

Town of Scarborough Sustainability Committee

May 28, 2025 | 8:00 – 9:30 a.m. | Hybrid Meeting – Town Hall and via Zoom

To participate in the Sustainability Committee's meeting, please use the following link:

https://scarboroughmaine.zoom.us/webinar/register/WN_wQDE8jO1S1q-fqJ0B0blgg

To view in the Sustainability Committee's meeting, please use the following link:

<https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw>

Agenda

8:00 am Call to order and attendance

- (1) Welcome and introductions
- (2) Vote on minutes from 4/23/25
- (3) Review 5/28/25 meeting agenda
- (4) Public Comment

8:10 am Old Business

- (1) Municipal Solar Array – Presentation from Charlie Agnew of CES
- (2) EV Charging Ordinance – Amendments approved 5/7/25

8:45 am New Business

- (1) [LD1870](#) – “An Act to Establish a Climate Superfund Cost Recovery Program to Impose Penalties on Climate Polluters” – Discuss Committee's interest in supporting the legislation and next steps (materials attached)
- (2) Sustainable Scarborough Day – Update on plans and discuss Committee's display/activity

9:15 am Updates

- (1) Town Council
- (2) Planning Board
- (3) Conservation Commission
- (4) Transportation Committee
- (5) Planning Projects: Open Space Plan & Vulnerability Assessment

9:25 am Next meeting agenda

Next meeting date: July 23, 2025

9:30 am Adjourn

Engineering & Technical Services

259 US Route One | PO Box 360 | Scarborough, ME 04070 | P: 207.730.4400 | scarboroughmaine.org

Town of Scarborough Sustainability Committee

April 23, 2025 | 8:00 – 9:30 a.m. | Scarborough Town Hall and via Zoom

Meeting Minutes - DRAFT

Attendance – in person

Committee: Anton Bodor, Lydia Jopp, Deb McDonough, Dan Shapiro

Town Council: Bill Donovan

Staff: Jami Fitch

Attendance – Zoom

Committee: Patrice Kastenholz

Council: Bill Donovan

[View the recording of the Sustainability Committee's meeting.](#)

Call to Order

1. The meeting was called to order at 8:03 am.
2. Patrice motions to approve the minutes, Lydia seconds. Vote is unanimous. Motion passes.

Public Comment

1. None.

Old Business

1. EV Charging Ordinance
 - Jami provides an update on the process to revise the EV charging Ordinance. The Town Council passed the proposed revision at first reading and referred it to the Planning Board. The Planning Board unanimously supported the proposed changes.
 - The Town Council's public hearing and second reading and vote is scheduled on 5/7/25.
2. Website Updates
 - Lydia sent the Committee with a link to a Google Doc for members to add thoughts and ideas for updating the Sustainability Committee's webpage. She reviews the document.
 - The Committee provides feedback on the proposed organization of the page:
 - Move waste disposal information out of the "New to Scarborough" section
 - Add a section for the Committee's accomplishments (e.g., rooftop solar projects, LED streetlight conversion, ordinance updates)
 - Add link to Sustainable Scarborough Day page
 - Link to Conservation Commission's healthy lawn care resources
 - Add links to other agencies and organizations (e.g., ecomaine, DEP, Maine Forest Service, etc.)
 - The Committee thanks Lydia for her work on the webpage.

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- **ACTION: LYDIA will update the document and let the Committee members know when updates were made.**

