

**Testimony of Ashley Luszczki**

**In Opposition to  
L.D. 1808, An Act to Enact the Maine Climate Superfund Act, and  
L.D. 1870, An Act to Establish a Climate Superfund Cost Recovery Program to Impose Penalties  
on Climate Polluters**

**Before the Environment and Natural Resource Committee  
May 5, 2025**

Senator Tepler, Representative Doudera and members of the Joint Standing Committee on Environment and Natural Resource, my name is Ashley Luszczki, and I am here on behalf of the Maine State Chamber of Commerce, which represents a network of more than 5,000 businesses. Thank you for the opportunity to provide testimony on L.D. 1808 and L.D. 1870, which both seek to establish what has informally been referred to as climate superfunds and imposes financial damages on some emitters of historic carbon pollution.

The Chamber believes that aligning environmental stewardship with economic growth is essential. Particularly in Maine, where our natural environment and economic vitality are closely connected – often going hand in hand. Additionally, we support ongoing efforts to build climate resiliency in our communities. This legislation today is nothing like we have seen previously in any effort to address climate change or improve the environment. We are in strong opposition to these bills, which pose serious risks to Maine’s business climate by retroactively assigning financial liability to companies that have legally engaged in the extraction or refinement of fossil fuels, dating back three decades.

First and foremost, these proposals unfairly single out the fossil fuel industry as being responsible for climate change. Let us be clear that fossil fuels have been a fundamental part of our electricity sector, our transportation sector, our manufacturing sector for over a century. Heating oil, natural gas, and gasoline have been fueling Maine’s economy and been a part of daily life for Mainers. Every one of us depends on products derived from – or manufactured using – fossil fuels including asphalt for our roads, synthetic clothing, pharmaceuticals, and medical devices, and the fuels previously mentioned. to name just a few. Notably, Maine’s heritage industries – farming, fishing, and forestry – continue to rely heavily on these products due to limited alternatives.

The Maine State Chamber of Commerce strongly supports policies to meet our climate law requirements and lower emissions. Today’s proposals impose retroactive liability that contradicts principles of fair and predictable policymaking and penalizes businesses who have operated lawfully. L.D. 1808 and L.D. 1870 would set a dangerous precedent. Businesses make investment and operational decisions based on existing laws and regulations. Imposing penalties on actions that were and continue to be lawful would introduce regulatory uncertainty – signaling that Maine is an unpredictable place to do business. Rather than eroding confidence in Maine’s business climate, our policies should be forward-looking – encouraging innovation, clean energy development, and climate solutions.

These bills would also invite costly and prolonged legal battles. Similar laws passed in Vermont and New York last year are already facing legal challenges that will likely take years to resolve. If Maine follows suit, it is reasonable to expect comparable litigation – cutting into state resources. In the meantime, increased compliance costs would likely fall to Maine consumers – businesses and families alike.

Interestingly, these bills don't include mechanisms to reduce greenhouse gas emissions moving forward. Some of the adaptation projects proposed, however, will be addressed through other policies. For example, L.D. 1's Flood-Ready Program recognizes the need for – and will provide – improved flood risk management.

The Maine Chamber's mission is to promote a positive business climate and advance policies that foster long-term economic growth in Maine. L.D. 1808 and L.D. 1870 would undermine those goals – creating uncertainty, inviting litigation, and increasing costs for consumers. For these reasons we strongly urge you to oppose both bills.