

## WRITTEN TESTIMONY

Good Morning esteemed Chairs Honorable Ralph Tucker and Stacey Brenner, and Joint Standing Committee on the Environment and Natural Resources Members.

I am Heidi J Vierthaler, a Social and Environmental Advocate from Southern Maine in Wabanaki Territory near Brunswick.

I urge you to pass the Pine Tree Amendment (PTA) L.D. 489, for the sake of the future of our Great State of Maine. The PTA is Maine's Version of a "Green Amendment", which are self-executing provisions placed in a State's Bill of Rights that *protects the rights of all people in the state, including present and future generations, to pure water, clean air and a healthy environment.*

## MY DEVOTIONS TO OUR ENVIRONMENT AND THIS PINE TREE AMENDMENT FOR THE STATE OF MAINE:

I have devoted my life to making the world a better place by the most effective and efficient means necessary, especially saving the ecosystems that I so care about from my many homes from Coast to Coast, across the country, but especially in my decades long home here in Maine in Wabanaki Territory. I have thus seen the need to enshrine into law something that this Amendment will achieve in recognizing and protecting the inalienable rights of all people: to pure water, clean air and healthy environments.

This Pine Tree Green Amendment will serve as a check on government authority, and make clear government's duty, as trustee, is to protect the state's natural resources for the benefit of all people, including future generations. In fact I wish that we could be considering a similar Amendment to our National Constitution.

From my Advocacy work; we need this PTA because I know that laws can be made and unmade, but the Constitution is permanent. It would be a guiding North Star for all in our state, by providing guidance that ensures government decision making considers the environmental impacts, such as the costs of environmental harm, including illness, cleanup costs, flooding, drought & declining property values, early in the process when prevention of such pollution, and environmental harm is most possible, and by ensuring that government laws, regulations, decisions, permits and actions, avoid such degradation, rather than responding to it after-the-fact. Thus strengthening healthy economic growth.

This would thus preserve Maine's ecosystem, as the truly beautiful "way life should be"!

## HOW NATURE INSPIRED ME TO SUPPORT THE PINE TREE AMENDMENT

I share with you some of the ways that I have been blessed with the inspiration of our Natural World, especially here in Maine, and to my enthusiasm to see this Pine Tree Amendment passed into our Maine Constitution.

## BEFORE MAINE

From a young age I have been devoted to cultivating an appreciation for nature. In my tender youth I spent time in nature in Georgia, and Pennsylvania, and as a Middle School Student at Summit K-12 Alternative School in Seattle, I had a unique opportunity in the late 1970's, while I was an Adventurer at the YMCA Camp Orkila, on Orcas Island in the San Juan Islands. When we were on Satellite Island, after a canoe trip to Roche Harbor on San Juan Island, which taught me to respect the power of the sea; during an overnight Solo, from a cliff overlooking a beach to which I climbed, back curled up in my sleeping bag, I couldn't help but grieve for the possible loss of all of the beauty in front of me; all because the Governor Dixie Lee Ray opened our beloved Puget Sound, known by the Indigenous People as the Salish Sea, to Oil Supertankers. Soon after that; inspired by the Three Mile Island Nuclear Power Plant Meltdown, I wrote a script set in the future about students closing a Nuclear Power Plant in Anacortes, where the Ferries leave for the San Juan Islands. When we moved to Upstate New York, my Advocacy came to life, as I became the only Student Member of the Genegantlet Chapter of Citizens Against Poison, which stopped the Development of a Toxic Waste Chemical Treatment Plant from being sited two miles upstream from our home in Smithville Flats, New York in 1980. So through all of these experiences, I directly saw the need for a law that would protect our Natural Ecosystems. This Pine Tree Amendment would provide such protections here in Maine.

## MY MAINE INTRODUCTION

When I first moved to Maine, I fell in love with, and immersed myself in, our Pristine Maine Wilderness. As a Sophomore at George Stevens Academy, where as a Member of the Outing Club we cross country skied through the pine trees at Saddleback Mountain, and canoed the shining Saco River, and with our UCC Salt Cellars Youth Fellowship we hiked up to Chimney Pond of Mount Katahdin, and into Shin Pond near Patten. When we moved to the rival Deer Isle-Stonington High School, the Internationally renowned Lobster Fishing Community, I relished in hikes at:

- Goose Cove Lodge to Barred Island,
- through the sophisticated beautiful design of architecture in Nature at Haystack Mountain School of Crafts, and
- The hills above Stonington.

I also spent three weeks up in Presque Isle, with a weekend in Caribou, and a week at our UCC Pilgrim Lodge on Lake Umbagog. For my Freshman Year, I studied Human Ecology at College of the Atlantic in Bar Harbor, where, beyond the tourist trap of the majesty of Thunder Hole and the summit of Cadillac Mountain, I relished in beach walks in Southwest Harbor.

However I can't help but yearn for the view of the Lobstermen at work from our winter home overlooking the Eggemoggin Reach, from which I learned more about the rhythms of nature, from which Dan Fogelberg's song "The Reach" echoes into the depths of my soul.

