



Maine Conservation Voters

Inform. Vote. Protect.

In Support of LD 1870, “An Act to Establish a Climate Superfund Cost Recovery Program to
Impose Penalties on Climate Polluters”
Before the Environment and Natural Resources Committee

Senator Teppler, Representative Doudera, and distinguished members of the Environment and Natural Resources Committee: my name is Nick Janzen, Director of Policy and Partnerships at Maine Conservation Voters (MCV), a statewide non-profit organization with 13,000 members and supporters building a just, thriving future for all by acting on the climate crisis, protecting the environment, and safeguarding our democracy.

I’m from South Louisiana. I’m intimately familiar with the damage the largest oil and gas corporations do. I’ve helped my closest friends gut their homes after they flooded from increasingly powerful hurricanes.¹ I’ve seen the coast drenched in oil after BP’s Deepwater Horizon exploded. And I’ve mourned as entire communities have withered away in the face of disappearing wetlands, cut apart by canals dredged for gas pipelines.²

I now live in Camden—far from where I grew up, but not far enough to escape the destructive impacts of climate change. So I wasn’t surprised, two winters ago, when I found myself wading through a parking lot next to Camden Harbor to be with a neighbor, who stood in rising water with steely determination to make sure her boat wasn’t ripped from its mooring by a fierce storm. Nor was I surprised to later read about a link between those storms in 2023 and 2024 and climate change, storms that caused \$90 million in damage to public infrastructure.³

We should not have to pay for the damage the globe’s richest fossil fuel corporations are causing to Maine. But right now we are. A Climate Superfund Act would right that wrong.

Although MCV supports both bills’ shared goal of establishing a climate superfund, LD 1870 includes provisions key to the fund’s success that should be included in any bill voted out of committee. One such provision (page 5, line 29-31) authorizes the fund to reimburse the General Fund for costs to establish and implement the program. MCV understands the State is in a difficult

¹ <https://www.climatecentral.org/news/katrina-was-climate-change-to-blame-19377>

² <https://www.youtube.com/watch?v=RM31-dQWhY0>;
<https://www.cnn.com/2019/04/24/louisiana-town-moves-to-higher-ground-amid-growing-climate-crisis.html>

³ https://www.maine.gov/future/sites/maine.gov/future/files/inline-files/STS_2024_digital.pdf;
<https://www.maine.gov/governor/mills/news/governor-mills-signs-executive-order-establish-commission-infrastructure-rebuilding-and>

budget moment, and the Legislature will need to make hard choices about funding important priorities. A climate superfund program will pay dividends, and we humbly submit this program is well worth the investment.

In addition, LD 1870 includes a “savings clause” (page 5, line 10-12) that makes clear this statute would not alter any existing liability or available remedy. This provision is included out of an abundance of caution and is particularly important in light of the Attorney General’s lawsuit against several large fossil fuel companies. The savings clause establishes that a climate superfund is a legal complement to that lawsuit, which is based on a separate theory of liability and seeks different remedies. MCV is grateful to the Attorney General for filing that lawsuit—and a climate superfund program is still necessary. It puts the State, not the courts, in the driver’s seat and allows us to recover money we know we are owed.

The Climate Superfund Act also takes care to avoid unintended consequences. For example, only companies that are responsible for one billion metric tons of covered greenhouse gas emissions from extraction or refinement activities are subject to the Act (page 3, line 3-9). This standard limits the Act’s applicability to the world’s largest fossil fuel companies. This is fair, because these corporations are primarily responsible for climate change, not local Maine businesses.

Likewise, because the price of oil is set on a global market and not all oil producers will be subject to the Act, Nobel Prize Economist Joseph Stiglitz has found there is no rational economic mechanism for companies subject to the Act to pass those costs on to consumers, whether at the gas pump or elsewhere.⁴

There are many reasons why Maine should pass a climate superfund act, but I’ll conclude with just one more: it has become, perhaps regrettably, an important front in the battle to defend the rule of law. Just last week, the U.S. Department of Justice filed lawsuits to stop Vermont and New York’s climate superfund programs. Many legal practitioners are expecting these suits to be thrown out immediately because they’re nothing more than an intimidation tactic from a federal government serving the interests of the wealthiest corporations on the planet. To date, Maine has not been cowed by bullying like this, and we shouldn’t start now. We should secure the financial resources our communities are fairly owed from the companies that caused the damage. We should use this opportunity to fund the implementation of the excellent climate planning the State has already done and will continue to do.

Sincerely,
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⁴ <https://makepolluterspay.net/nobel-prize-winning-economist-to-ny-gov-superfund-act-will-save-new-yorkers-money/>