3. Municipal solar array

- Dan provides an overview of his background and experience with solar development.
- Dan also provides an overview of the different types of solar development (residential, commercial, utility). A municipal array would be considered a commercial-scale development. He also provides a summary of project delivery types (rooftop, fixed-tilt, tracking, etc.).
- Scarborough would most likely pursue additional rooftop solar or fix-tilt ground mounted solar. The Town should also consider solar carports (parking areas covered by solar panels).
- Solar covered parking tends to be more expensive than rooftop solar, but there are a lot of added benefits to covered parking.
- Solar arrays constructed in conjunction with a municipal building would be behind the meter (similar to a residential array, the building uses the energy first and any excess is sent to the grid). The Town would receive credits on CMP bills for excess energy sent to the grid. Multiple meters can benefit from the array.
- Deb notes that some of the excess energy could be designated for community solar credits.
- If the Town wants to explore a community solar model, a third party would likely manage the process.
- Dan suggests the Town consider issuing an RFP for solar development on specific town-owned parcels. The bidders would complete the evaluations and due diligence for the parcels to determine which sites are appropriate for solar development. The Town could do some of the initial due diligence for a modest investment of around \$30,000. The bid pricing would be more accurate if the Town chooses to take on the initial due diligence.
- There is a lot of uncertainty related to solar development in the current tariff climate, so now is not the best time to issue an RFP for solar development.
- The Committee is interested in exploring solar-covered parking in municipal parking lots. The best time to plan for solar covered parking is when the lot is due to be repaved because pavement would need to be repaired after installation.
- Deb notes that Wentworth School may have been designed for future installation of rooftop solar.
- Deb shares that she'd like cost of sustainability measures (upgrades for rooftop solar, efficient HVAC systems, etc.) voted/bonded separately when the community votes on a new facility so that efficiency cannot be "value engineered" out of the project.
- Dan believes that the Town could take on the process of soliciting bids for a municipal solar project fairly easily and for little cost. The model that may make the most sense would be to have a third-party construct, own, and operate the array. The Town would enter into a power purchase agreement with the third-party to purchase the generated electricity at a rate lower than what is currently paid. The benefits to the Town include minimal upfront cost and long-term, fixed/predictable electricity costs.
- Bill notes that a solar project on the municipal campus would be ideal because of its visibility in the community.
- Dan shares that the new school (if approved by voters) could incorporate solar using the third-party ownership model if it is planned for early in the process.
- The Committee will visit a town-owned parcel after the meeting to help determine if it is a candidate for a solar array.
- **ACTIONS:**
 - **JAMI will look into "solar readiness" of the Public Safety Building and Wentworth School.**

- **LYDIA and DAN will speak with their advisor contacts about attending a future meeting to discuss the services that could be provided to the Town.**

Updates

1. Town Council
 - The Town Council had a workshop with GPCOG on Vision Zero, which aims to reduce death and injuries on roadways and from Portland Metro about micro transit. A micro transit pilot is proposed in Scarborough.
2. Planning Board
 - Planning Board unanimously supported the changes to the EV charging ordinance.
3. Transportation Committee
 - Transportation Committee has not met this month.
4. Conservation Commission
 - Conservation Commission is working toward achieving Tree City USA certification.
5. Open Space Plan
 - The Open Space Plan was adopted by the Town Council on 4/16/25. An artistic piece to track progress toward 30x30 was also unveiled at the meeting.
6. Vulnerability Assessment
 - The Vulnerability Assessment [StoryMap](#) is now available for the public to review. It currently contains Scarborough's flood risk and vulnerabilities. It will be updated later this summer to include adaptation strategies.
7. Climate Action Plan
 - The Town received the grant it applied for to develop its Climate Action Plan.
8. Sustainable Scarborough Day
 - Patrice shared that the person who was unable to provide the inducting cooking demonstration is available to participate in this year's event.
 - Ace Hardware would like to participate again.
 - Maine Audubon will focus on native plants this year and wants to partner with the Scarborough Garden Club to offer a native plant sale.
 - Sustainable Scarborough Day will be a regular agenda item moving forward.

Meeting adjourned at 9:33 am.

Next Meeting: May 28, 2025 at 8:00 am.

Future Projects List:

- Community solar / municipal solar array
- Revamp [Sustainability Committee webpage](#)
- Recycling information for homeowners when houses change hands
- Composting/food waste
- Residential energy efficiency grants
- Coordination with Scarborough Public Schools
- Municipal building energy audits
- Electric school buses

- Tree preservation ordinance
- Swap shop
- Energy stretch code
- Incremental fees for trash bins
- 10-year cost-benefit analysis for building systems



132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1870

S.P. 740

In Senate, May 5, 2025

An Act to Establish a Climate Superfund Cost Recovery Program to Impose Penalties on Climate Polluters