This PTA would protect the human health benefits that I have thus enjoyed in these healthy environments that the PTA would provide including physical health, mental health, and all of the

quality of life, education and economic benefits that flow from healthy people, lives, families and communities that I have been blessed to have grown up with, especially here in Maine.

## SAVING THE SALISH SEA

When I moved back to Seattle in 1988, I spent a week on Orcas Island, and after the Exxon Valdez Oil Spill, I organized around protecting the Salish Sea, when it's Seattle located Elliott Bay, experienced it's own Oil Spill.

This PTA would ensure that government decisions and action prioritize environmental protection and pollution prevention as compared to prioritizing pollution permitting and management. If we had had a PTA here in Maine we could prevent such a catastrophic oil spill because our priorities would be better placed.

## BACK TO MAINE

As I drive back to visit Penobscot Bay where I was blessed to have Graduated from Deer Isle-Stonington High School, in the class of 1984, on Route 3 on the way into Belfast, every time we crest over the hill at Hayford Corner where we can finally see Mount Desert Island loom over the shimmering Atlantic Ocean, I feel that I am coming home to our "Real Maine". The principles of the PTA would ensure that we would always have a "real Maine" to which to drive home.

### Protecting South Portland:

I also have helped to stop the reversal of the Portland to Montreal Pipeline that would bring highly polluting toxic tar sands extracted from Alberta, Canada, into South Portland, Maine. So with 350 Maine and Protect South Portland, helped to pass the Clear Skies Ordinance to stop the Volatile Organic Compounds VOC's including carcinogenic Benzene from spewing through Vapor Combustion Units VCU's into Casco Bay. The American Petroleum Institute is currently suing the City of South Portland over this ordinance.

The PTA would this empower such 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.

### The Public Utilities Commission Disregard for Fryeberg, with it's 45 Years Water Rights Sale to Nestle Subsidiary Poland Spring:

In regards to Nestle: let's also not forget about how the Public Utilities Commission PUC treated the people of Fryeberg, Maine! As a fellow Occupy Maine Friend I was there at the PUC Hearing, in March of 2013. Our Water Protector Friend Nickie Sekera had, through her good old fashioned Grassroots Organizing, made sure that so many people were there to give testimony and bear witness to the process that it was not only standing room only, but there were people overflowing listening in through the windows, outside in the cold of the night! There throngs of people spoke out about how the sale of Fryeberg's Water Rights to Nestle subsidiary Poland Spring for 45 years, instead of the 3-5 years or so as they had in the past, would affect their sovereign rights as a Community, They explained that they feared a lack of control over their ability to say anything about the way that "Stolen Spring" was managing their water supply,

especially if a drought were to occur, if the sale went through. One bright Hero emerged that night; Luke Sekera, who stepped up to the mic, and told the PUC, which I later found out was run by Representatives of the companies that they were supposed to be controlling, and told them at 9 years old, that if he didn't speak up now, that he would have to wait to speak again until he was in his 50's!!!! This corruption has got to be changed on a national level and stand up for locally controlled utilities!!!!”

The Public Utilities Commission Disregard for Fryeberg, with it's 45 Years Water Rights Sale to Nestle Subsidiary Poland Spring (Continued):

The PTA would along with access to the courts for redress, it would include a trust obligation in the Amendment to ensure that all government officials have a clear fiduciary duty to act with prudence, loyalty and impartiality for the benefit of all beneficiaries, including future generations. The trust obligation ensures a duty of equitable treatment owed to all communities and creates a constitutional obligation to consider cumulative impacts that includes how the new decision, when added to existing conditions, will affect the environmental rights of those impacted. Given that the fiduciary obligation is owed to all beneficiaries, it also prevents the government from justifying harms to one community in order to benefit another.

Hydro-Quebec and Spanish owned Central Maine Power NECEC Transmission Line Corridor:

I am also working to stop the Hydro-Quebec and Spanish owned Avangrid and Iberdrola Central Maine Power New England Clean Energy Connect NECEC Transmission Line Corridor, which would further the Genocide and Ecological Ethnic Cleansing of our Cree and Inuit Neighbors to our North in James Bay Quebec, and more importantly devastate our pristine Maine Wilderness, a vital Carbon sequestering resource for our world and for our Tourist Economy, here at home.

By recognizing environmental rights as individual rights that belong to all people, the PTA becomes clear that government decisions and actions must protect these rights for *all people* and that government is not entitled to undermine/sacrifice/minimize the rights of one beneficiary community in order to enhance/protect the rights of another beneficiary community.

It would also 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.

This could also be seen as benefiting the connection between the Lobster Fishing Community's reliance on the Tourism Economy, and the risks of losing the Industry to the climate change resulting ocean acidification and sea level rise.

