

Maine Environment

SPECIAL EDITION

Natural Resources
Council of Maine

Summer 2009

2009

REPORT CARD FOR MAINE'S ENVIRONMENT

This was a hectic legislative session right up to the end, but lawmakers left the State House in April with a solid record of success on environmental and energy legislation. As a result, we give the Maine Legislature strong grades this year for its work to protect Maine's natural resources.

With the backdrop of an economic recession, this could have been a year of deep partisan divisions, but it didn't turn out that way. Legislative leaders of both political parties set a constructive tone overall, and most of our environmental priorities earned solid bipartisan support.

Following last summer's record-high energy prices, it was clear that energy legislation would be a top priority. And it was. The Legislature passed several important energy bills, including a major bill to boost the energy efficiency of Maine homes and businesses, a bill to establish test sites for offshore wind power turbines, and a bill creating a pilot project and incentives for community-based renewable energy projects.

The Legislature broke new ground in addressing toxics pollution by establishing a first-in-the-nation law creating a system for collecting and



B. DIMOND/NRCM

recycling compact fluorescent lights, which contain a small amount of mercury. The Legislature also enacted laws to phase out lead wheel weights used in balancing tires, to expand Maine's successful electronic waste recycling program, and to require notification of neighbors for certain types of aerial spraying of pesticides.

We're also pleased that proposed bills that would have weakened Maine's environmental safeguards were defeated.

We worked well with legislative leadership and with legislators who sponsored and worked hard to pass these and other significant bills. We also thank members of the Environmental Priorities Coalition for their work during this legislative session. The EPC now includes 25 organizations – including NRCM – working together on a set of priority environmental bills.

Very special thanks also goes to all of NRCM's members and activists. Without your participation in the process, and your contributions and support, NRCM would not be

able to play the role that we do – on behalf of our environment and future generations. —Pete Didisheim, Advocacy Director

At a glance...

SUBJECT

GRADE

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Funding Land for Maine's Future	B
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Reducing Toxic Pollution	A
Notifying the Public about Pesticides	A-
Planning for Climate Change	Incomplete
Defeating Harmful Bills	A-

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Reducing Dependence on Oil **A-**

Maine has the highest reliance on home heating oil of any state in the nation (80 percent), and our homes are generally old and inefficient. A typical Maine home wastes more than 20 percent of the energy purchased to heat it. Fortunately, this session the Legislature passed a far-reaching new energy bill that starts Maine on a path to significant improvements in our energy security.



NRCM FILE

An Act Regarding Maine's Energy Future (LD 1485) was developed by a special committee established this session exclusively for the purpose of reporting out a major energy bill. The new law, which drew from a range of bills introduced this session, sets ambitious goals for weatherizing all Maine residences and half of Maine businesses by 2030. It pulls together Maine's existing energy efficiency programs into a new, semi-independent Efficiency Maine Trust that will create and manage long-term plans for achieving 20 to 30 percent energy savings in electricity, natural gas, and heating fuels. The bill also invests in workforce development for energy efficiency jobs and construction of new energy-efficient affordable housing. The legislation utilizes federal stimulus funding, a modest bond, and other existing funds during its first two years, and requires the Legislature to develop a long-term funding strategy for legislative consideration in 2011.

"This bill is a remarkable achievement," said NRCM Energy Project Director Dylan Voorhees. "It will keep money in the pockets of Maine people by reducing energy waste, will reduce global warming pollution by increasing the energy efficiency of our buildings, and will generate hundreds of new jobs for energy auditors, engineers, and weatherization professionals. The Legislature will need to provide long-term funding to achieve the goal of protecting Maine people from escalating energy costs."

Funding Land for Maine's Future **B**



ALLISON CHILDS WELLS

Dodge Point Public Reserved Land, Newcastle, protected with LMF funds.

