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LePage Administration Rejects Climate Change Rulemaking Petition

Without reviewing the merits, the Department of Environmental Protection denied petition brought by hundreds of Mainers

Augusta, Maine – Just two weeks after a group of Mainers submitted a [climate change petition for rulemaking](#) to the Department of Environmental Protection (DEP) and the Maine Board of Environmental Protection, the DEP denied the petition, without considering its merits or holding a hearing. All [seven members](#) of the Maine Board of Environmental Protection were appointed by Governor Paul LePage.

The petitioners included 216 registered voters, 164 young people, and the groups [350 Maine](#) and [Earth Guardians](#). They filed the petition to request that Maine's state government carry out its constitutional and public trust obligations and implement an effective CO₂ and GHG reduction strategy based on the best climate science. Failure to implement such a strategy, petitioners claim, is detrimental for their well-being and survival.

"We are, naturally, frustrated and disappointed," said Beth Fuller Valentine, an attorney working with the petitioners. "According to Maine statute, the Maine DEP has a legal duty to initiate rulemaking upon receipt of a petition signed by 150 registered voters. Our petition was signed by 216 voters, as well as 164 youth who are committed to taking action to address climate change. Thus, by refusing to hold a hearing on the petition, DEP is thwarting state law. We are assessing our options. We fully expect to take measures to assure that DEP fulfills its constitutional, statutory, and public trust obligations to reduce greenhouse gas emissions to a level sufficient to eliminate any dangerous threat to the climate."

The petitioners are considering their options for next steps but they are resolved to continue to pressure Maine's state government to adopt a science-based prescription to reduce greenhouse gases. Petitioners also feel the urgent need to stand up to Governor LePage, who petitioners believe is [prioritizing](#) the needs of the fossil fuel development above the health of Mainers.

In 2014, LePage said that Maine could actually [benefit from climate change](#), apparently oblivious to the current and expected devastating impacts of climate change and ocean acidification in Maine, as outlined in the petition for rulemaking.

"LePage may think climate change is good for Maine, but quite a few petitioners know that's ridiculous," said Nate Bellinger, staff attorney with Our Children's Trust. "The DEP's decision to summarily deny this petition, without even holding a hearing, is contrary to the constitutional and public trust rights of the youth and future generations of Mainers."

"The youth of Maine are demanding that Maine's DEP take action to protect their future by doing more to slow climate change," said Sarah Lachance, with 350 Maine. "350 Maine heard from Mainers of all ages during the petition drive on how disappointed they are that Maine is dragging its feet on making

meaningful change to address the most pressing issue of our time. The DEP has a public trust obligation to protect all our natural resources that will enable a prosperous future for future generations, and Maine youth expect them to follow the law and get to work!”

The petitioners cite to the preamble to Maine’s constitution, which states that the purpose of the state government is to “establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty.” Petitioners claim “there can hardly be a resource more necessary to our ‘common welfare’ than a healthy atmosphere and stable climate system.” The petition also outlines the tremendous threat the climate change and ocean acidification pose to Maine’s economy and important resources including its forests, marine fisheries, freshwater ecosystems, and farms.

The Maine youth petitioners are the latest young people in the U.S. to file climate legal action with the help of Our Children’s Trust. Related cases brought by youth to protect the atmosphere are pending or have resulted in victory in the state courts of Colorado, Massachusetts, Oregon, Pennsylvania, and Washington, as well as in several other countries. Twenty-one youth have also brought a case against the U.S. government in the U.S. District Court for the District of Oregon. Last week, Judge Ann Aiken issued a [decision](#) in that case, rejecting all arguments to dismiss raised by the federal government and fossil fuel industry, determining that the young plaintiffs’ constitutional claims could proceed. Plaintiffs are now preparing for trial in what is believed to be a turning point in U.S. constitutional history.

***Our Children's Trust** is a nonprofit organization, elevating the voice of youth, those with most to lose in the climate crisis, to secure the legal right to a healthy atmosphere and stable climate on behalf of present and future generations. We lead the global human rights and environmental justice campaign to implement enforceable science-based Climate Recovery Plans that will return atmospheric carbon dioxide concentration to levels below 350 ppm. Youth have secured judicial rulings in their favor in WA, NM and MA, and in their landmark U.S. federal climate lawsuit, and have multiple other cases pending. www.ourchildrenstrust.org/*

***Earth Guardians** is a Colorado-based nonprofit organization with youth chapters on five continents, and multiple groups in the United States with thousands of members working together to protect the Earth, the water, the air, and the atmosphere, creating healthy sustainable communities globally. We inspire and empower young leaders, families, schools, organizations, cities, and government officials to make positive change locally, nationally, and globally to address the critical state of the Earth. www.earthguardians.org*

***350 Maine** is a grassroots movement dedicated to solving the planetary climate crisis. They grow their power collectively to find real and lasting solutions, to end our dependence on fossil fuels, and to build a healthy, sustainable life for people and the planet. www.350maine.org*

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