Fracking In Maine:

Furthermore; I just gave Testimony about the Summit Gas Pipeline in which I summarized that decades after I left New York State, friends of our Family told me about how they were asked to sell their Fracking Rights on their Property, and I didn't work so hard to stop that Toxic Waste plant, to have the region befall the fate of Fracking. So I worked really hard from here in Maine, to stop that, and the State of New York has sensibly put a Fracking Ban in place. Since then I have learned even more. I am terrified after learning that Friends who are living in another

former home area of mine: the Pacific Northwest, are now threatened by the Puget Sound Energy Fracked Gas Refinery in Puyallup Tribal Territory in Tacoma, Washington. The threat is that if a Man Made or Natural Disaster were to occur an explosion many times more powerful than the one that hit Hiroshima would devastate the entire region. So in the last few weeks, I gave Testimony to stop the Summit Energy Fracked Gas Tank and Pipeline in Rockland Maine, telling them that, I haven't worked so hard to help to preserve our Maine Ecosystem, only to have it befall the fate of Fracking, and we successfully stopped that Fracking Project here in Maine.

#### Fracking In Maine (Continued):

If we had the Pine Tree Amendment already, then we wouldn't be experiencing such possible consideration of such egregious projects that would be so devastating to our Ecosystems and our Maine Economy.

#### BEYOND MAINE:

##### BP Man-made Deepwater Horizon Oil Rig Volcano, The Gulf of Mexico:

Because I have friends in Louisiana, devoted to their Culture, when what I call the Man-made Deepwater Horizon Oil Rig Volcano and carcinogenic Corexit Dispersants used to cover up the so-called spill happened, which has made many friends sick and killed many people along the Gulf of Mexico; It broke my heart, because it has ruined the ability of the Fishing Community's all along the Gulf to provide livelihoods for their families.

Thus establishing an enforceable environmental through the PTA 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. It would also ensure consideration of cumulative impacts as part of the decisionmaking process so that the additive impact of new pollution/degradation is considered.

##### Standing Rock, The Dakotas:

Because I pray for those who hate, to heal from their grievances, and that we need to stop the divisiveness of partisan Politics and that all World Religions, Tribes, Indigenous Peoples, and Spiritual Faiths, can come together with Unity in Community so that we all can have a chance to have a true Peace on Earth, is one reason why I was so enamored with the Standing Rock Community when they came together to endeavor to stop the Dakota Access Pipeline.

This is why I so appreciate that the PTA would protect the cultural values of indigenous communities to have a healthy environment, protect sacred lands from environmental desecration, and honor traditional cultural connection to healthy natural resources.

##### Cancer Now Death Alley Louisiana:

The Cancer now Death Alley along the Mississippi River, is where a predominantly poor Black Community in Louisiana, is endeavoring to not only clean up the already toxic environmental

disaster, but to further protect their CommUnities by stopping Companies such as Formosa from building any new facilities in their Neighborhood.

For all of these CommUnities having such a PTA would 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. Furthermore the PTA would ensure that similar situations would not have to happen here in Maine.

### **Please support this Pine Tree Amendment**

This will not only position our state to have the best thriving future. We need to Pass this Pine Tree Amendment, to enable our State to blaze a trail to be good state Stewards for our Natural World, to inspire not just other States, and our Nation; but countries around the world to also enshrine the protection of our Ecosystems for all people into our Constitutions!

Thank you to the Senate Committee on Environment and Natural Resources for your consideration of this important Pine Tree Amendment. I would be grateful for the opportunity to answer any questions and be of further assistance to you in this matter.

Please feel free to reach me at my contact information that I will leave with your most appropriate Representative.

## **ORAL TESTIMONY**

Good Morning esteemed Chairs Honorable Ralph Tucker and Stacey Brenner, and your Fellow Senate Joint Standing Committee on the Environment and Natural Resources Members.

I am Heidi J Vierthaler, a Social and Environmental Advocate from Southern Maine in Wabanaki Territory near Brunswick.

I urge you to pass the Pine Tree Amendment (PTA) L.D. 489, for the sake of the future of our Great State of Maine.

I have devoted my life to making the world a better place by the most effective means necessary, especially saving the ecosystems that I care about from my homes across the country, especially here in my decades long home in Maine. I have thus seen the need to enshrine into law this Amendment.

This PTA will make clear that government's duty, as trustee, is to protect the state's natural resources for the benefit of all people, including future generations. In fact I wish that we could be considering a similar Amendment to our National Constitution.

From my Advocacy work; we need this PTA because I know that laws can be made and unmade, but the Constitution is permanent. It would be a guiding North Star for all in our state, by providing guidance that ensures government decision making considers the environmental impacts, such as the costs of environmental harm, including illness, cleanup costs, flooding, drought & declining property values, early in the process when prevention of such pollution, and environmental harm is most possible, and by ensuring that government laws, regulations, decisions, permits and actions, avoid such degradation, rather than responding to it after-the-fact. Thus strengthening healthy economic growth.

This would thus preserve Maine's ecosystem, as the truly beautiful "way life should be"!

Please see my submitted Written Testimony, for ways that I have been blessed with the inspiration of our Natural World, especially here in Maine, for my enthusiasm to see this PTA passed into our Maine Constitution.

**Please support the Pine Tree Amendment**

This will not only position our state to have the best possible thriving future, but enable our state to serve as an example of good state Stewardship of our Natural World, to inspire not just other States, and our Nation; but countries around the world to also enshrine the protection of our ecosystems for all people into our Constitutions!

Thank you for your consideration. I would be grateful for the opportunity to answer any questions and be of further assistance to you in this matter.

Thank you.