Received by the Secretary of the Senate on May 1, 2025. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BRENNER of Cumberland.
Cosponsored by Representative DOUDERA of Camden and
Senators: BENNETT of Oxford, CARNEY of Cumberland, TALBOT ROSS of Cumberland,
Representatives: KUHN of Falmouth, SATO of Gorham.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 38 MRSA c. 3-C is enacted to read:

3 **CHAPTER 3-C**

4 **MAINE CLIMATE SUPERFUND**

5 **§580-G. Short title**

6 This Act may be known and cited as "the Maine Climate Superfund Act."

7 **§580-H. Definitions**

8 As used in this chapter, unless the context otherwise indicates, the following terms
9 have the following meanings.

10 **1. Climate change adaptation project.** "Climate change adaptation project" means
11 a project designed to respond to, avoid, moderate, repair or adapt to negative impacts
12 caused by climate change and to assist human and natural communities, households and
13 businesses in preparing for future disruptions driven by climate change. "Climate change
14 adaptation project" includes implementing nature-based solutions and flood protections;
15 upgrading storm water drainage systems; making defensive upgrades to roads, bridges,
16 railroads and transportation systems; preparing for and recovering from extreme weather
17 events; undertaking preventive health care programs and providing medical care to treat
18 illness or injury caused by the effects of climate change; relocating, elevating or retrofitting
19 sewage treatment plants and other infrastructure vulnerable to flooding; installing energy
20 efficient cooling systems and other weatherization and energy efficiency upgrades and
21 retrofits in public and private buildings, including schools and public housing, designed to
22 reduce the public health effects of more frequent heat waves and forest fire smoke;
23 upgrading parts of the electrical grid to increase stability and resilience, including
24 supporting the creation of microgrids as defined in Title 35-A, section 10129, subsection
25 1, paragraph H; and responding to toxic algae blooms, loss of agricultural topsoil, crop loss
26 and other climate-driven ecosystem threats to forests, farms, fisheries and food systems.

27 **2. Climate Superfund Cost Recovery Program.** "Climate Superfund Cost Recovery
28 Program" or "program" means the program established under section 580-I.

29 **3. Coal.** "Coal" means bituminous coal, anthracite coal and lignite coal.

30 **4. Controlled group.** "Controlled group" means 2 or more entities treated as a single
31 employer:

32 A. Under 26 United States Code, Section 52(a) or (b), without regard to 26 United
33 States Code, Section 1563(b)(2)(C); or

34 B. Under 26 United States Code, Section 414(m) or (o).

35 For purposes of this chapter, entities in a controlled group are treated as a single entity for
36 purposes of subsection 20 and are jointly and severally liable for payment of any cost
37 recovery demand owed by any entity in the controlled group.

38 **5. Cost recovery demand.** "Cost recovery demand" means a charge asserted against
39 a responsible party for cost recovery payments under the program for payment to the fund.

1 **6. Covered greenhouse gas emissions.** "Covered greenhouse gas emissions" means
2 the total quantity of greenhouse gases released into the atmosphere during the covered
3 period, expressed in metric tons of carbon dioxide equivalent, resulting from the use of
4 fossil fuels extracted, produced or refined by an entity.

5 **7. Covered period.** "Covered period" means the period that began January 1, 1995
6 and ended December 31, 2024.

7 **8. Crude oil.** "Crude oil" means oil or petroleum of any kind and in any form,
8 including bitumen, oil sands, heavy oil, conventional and unconventional oil, shale oil,
9 natural gas liquids, condensates and related fossil fuels.

10 **9. Entity.** "Entity" means any individual, trustee, agent, partnership, association,
11 corporation, company, municipality, political subdivision or other legal organization,
12 including a foreign nation, that holds or held an ownership interest in a fossil fuel business
13 during the covered period.

14 **10. Environmental justice.** "Environmental justice" means the fair treatment and
15 meaningful involvement of all people regardless of race, color, national origin or income
16 with respect to the development, implementation and enforcement of environmental laws,
17 rules and policies.

18 **11. Fossil fuel.** "Fossil fuel" means coal, petroleum products and fuel gases.

