



Stacy Brenner  
Senator, District 30

THE MAINE SENATE  
132nd Legislature

3 State House Station  
Augusta, Maine 04333

*Testimony of Senator Stacy Brenner introducing*  
**LD 1870, An Act to Establish a Climate Superfund Cost Recovery Program to  
Impose Penalties on Climate Polluters**  
*Before the Joint Standing Committee on Environment and Natural Resources*

May 5, 2025

Senator Tepler, Representative Doudera, and fellow members of the Environment and Natural Resources Committee. My name is Stacy Brenner, and I represent Senate District 30, which includes most of Scarborough and all of Gorham. I am here today to introduce **LD 1870**, “*An Act to Establish a Climate Superfund Cost Recovery Program to Impose Penalties on Climate Polluters.*”

I introduced this bill because the costs of climate change are no longer theoretical — they are here, and they are growing. Flooded roads, damaged infrastructure, and public health impacts are already straining our state and municipal budgets. Yet the companies most responsible for driving climate change — particularly the largest fossil fuel producers — have contributed nothing toward the costs of recovery and adaptation. This bill seeks to change that by establishing a fair, evidence-based mechanism to hold them financially accountable.

I believe Mainers understand fairness. When a company causes harm, it should help pay to fix it. LD 1870 applies this basic principle to the climate crisis. I’ve also been encouraged by how many young people are stepping up to advocate for this approach — not only because they will live with the consequences the longest, but because they recognize that without accountability, the cycle of damage and inaction will continue. This bill is a step toward environmental justice, and toward giving Maine communities the tools they need to prepare for what’s ahead.

Earlier this session, this Legislature passed **LD 1** with strong bipartisan support — recognizing the urgent need to invest in climate resilience, public health infrastructure, and emergency response systems that are already under intense pressure from a changing climate. LD 1870 is a natural extension of that commitment. Like LD 1, this bill has bipartisan support. It ensures that the costs of climate disruption aren’t borne solely by Maine taxpayers, but rather are shared by the global fossil fuel companies that helped create this crisis. It’s a fiscally responsible, common-sense approach: keep investing in Maine’s future, but make sure the biggest polluters finally pay their fair share.

This bill seeks to establish the Climate Superfund Cost Recovery Program within the Department of Environmental Protection (DEP). It authorizes the DEP to assess cost recovery payments from major fossil fuel companies — specifically, those whose products have been linked to over one



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billion metric tons of greenhouse gas emissions and who operated in fossil fuel extraction or crude oil refining between 1995 and 2024. The funds collected will be deposited into a dedicated Climate Superfund to support both the administration of the program and critically needed climate adaptation projects across the state that are consistent with the climate action plan. The DEP will develop a resilience strategy to guide spending, with at least 35% of funds targeted to benefit low-income and environmental justice communities — those who are often hit first and worst by climate impacts (despite having the lowest carbon footprints and contributing the least to climate change). This bill will ensure that climate resilience investment benefits are equitably distributed across our state.

It's also worth stating clearly what this bill does *not* do. LD 1870 does not impose new costs on Maine families, businesses, or utilities. **Mainers already pay for 100% of the costs of climate adaptation. You cannot pass along a cost to those who are already paying it.** It does not set emissions limits or regulate energy use. It does not punish fossil fuel companies. It simply creates a pathway for Maine to recover a portion of the public costs directly from the global companies whose products have caused the most damage. This bill is not just legally sound; it's fiscally responsible.

Further, as the Committee is aware, there is a companion bill before you sponsored by Representative Lookner. While both bills share the same fundamental goal — ensuring that the companies most responsible for climate change help cover the cost of its impacts — there are important differences in structure and language.

LD 1870 includes several provisions that I believe are essential to the bill's effectiveness: a longer emissions lookback period, a strong funding commitment for environmental justice communities, flexibility for the Department to use the best available emissions data, and legal safeguards to protect the state's ongoing climate litigation and regulatory authority. That said, I appreciate aspects of Representative Lookner's bill — particularly the more specific definition of environmental justice focus populations and the thoughtful interagency consultation requirements. I believe we can bring the best elements of both bills together, and I look forward to working with the Committee during the work session to merge these two bills.

This morning you'll hear from a diverse set of folks supporting this bill. They'll tell you why it's so important and how it works. In the room and online, we have local businesses, community leaders, advocacy organizations, and everyday Mainers. We also have individuals who have successfully championed bills like this in other states and professionals who can speak with deep knowledge on specific elements of this bill, including which corporations might be subject to it, how climate attribution science works, the feasibility of implementing a climate superfund program, and its legal underpinnings.



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Maine is only just beginning to feel the financial impacts of climate change. LD 1870 presents a fair, equitable, and common sense approach to paying for those costs — by charging the companies that caused the damage in the first place. States such as Vermont and New York have already enacted similar successful measures through their Climate Superfund Acts, both passed in 2024. **There's no question that these costs must be paid. The only question is: who will foot the bill?** I ask this committee to give Maine businesses and taxpayers a break and make the polluters pay.

Thank you for your consideration. I urge you to vote Ought to Pass on LD 1870, and I'm happy to answer any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Stacy Brenner".

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Senator Stacy Brenner