



Testimony of the American Lung Association

In Opposition to LD 620 “An Act to Promote Free Trade by Preventing Municipalities from Prohibiting the Sale of Legal Goods”

In Opposition to LD 662 “An Act to Prohibit Municipal Flavored Tobacco Bans on State-licensed Tobacco Retailers” and

In Opposition to LD 894 “An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor”

Good afternoon Chairs Nangle and Stover and distinguished members of the Joint Standing Committee on State and Local Government. My name is Lance Boucher and I am the Assistant Vice President, State Public Policy for the American Lung Association working out of our Augusta office. The Lung Association is the nation’s oldest voluntary public health organization with a mission to save lives by improving lung health and preventing lung disease. We do this through education, advocacy, and research.

The American Lung Association appreciates the opportunity to offer comments to you regarding three bills scheduled today for public hearing. We are in opposition to LD 620, LD 662 and LD 894. All three measures will undermine local control and the ability of municipalities to enact measures protecting public health and the best interests of their citizens. The Lung Association strongly opposes all forms of preemption language in state law that prevents local communities from passing ordinances stronger than state law in a particular area. We urge you to vote Ought Not to Pass on all three measures.

LD 620 & LD 662

These two bills will prevent local governments from enacting measures to address the youth tobacco epidemic that is rampant in Maine and the nation. Indeed, as our recent State of Tobacco Control report highlighted, 1 in 3 Maine High School students are using tobacco products which demonstrates the need for policies to protect youth from tobacco and nicotine. Absent statewide action, we have been pleased to support local municipalities across the state as they take measures to address what they are seeing first-hand in the communities by enacting measures to end the sale of flavored tobacco products.

LD 620 & LD 662 are a gift to the very industry that caused the tobacco epidemic in the first

place. The most important battle in the fight against youth tobacco happens on the front lines, at the point of sale in local communities. The tobacco industry knows this, and they use tactics like these bills to make it more difficult for communities to protect people from their aggressive marketing campaigns.

The preemption in this bill would decimate local tobacco control efforts and give the tobacco industry free reign to prey upon our young people. It is imperative that we allow local communities to enact comprehensive fact-based policies to protect our youth and families. The American Lung Association opposes all forms of preemption of stronger local tobacco control policies. If these measures become law, local governments will be prohibited from engaging in measures to end the sale of flavored tobacco products, allowing Big Tobacco to continue to fuel the youth tobacco epidemic and line their pockets at the expense of our children and families.

We urge your swift and unanimous vote of Ought Not to Pass on LD 620 & LD 662.

LD 894

The American Lung Association strongly opposes this bill as it would preempt local control of utilities and prevent communities from choosing to protect the health of their families and the environment.

The American Lung Association strongly supports measures to prevent and reduce the exacerbation of lung disease. We likewise oppose all forms of preemption of state and local authority. We are concerned that LD 894 seeks to curtail the ability of local governmental entities to enact policies to protect the health of its citizens.

For children living with asthma and allergies the use of natural gas in the home can worsen symptoms and result in reduced lung function in children, particularly in the absence of ventilation. The American Lung Association believes that protection of lung health and a sound U.S. energy policy are compatible goals that require an emphasis on energy conservation, energy efficiency, and the use of cleaner energy resources, including a transition from fossil fuels to clean, non-combustion alternatives.

Preempting local public entities from adopting limits on natural gas service in the best interest of their communities ignores a community's right to self-govern and protect health. Each level of government brings its own strengths, with local governments being uniquely positioned to meet the needs of the people who live in their communities. States have historically set minimum health, safety, workplace and social standards. Cities and counties have been able to localize, and when necessary, build on and strengthen state laws to best meet the needs of their communities.

Federal, state and local governments all should play a role in the transition to clean, renewable energy. Therefore, we ask you to report LD 894 as Ought Not to Pass and instead allow government at all levels to implement policies to support healthier communities.