19 **12. Fossil fuel business.** "Fossil fuel business" means a business engaging in the
20 extraction of fossil fuels or the refining of petroleum products.

21 **13. Fuel gases.** "Fuel gases" means methane, natural gas, liquified natural gas and
22 manufactured fuel gases.

23 **14. Fund.** "Fund" means the Climate Superfund Cost Recovery Program Fund
24 established pursuant to section 580-K.

25 **15. Greenhouse gas.** "Greenhouse gas" has the same meaning as in section 574,
26 subsection 1.

27 **16. Nature-based solution.** "Nature-based solution" means a project that uses or
28 mimics nature or a natural process and function and that may also offer environmental,
29 economic and social benefits while increasing resilience. "Nature-based solution" includes
30 green infrastructure projects that use storm water management practices to preserve, restore
31 or mimic natural hydrology and natural infrastructure projects that use existing or rebuilt
32 natural landscapes to increase resilience.

33 **17. Notice of cost recovery demand.** "Notice of cost recovery demand" means a
34 written communication from the department informing a responsible party of the amount
35 of the cost recovery demand.

36 **18. Petroleum product.** "Petroleum product" means any product refined or re-refined
37 from:

38 A. Synthetic or crude oil; or

39 B. Crude oil extracted from natural gas liquids or other sources.

40 **19. Qualifying expenditure.** "Qualifying expenditure" means an authorized payment
41 from the fund to pay reasonable expenses associated with the administration of the fund

1 and the program and to pay for a climate change adaptation project, including its operation,
2 monitoring and maintenance.

3 **20. Responsible party.** "Responsible party" means an entity or a successor in interest
4 to an entity that during any part of the covered period was engaged in the trade or business
5 of extracting fossil fuel or refining crude oil and is determined by the department
6 attributable for more than 1,000,000,000 metric tons of covered greenhouse gas emissions
7 during the covered period. "Responsible party" does not include a person who lacks
8 sufficient connection with the State to satisfy the nexus requirements of the United States
9 Constitution.

10 **21. Strategy.** "Strategy" means the resilience implementation strategy adopted by the
11 department under section 580-L, subsection 3.

12 **§580-I. Climate Superfund Cost Recovery Program**

13 The Climate Superfund Cost Recovery Program is established within and administered
14 by the department. The purposes of the program are:

15 **1. Compensatory payments.** To secure compensatory payments from responsible
16 parties based on a standard of strict liability to provide a source of revenue for climate
17 change adaptation projects within the State;

18 **2. Proportional liabilities.** To determine proportional liability of responsible parties;

19 **3. Cost recovery demands.** To impose cost recovery demands on responsible parties
20 and issue notices of cost recovery demands;

21 **4. Responsible party payments.** To accept and collect payment from responsible
22 parties;

23 **5. Strategy.** To develop, adopt, implement and update the strategy in order to identify
24 and prioritize climate change adaptation projects; and

25 **6. Funds dispersal.** To disperse funds to climate change adaptation projects identified
26 in the strategy.

27 **§580-J. Liability of responsible parties**

28 **1. Responsible party liability.** A responsible party is strictly liable for a share of the
29 costs of climate change adaptation projects and all qualifying expenditures from the fund.
30 For purposes of this section, entities in a controlled group:

31 A. Must be treated by the department as a single entity for the purposes of identifying
32 responsible parties; and

33 B. Are jointly and severally liable for payment of any cost recovery demand owed by
34 any entity in the controlled group.

35 **2. Cost recovery demand.** With respect to each responsible party, the cost recovery
36 demand is equal to an amount that bears the same ratio to the cost to the State and its
37 residents, as calculated by the Treasurer of State, from the emission of covered greenhouse
38 gases during the covered period as the responsible party's applicable share of covered
39 greenhouse gas emissions bears to the aggregate applicable shares of covered greenhouse
40 gas emissions resulting from the use of fossil fuels extracted or refined during the covered
41 period.

1 **3. Minority interest.** If a responsible party owns a minority interest of 10% or more
2 in another entity, the responsible party's applicable share of covered greenhouse gas
3 emissions is increased by the applicable share of covered greenhouse gas emissions for the
4 entity in which the responsible party holds a minority interest multiplied by the percentage
5 of the minority interest held by the responsible party.

