



**Testimony of Maine Public Health Association in Opposition to:
LD 556: An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting
a Particular Energy System or Energy Distributor**

Joint Standing Committee on State and Local Government
Room 214, Cross State Office Building
Monday, March 24, 2025

Good morning, Senator Baldacci, Representative Salisbury, and distinguished members of the Joint Standing Committee on State and Local Government. My name is Rebecca Boulos. I am a resident of South Portland and executive director of Maine Public Health Association.

MPHA is the state's oldest, largest, and most diverse association for public health professionals. We represent more than 850 individual members and 70 organizations across the state. The mission of MPHA is to advance the health of all people and places in Maine. As a statewide nonprofit association, we advocate, act, and advise on critical public health challenges. We are not tied to a national agenda, which means we are responsive to the needs of Maine's communities, and we take that responsibility seriously.

MPHA is in opposition to LD 556: "An Act to Preserve Heating and Energy Choice by Prohibiting a Municipality from Prohibiting a Particular Energy System or Energy Distributor." This bill prohibits municipalities from prohibiting an individual or entity from using a heating or energy system for that individual's or entity's own heating or energy needs, including the heating or energy needs of a motor vehicle, or engaging the services of a person or energy distributor of that individual's or entity's choice unless the prohibition is otherwise authorized by statute.

[According to the American Public Health Association](#), preemption is a legislative tool whereby a "higher level" of government (such as federal or state government) overrides the authority of a "lower level" of government (such as state or municipal government) to act on a particular issue. [Preemption is not inherently adversarial to public health or good governance](#). In fact, preemption has been used for the betterment of public health – such as prohibiting smoking on airplanes. Generally, though, entities seeking preemption policies are those that benefit financially. Across the country, state legislatures have preempted local laws related to labor standards, civil rights, public health and safety, cannabis, alcohol, tobacco, technology, environmental protection, local zoning, and local taxes, among others.

Restricting a lower level of government's ability to respond to its community's public and environmental health challenges can perpetuate health risks and threaten health gains. Indeed, state and local governments are often at the forefront of public health challenges and tend to be nimbler and more responsive to community needs. Local governments have been leaders in advancing public health protective policies that are then enacted at the state and federal levels – policies such as preventing the use of harmful pesticides on school property, ending the use of flame retardants that increase cancer risk, establishing smoke-free policies in restaurants and bars, preventing tar sands pipelines, and others.

This bill would set precedent, eroding municipalities' ability to enact policies that are more protective of public and environmental health than state policies. We respectfully request the committee to please vote LD 556 "Ought Not to Pass." Thank you for considering our testimony.