To preserve the quality and character of Maine for future generations, land conservation must be one of our very highest priorities. Land trusts do a great job at the local level with help from the Land for Maine's Future (LMF) program, which is also the state's most important resource for projects of

statewide significance. LMF has protected incredible places like Mt. Kineo at Moosehead Lake, Mount Agamenticus in York County, and the Kennebec Highlands. LMF receives strong support from Maine voters when it is on the ballot because it has such a strong record of success in protecting farmland, trails, forestlands, water access, and our natural landscape.

Unfortunately, LMF is out of funds while the need for ongoing funding is estimated at \$20 million annually. That is why NRCM and other groups called for a four-year investment strategy of more than \$80 million. But this year's difficult budget issues took a toll on all bonding proposals. The Legislature dramatically scaled back its overall bond package and provided only \$7.5 million for LMF. And the measure won't be on the ballot until November 2010, which means that LMF will be out of money for the next 18 months.

"We recognize the difficult funding context and appreciate that LMF received some funding in the final bond package," said NRCM North Woods Project Leader Cathy Johnson. "But for LMF to continue to do its important job of protecting Maine's landscape and natural heritage, which are important economic assets, additional sources of funding will need to be found."

Promoting Clean Power **A-**

This year the Legislature enacted one bill that could make Maine a leader in ocean-based energy, and another to promote community-owned renewable power projects.

An Act to Facilitate the Testing and Demonstration of Renewable Ocean Energy Technology (LD 1465) was developed by the Governor's Task Force on Ocean Energy and adopted overwhelmingly by the Legislature.

The task force was formed, in part, to explore the possibility that large wind farms might be built at some future point in the Gulf of Maine, where they could tap into strong winds to generate large amounts of electrical power. A



number of companies are developing prototypes for such wind farms, and Maine wants to be at the front edge of this effort. The new law streamlines the permitting process for offshore tidal and wind power technology demonstration projects, and creates a process for identifying up to five demonstration sites off Maine's coastline.

The Legislature also took a positive step with passage of *An Act to Establish the Community-Based Renewable Energy Pilot Program (LD 1075)*, creating incentives for clean energy projects owned by Maine residents, municipalities, landowners, non-profit organizations, or companies. The pilot program will support up to 50 megawatts (MW) of clean power projects owned by Maine entities. The bill also directs the Public Utilities Commission to develop a "green standard offer," which would be a new renewable energy electricity option for all Maine consumers.

"With passage of these bills, we are big steps closer to seeing wind power developed offshore and also at the community level," said NRCM Advocacy Director Pete Didisheim.

Protecting Maine Rivers **A**

Maine law requires our Department of Environmental Protection to evaluate the water quality of our rivers and streams every few years, and to recommend an increased level of protection (the "classification" level) for stretches



LEE DASSLER

The Crooked River, famed for its landlocked salmon, is now protected thanks to legislation NRCM helped pass this year.

that meet or exceed higher water quality standards. Through this process, Maine's rivers and streams collectively get cleaner and healthier as Maine locks in new, higher levels of protection that correspond with rising water quality levels.

This year, the Legislature adopted *An Act to Change the Classification of Certain Waters in the State (LD 330)*, with increased level of protection for several sections of river, including for the Crooked River, Alder Stream, and the Basin. NRCM is particularly pleased with the upgrade to the portion of the Crooked River, which provides the vast majority of spawning habitat for Sebago Lake's famed landlocked salmon. It also provides 35 percent of the water to Sebago Lake, which is the drinking water supply for 200,000 Maine people. Although LD 330 was opposed by individuals associated with a small historic mill that wanted to build a dam on the Crooked River, the Legislature took the right step and approved the upgrade to AA, Maine's highest level of protection. This makes building dams on the river illegal.

"This was a big win for protection of a spectacular waterway, the Crooked River. We commend the Legislature for making a decision that protects the best interests of the people of Maine," said NRCM Staff Scientist Nick Bennett.

