



**Testimony in Opposition to LD 1063,
An Act to Require Competitive Procurement of Electricity from Generators Fueled by
Municipal Solid Waste in Conjunction with Recycling**

**To the Joint Committee on Energy, Utilities and Technology
by Rebecca Schultz
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April 9, 2025**

Senator Lawrence, Representative Sachs, members of the Energy, Utilities and Technology Committee, my name is Rebecca Schultz, and I am a Senior Advocate for Climate and Clean Energy with the Natural Resources Council of Maine (NRCM). NRCM is a nonpartisan membership organization that has been working for more than 65 years to protect, restore, and conserve Maine's environment, now and for future generations.

On behalf of our nearly 20,000 members and supporters, NRCM testifies in opposition to LD 1063, An Act to Require Competitive Procurement of Electricity from Generators Fueled by Municipal Solid Waste in Conjunction with Recycling.

Entering into long-term contracts to purchase power from trash incinerators runs counter to both Maine's renewable energy goals and its sustainable waste management goals.

NRCM strongly supports the increase of renewable resources that help reduce our dependence on expensive fossil fuels, improve our environment, and provide affordable, stable energy over the long term. Truly renewable energy sources are those that replenish naturally.

Municipal solid waste (MSW), on the other hand, which is our daily household and commercial trash, is not that. MSW is made of finite resources that require significant energy to create and ship to a disposal facility. When burned, they are destroyed, they emit hazardous pollution, and they do not naturally regenerate.

Plastic, a significant component of MSW, is a particularly troubling fuel source since it's made from fossil fuels and emits greenhouse gas emissions at every stage of the product lifecycle. The

plastics industry's contribution to climate change is on track to exceed that of coal-fired power plants in this country by 2030.¹

NRCM's position is that capturing energy from waste incineration should be the required best practice for this disposal option, as it should be required best practice to control and capture pollution coming from commercial landfill operations.

Neither landfill gas nor trash incineration should be considered a “renewable resource” under Title 35-A Chapter 32 §3210.²

Yet facilities that incinerate MSW and recover the energy (waste-to-energy facilities) have been eligible to receive Class II renewable energy credits (RECs) since at least 2009 and were given special treatment above hydroelectric and biomass with a 300% multiplier in 2019. That 300% multiplier was extended in 2023 and is now set to expire in 2027.³

This Committee should ensure that it does expire and furthermore exclude these generation types from eligibility under the State's Renewable Portfolio Standard and the Clean Energy Standard, when the relevant bill comes before you later this session.

The purpose of Class I RECs is to incentivize investments in new renewable energy generation that help diversify and decarbonize our generation mix. New generation also means new jobs, new investment, and growing new or emerging markets. Subsidizing these waste-to-energy plants through REC revenue for what they have been doing for decades provides none of that economic value.

LD 1063 would worsen the problem by guaranteeing these facilities long-term contracts to purchase their power.

The waste-to-energy facility in one of the bill's co-sponsors' town of Orrington is a key part of our state's waste processing infrastructure. But this facility provides a good example of one of the unintended consequences of waste-to-energy.

In 2019, that facility was not being fed enough plastic to burn efficiently, so it imported 10,000 metric tons of plastic waste from Northern Ireland. When two giant bales of plastic were not unloaded properly at the Mack Point facility in Searsport, the result was a devastating plastic pollution spill, with 6,000 pounds of shredded plastic dispersed in Penobscot Bay.⁴

¹ <https://www.beyondplastics.org/publications/the-new-coal>

² <https://www.mainelegislature.org/legis/statutes/35-a/title35-Asec3210.html>

³ §3210, subsection 3.A.

⁴ Trash being shipped to an Orrington incinerator from Ireland washes up on shores of Sears Island, Bangor Daily News, Dec 10, 2020, <https://www.bangordailynews.com/2020/12/10/midcoast/trash-being-shipped-to-an-orrington-incinerator-from-ireland-washes-up-on-shores-of-sears-island/>.

Waste-to-energy creates a perverse incentive to bring more trash into our state, and LD 1063 would exacerbate the problem.

In fact, our state has never met its waste reduction and recycling goals. In large part, this is because disposal at a landfill or incinerator has historically been the cheapest waste management option.

If our state's energy policy is used to make waste-to-energy facilities even cheaper, through ratepayer-backed power purchase agreements, for instance, it's going to impact our ability to make the economics work in favor of waste reduction and recycling.

NRCM has long defended Maine's Solid Waste Management Hierarchy⁵—established in 1989—and we have worked to make Maine a leader in sustainable waste management policy, which starts with reduce-reuse-and recycle. Waste-to-energy is currently, and appropriately, at the bottom of the hierarchy just above disposal at a landfill.

For these reasons, we urge the Committee to vote **Ought Not to Pass on LD 1063**.

Thank you for your consideration of these comments, and I would be happy to answer any questions that the Committee has.

⁵ <https://legislature.maine.gov/statutes/38/title38sec2101.html>