6 **4. Greenhouse gas emissions.** The department shall use the best available
7 information, including but not limited to the United States Environmental Protection
8 Agency's emissions factors for greenhouse gas inventories as applied to the fossil fuel
9 volume data, for the purpose of determining the amount of covered greenhouse gas
10 emissions attributable to any entity from the fossil fuels attributable to the entity.

11 **5. Adjustments.** The department may adjust the cost recovery demand amount of a
12 responsible party who refined petroleum products or who is a successor in interest to an
13 entity that refines petroleum products if the responsible party establishes to the satisfaction
14 of the department that:

15 A. A portion of the cost recovery demand amount was attributable to the refining of
16 crude oil extracted by another responsible party; and

17 B. The crude oil extracted by the other entity was accounted for when the department
18 determined the cost recovery demand amount for the other entity or a successor in
19 interest to the other entity.

20 **6. Payments; installments.** A responsible party shall pay the cost recovery demand
21 amount in full not later than 6 months following the department's issuance of the cost
22 recovery demand, except that a responsible party may elect to pay the cost recovery demand
23 amount in 9 annual installments in accordance with this subsection.

24 The first installment must be paid not later than 6 months following the department's
25 issuance of the cost recovery demand and is equal to 20% of the total cost recovery demand
26 amount. Each subsequent installment must be paid not later than one year from the initial
27 payment and each subsequent year and must be equal to 10% of the total cost recovery
28 demand amount. The commissioner may charge reasonable interest on each installment
29 payment or a delayed payment and, at the commissioner's discretion, may adjust the amount
30 of a subsequent installment payment or a delayed payment to reflect increases or decreases
31 in the Consumer Price Index. The unpaid balance of all remaining installments becomes
32 due immediately if:

33 A. The responsible party fails to pay any installment in a timely manner, as specified
34 in department rules;

35 B. There is a liquidation or sale of substantially all the assets of the responsible party,
36 except that, in the case of a sale of substantially all the assets of a responsible party,
37 the remaining installments do not become due immediately if the buyer enters into an
38 agreement with the department under which the buyer assumes liability for the
39 remaining installments due under this subsection in the same manner as if the buyer
40 were the responsible party; or

41 C. The responsible party ceases to do business.

42 **7. Fund deposits.** The department shall deposit cost recovery payments collected
43 under this chapter into the fund.

1 **8. Reconsideration.** A responsible party aggrieved by the issuance of a notice of cost
2 recovery demand may file a request for reconsideration with the department within 30 days
3 following issuance of the notice of cost recovery demand. A request for reconsideration
4 must state the grounds for the request and include supporting documentation. The
5 department shall notify the responsible party of the final decision by issuing a subsequent
6 notice of cost recovery demand. A responsible party aggrieved by the issuance of a final
7 notice of cost recovery demand under this subsection may bring an action in the Superior
8 Court of Kennebec County seeking an order annulling, altering or modifying the notice of
9 cost recovery demand.

10 **9. Construction.** This Act may not be construed to relieve any person from liability
11 at common law or under any state law. This Act may not be construed to preempt, displace,
12 restrict or limit in any way any other claim or remedy available to a person.

13 **§580-K. Climate Superfund Cost Recovery Program Fund**

14 **1. Fund established.** The Climate Superfund Cost Recovery Program Fund is
15 established and is administered by the commissioner to provide funding for climate change
16 adaptation projects in the State. The fund consists of:

17 A. Cost recovery payments deposited into the fund under section 580-J;

18 B. Funds from time to time appropriated to the fund by the Legislature; and

19 C. Gifts, donations or other funds received from any source, public or private,
20 dedicated for deposit into the fund and approved by the commissioner.

21 **2. Use of fund.** The fund may be used only:

22 A. To pay qualified expenditures for climate change adaptation projects identified by
23 the department in the strategy;

24 B. To pay reasonable administrative costs of the program, including the cost to the
25 State Auditor associated with hiring technical expertise necessary to complete the
26 audits required under section 580-M;

27 C. To implement components of the state climate action plan required under section
28 577 that are related to climate change adaptation projects; and

29 D. To reimburse the General Fund for any costs to establish and implement the
30 program and the fund incurred by the department, the Treasurer of State and the Office
31 of the Attorney General.