Reducing Toxic Pollution

A



Governor Baldacci and NRCM Toxics Project Leader Matt Prindiville at the signing of LD 973.

Maine has developed a reputation as being a policy innovator when it comes to addressing toxic chemicals in consumer products. This year the Legislature added several additional important laws to our statutes that are helping protect Maine

people, environment, and wildlife from toxic pollution.

Most importantly, the Legislature enacted *An Act to Provide for the Safe Collection and Recycling of Mercury-containing Lighting (LD 973)*. This bill puts a limit on the amount of mercury that can be used in compact fluorescent lights (CFLs). It also requires CFL manufacturers to help pay for a statewide collection and recycling system for these bulbs. This CFL recycling law is a first-of-its-kind in the U.S. and will make sure that the CFL bulbs that we use to help save energy, and which contain small amounts of mercury, do not end up in landfills and incinerators.

The Legislature also adopted *An Act to Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury (LD 986)*, which bans the use of lead wheel weights for balancing tires starting in January 2011. This law will help stop pollution from as much as 20,000 pounds of lead each year that contaminates our environment when wheel weights fall off, become pulverized, and enter waterways.

Finally, lawmakers adopted *An Act to Enhance Maine's Electronic Waste Recycling Law (LD 536)*, which expands Maine's successful e-waste law so that it also covers desktop printers, video game consoles, and digital picture frames. Manufacturers of these devices now will be responsible for helping fund end-of-life collection and safe recycling of these e-waste products, thus further helping to prevent toxic materials from ending up in Maine's environment where they can threaten the health of families and wildlife.

"We commend the strong bipartisan support provided this year for legislation to protect Maine people and our environment from toxic pollution, and to build on our successful programs for reducing toxics in consumer products so that such products are recycled efficiently and safely," said NRCM Toxics Project Leader Matt Prindiville.

Public Notification of Pesticides

A-

Rachel Carson's *Silent Spring* was published more than 45 years ago, yet we still do not have adequate safeguards to inform and protect people about the use of potentially toxic pesticides. One area of concern has been with public notification about aerial spraying of pesticides on a neighboring agricultural operation, and the potential for such applications to drift.

This year, NRCM worked with the Maine Organic Farmers and Gardeners Association to support a bill to help address this problem, and a modified version of the bill was adopted unanimously. Passage of *An Act to Require Citizen Notification of Pesticide Applications Using Aerial Spray or Air-carrier Application Equipment (LD 1293)* requires land managers to notify occupants, farmers, and owners of adjacent properties if they intend to apply outdoor pesticides using certain types of spraying equipment. The new law also creates a registry for people who wish to receive detailed information about these pesticide applications.



Smart Planning for Climate Change

Incomplete



Maine's seaside communities like Damariscotta are threatened by climate change.

It is often said that the most important way to get oneself out of a hole is to stop digging, and this is an apt saying for addressing the threat of climate change. We need to stop building infrastructure that contributes to global warming pollution, and we

should avoid investments in new structures that could be at risk as a result of sea-level rise and other effects of climate change. A comprehensive bill was introduced this session that would have required state agencies to consider the global warming pollution of a proposed development project as they evaluate permit applications. *An Act to Establish Climate and Energy Planning in Maine (LD 1333)* also would have helped control scattered development in Maine's North Woods, and improved the prospects for fish and wildlife survival as they adapt to climate change. Strong opposition faced the initial legislation, so most of these important planning and permitting concepts will be carried over for consideration next year. An important portion of the original bill was adopted, and will ensure that culverts under roads provide adequate passage of fish and aquatic organisms.

Defeating Harmful Bills

A-

Hidden within the 1,400 bills introduced this year were more than 20 pieces of legislation that NRCM concluded would have weakened Maine's environmental safeguards. Defeating bad bills is a priority for us, and we were very successful this session.



NRCM helped defeat the Carrabasset Valley annexation bill that threatened Redington Mountain.

