders in Maine, including CLF, who were co-convened as the Maine Utility/Regulatory Reform and Decarbonization Initiative (MURRDI) by The Nature Conservancy and the Great Plains Institute, to make recommendations on how Maine can achieve its clean energy and climate goals. One of the group’s consensus recommendations was to “[e]xpand the PUC’s decision-making framework to consider Maine’s climate requirements, equity implications, and impacts on environmental justice communities.”<sup>2</sup> LD 1682 seeks to do just that.

Thank you for the opportunity to provide this testimony.

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<sup>2</sup> Maine Utility/Regulatory Reform and Decarbonization Initiative, “Stakeholder recommendations to plan, build, and operate the electric grid that is needed to meet Maine’s climate and energy requirements,” April 2021, <https://www.betterenergy.org/wp-content/uploads/2021/04/MURRDI-Stakeholder-Process-Summary.pdf>, at 27.