32 At least 35% of funds expended from the fund must be used for climate change adaptation
33 projects that benefit persons with median household income and employment below the
34 statewide median household income and employment rate who have environmental justice
35 concerns.

36 **3. Unexpended balances and interest.** Unexpended balances and interest earned by
37 the fund must be retained in the fund from year to year.

38 **§580-L. Rulemaking**

39 The department shall adopt rules necessary to implement the requirements of this
40 chapter, including:

1 **1. Identification.** Adopting methodologies using the best available science and
2 publicly available data to identify a responsible party and determine a responsible party's
3 applicable share of covered greenhouse gas emissions;

4 **2. Registration requirements.** Requirements for registering an entity that is a
5 responsible party and issuing a notice of cost recovery demand under the program; and

6 **3. Resilience implementation strategy.** Requirements for the adoption of the strategy
7 under section 580-N, which must include:

8 A. Practices using nature-based solutions intended to stabilize flood plains, riparian
9 zones, lake shoreland, wetlands and similar lands;

10 B. Practices to adapt infrastructure to the effects of climate change;

11 C. Practices needed to build early warning mechanisms and to support fast, effective
12 response to climate-related threats;

13 D. Practices that support economic and environmental sustainability in the face of
14 changing climate conditions; and

15 E. Criteria and procedures for prioritizing climate change adaptation projects eligible
16 to receive funds under the program.

17 Rules adopted pursuant to this section are routine technical rules as defined in Title 5,
18 chapter 375, subchapter 2-A.

19 **§580-M. Program audit**

20 Beginning January 1, 2031 and every 5 years thereafter, the State Auditor shall evaluate
21 the operation and effectiveness of the program. The State Auditor shall make
22 recommendations to the department on ways to increase program efficacy and cost-
23 effectiveness. The State Auditor shall submit the results of the audit to the joint standing
24 committees of the Legislature having jurisdiction over agriculture, conservation and
25 forestry matters, environment and natural resources matters and energy, utilities and
26 technology matters. The State Auditor must be reimbursed from the fund for any costs
27 associated with hiring technical expertise necessary to complete the audits required under
28 this section.

29 **§580-N. Resilience implementation strategy**

30 In adopting the strategy, the department shall:

31 **1. Maine Climate Council.** Consult with the cochairs of the Maine Climate Council
32 established in section 577-A and within the Governor's Office of Policy Innovation and the
33 Future, as well as any relevant working groups;

34 **2. Adaptation needs and vulnerabilities.** In consultation with other state agencies,
35 including the Department of Defense, Veterans and Emergency Management, Maine
36 Emergency Management Agency, assess the adaptation needs and vulnerabilities of various
37 areas vital to the State's economy and normal functioning and the health and well-being of
38 residents of the State;

39 **3. Climate change adaptation projects.** Identify major potential, proposed and
40 ongoing climate change adaptation projects throughout the State;

4. Funding streams. Identify opportunities for alignment with existing federal, state and local funding streams:

5. Consultation. Consult with stakeholders, including local governments, businesses, environmental advocates, relevant subject area experts and representatives of low-income communities or communities with environmental justice concerns pursuant to section 580-K;

6. State climate action plan. Consider components of the state climate action plan under section 577 that are related to adaptation or resilience; and

7. Public engagement. Conduct public engagement in areas and communities that have the most significant exposure to the effects of climate change, including disadvantaged, low-income and rural communities and areas.

This section may not be construed to limit the existing authority of a state agency to regulate greenhouse gas emissions or establish strategies or adopt rules to mitigate climate risk and build resilience to climate change.

