

The Maine Environmental Rights Amendment (*aka Pine Tree Amendment*) Key Points: Raising Up Environmental Rights in Maine



The Pine Tree Amendment is Maine's Version of a Green Amendment: a Bill of Rights Amendment that recognizes and protects the rights of all people in the state, including present and future generations, to pure water, clean air and a healthy environment.

While Maine's constitutional Bill of Rights recognizes the inherent and inalienable rights to freedom of religion, speech, to bear arms and to private property, it fails to recognize the rights of the people to a clean and healthy environment, including pure water, clean air, and the natural, cultural, recreational, scenic and human health values of the environment. The proposed Pine Tree Amendment will change that.

The Pine Tree Amendment will constitutionally mandate that Maine government officials protect the environmental rights of all residents, including present and future generations.

The self-executing amendment will allow legal redress when this right is violated by government action or inaction.

Establishing an enforceable environmental right will drive better government decision-making at all levels of government and will prevent situations or conditions in which land becomes too contaminated, water becomes too polluted, and air too dirty to support healthy lives, including a healthy economy.

Maine Pine Tree Amendment to be placed in Article I

The people of the State have the right to a clean and healthy environment, including pure water, clean air and healthy ecosystems, and to the preservation of the natural, cultural, recreational, scenic and healthful qualities of the environment. The State may not infringe upon these rights by action or inaction or through the action of others. The State, including each branch, agency and political subdivision, shall serve as trustee of the natural resources of the State, among them its waters, air, flora, fauna, ecosystems and public lands. The State shall conserve, protect and maintain these resources for the benefit of all the people, including generations yet to come. The rights stated in this section are inherent, inalienable and infeasible and are among those rights reserved to all the people and are on par with other protected inalienable rights.

In order to obtain this highest level of protection in Maine, a proposed amendment must pass by two-thirds vote through both houses of the Maine Legislature after which the people of Maine will be given the opportunity to vote on whether or not their *right to pure water, clean air and a healthy environment* will be protected by the state constitution.

The Maine Pine Tree Amendment will amend Article I of the Constitution to recognize the environmental rights of all people of Maine by protecting the **“clean and healthy environment, including pure water, clean air and healthy ecosystems, and to the preservation of the natural, cultural, recreational, scenic and healthful qualities of the environment”** for both present and future generations.

Highlights of what the Maine Pine Tree Amendment will accomplish:

- √ ... Place the rights to clean water and air, and healthy environments legally on par with the rights to bear arms, to free elections, to free speech, freedom of religion and the rights of victims of serious crimes to be treated with respect, fairness and dignity;
- √ ... Ensure that every government official in the state will work to advance environmental protection at every level of the decisionmaking process, rather than waiting until the end of the process when the focus is necessarily on permitting rather than prevention. All government action, including the passage of laws, regulations, policies and programs is done in service to advancing the state constitution – government officials cannot change or violate the constitution, they must honor and implement it.
- √ ... Ensure government decisions and action prioritize environmental protection and pollution prevention as compared to prioritizing pollution permitting and management;
- √ ... Fill the gaps in environmental laws and provide a legal basis for securing water, air and environmental protection even in those situations where there is no state law or regulation to provide protection;
- √ ... Strengthen environmental justice by ensuring all communities – regardless of race, ethnicity or income – have the same rights to clean water and air and healthy environments and the duty of all government officials to protect all communities equitably;
- √ ... Protect the cultural values of indigenous communities to a healthy environment, protect sacred lands from environmental desecration, and honor traditional cultural connection to healthy natural resources;
- √ ... Protect the recreational values of a healthy environment which includes the benefits to our physical and mental health, the quality of our lives, economic and job benefit that come from the unparalleled nature-based recreation we have here in Maine;
- √ ... Protect the human health benefits that healthy environments provide including physical health, mental health, and all the quality of life, education and economic benefits that flow from healthy people, lives, families and communities;
- √ ... Ensure consideration of cumulative impacts as part of decisionmaking so the additive impact of new pollution/degradation is considered;
- √ ... Empower communities to address unconstitutional infringement on environmental rights such as clean water and air, by providing constitutional grounding for their advocacy and access to the courts for redress;
- √ ... Strengthen the healthy economic growth that avoids the costs of environmental harm including illness, cleanup costs, flooding, drought & declining property values by ensuring government laws, regulations, decisions, permits and actions avoid environmental degradation rather than responding to it after-the-fact.