Sec. 2. Treasurer of State report on cost to State of greenhouse gas emissions. On or before December 31, 2026, the Treasurer of State shall submit to the joint standing committees of the Legislature having jurisdiction over environment and natural resources matters, energy, utilities and technology matters and judiciary matters an assessment of the costs to the State of the emission of greenhouse gases for the period that began on January 1, 1995 and ended on December 31, 2024. The assessment must include:

1. A summary of the various cost-driving effects of greenhouse gas emissions on the State, including effects on public health, natural resources, biodiversity, agriculture, economic development, flood preparedness and safety, and any other effect that the Treasurer of State determines is relevant;

2. A categorized calculation of the costs that have been incurred and are projected to be incurred by the State of each of the effects identified under subsection 1; and

3. A categorized calculation of the costs that have been incurred and are projected to be incurred by the State to abate the effects of greenhouse gas emissions from between January 1, 1995 and December 31, 2024 on the State and residents of the State.

Sec. 3. Cost recovery demands issued. The Department of Environmental Protection shall issue the cost recovery demands pursuant to the Maine Revised Statutes, Title 38, chapter 3-C not later than 6 months following the adoption of rules pursuant to Title 38, section 580-L.

SUMMARY

This bill establishes the Climate Superfund Cost Recovery Program within the Department of Environmental Protection. Under the program, an entity or a successor in interest to an entity that was engaged in the trade or business of extracting fossil fuel or refining crude oil between January 1, 1995 and December 31, 2024 is assessed a cost recovery demand for the entity's share of fossil fuel extraction or refinement contributing to greenhouse gas-related costs in the State. An entity is assessed a cost recovery demand only if the department determines that the entity's products were responsible for more than one billion metric tons of greenhouse gas emissions. Cost recovery payments received by

1 the department are deposited into the Climate Superfund Cost Recovery Program Fund to
2 provide funding for recovery of the costs to develop and implement the program and fund
3 and for climate change adaptation projects in the State, which the department is directed to
4 prioritize through the adoption of a resilience implementation strategy and to ensure that at
5 least 35% of the funds are used for climate change adaptation projects that benefit
6 low-income persons with environmental justice concerns.

[Draft Municipal Resolution in Support of a Maine Climate Superfund]

Note:

This template is meant to help facilitate the adoption of formal statements of support by a diverse array of Maine municipalities.

We recognize that each community may approach this issue with a unique perspective, therefore the text below is only a starting place for discussion. We encourage all municipalities to adjust this language to suit the needs of their community best.

Town/City of _____ Council/Selectboard Resolution, adopted _____, 2025

Resolution Supporting the Creation of a Maine Climate Superfund

Whereas climate change and the resulting storms are costing Mainers billions of dollars; and

Whereas 2023-24 winter storms caused \$90 million in damage to public infrastructure and untold more to private property; and

Whereas climate change is already shifting storm patterns in Maine in ways that will continue to severely damage public and private infrastructure; and

Whereas expensive fuels continue to strain working families' budgets; and

Whereas in the face of environmental and economic crises for Maine people, international oil companies continue to take in near-record profits year after year; and

Whereas declining municipal revenues cannot keep people and property safe from the worst impacts of climate change; and

Whereas the world's largest fossil fuel corporations should contribute significantly to local communities to fix the damage they've caused; and

Whereas a Maine Climate Superfund will help Maine determine the true cost of dealing with climate change and make polluters to pay for the climate damage they caused; and

Whereas under such a program, the state will produce a detailed report of the financial impact of fossil fuel-related climate pollution, then identify the largest emitters responsible for that pollution and recover costs in proportion to their share of emissions; and

Whereas payments from those large oil and gas corporations, instead of taxpayer dollars, will be used to finance projects that can protect Maine people, businesses, and property from the

devastating impacts of climate change and help our communities adapt to new environmental realities; and

Whereas the original Superfund program and its “make polluters pay” principle has withstood challenges for decades and can be easily applied to the environmental damage caused by climate change; and

Whereas Maine would join national leaders championing this innovative policy, building on bipartisan legislation successfully enacted in Vermont and New York last year;

Now, therefore, be it resolved by the Town Council/City Council/Selectboard of _____ that,

_____ strongly urges the Maine Legislature and Governor to pass legislation to create a Maine Climate Superfund, to protect Maine communities and ensure the largest oil and gas companies pay their fair share for climate-related damage.