Several bills were introduced to weaken Maine's Land Use Regulation Commission (LURC), and all of them – including a bill to abolish LURC – were either defeated or sufficiently watered down. We helped defeat a bill that would have eviscerated Maine's residential energy efficiency building code law that we worked so hard to enact in 2008. We also helped defeat legislation to allow the town of Carrabasset Valley to annex adjacent land in LURC jurisdiction as a way for a developer to try to do an end-run around a LURC decision.

We were pleased that the Legislature refused to adopt a bill that would have transferred regulation for large-scale agricultural composting operations away from the Department of Environmental Protection, which has significantly more staff to do this important work than does the Department of Agriculture. And we were heartened that a bill to weaken enforcement action for oil discharge violations was turned down, as was a bill that could have resulted in elimination of environmental, safety, and health regulations on Maine businesses.

Other Bills of Interest

Reducing Plastic Bags The Legislature considered bills to put a fee on plastic bags used at retail stores, but opted instead to create a working group to review options and make recommendations for reducing the use of plastic bags at stores. NRCM will be a participant in the working group.

Preserving Dark Skies Maine still has what increasingly few places in the East can boast: dark skies at night. The Legislature directed the State Planning Office to review existing commercial outdoor lighting standards and make recommendations by next January on ways to limit light pollution, which can disrupt the surrounding ecological community and diminish the quality of the age-old tradition of sky-gazing.

Button Cell Batteries The sale of certain mercury-containing button

- Continued on page 4

Other Bills of Interest (continued)

cell batteries will be banned in Maine, starting in June 2011, as a way to further reduce mercury pollution.



Bald Eagles With nearly 500 nesting pairs of Bald Eagles now found in Maine, among the highest of any state in the continental U.S., Governor Baldacci signed a law removing the Bald Eagle from Maine's endangered species list. The eagle receives continued protections under state and federal law, but has recovered to the point where endangered species status is no longer necessary.

Natural Resource Agency Consolidation The Legislature considered three bills aimed at consolidating and/or reshuffling Maine's natural resource agencies, but ultimately decided to make no structural changes. Small recommendations of the Governor's Task Force on Natural Resource Agencies will be implemented through legislation next year or administratively.

Solar Power Rights Protected

Towns, homeowners associations, and condominium owners will not be allowed to restrict the ability of a homeowner to install a solar energy device, including clothes lines, on their property.



Federal Stimulus Funding for Energy Programs The Legislature approved plans by the Maine Public Utilities Commission and Maine State Housing Authority for how \$72 million in federal stimulus money will be spent on programs to boost energy efficiency for businesses, low-income households, and other residences.

Climate Adaptation The DEP was directed to initiate a stakeholder planning group to study ways that Maine needs to prepare for the potential impacts of climate change. The working group already is up and running, and NRCM is participating.

Climate Rating for Buildings The Maine PUC is directed to develop a standardized rating system and reporting form for energy efficiency and greenhouse gas emission performance of buildings, and work to get such a system adopted. Such a system would help people know what they are getting when they purchase a home or building, in terms of energy use and impact on climate change.



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A Call for Nominations for NRCM's 4th annual People's Choice Award

NRCM's
People's
Choice
Award



This year is NRCM's 50th anniversary. We're celebrating our past, present, and future, and we invite you to be a part of it!

Please participate by nominating someone in your community for the 2009 NRCM People's Choice Award. You know, that person who has worked tirelessly to protect a special place in your community. Or to pass legislation safeguarding Maine's environment. Or to stop polluting companies from contaminating our state. Someone who selflessly goes above and beyond to make sure future generations will enjoy the kind of Maine we all know and love.

Voting opens July 1 and will continue through August 7. NRCM will compile the nominees and post it on our website, where you, your friends, and your family can vote for the person you think most deserves to be this year's People's Choice Award winner. (Please note that we cannot consider people who currently sit on a regulatory board or who are in the Legislature.) The winner will be presented with the award at our Annual Meeting this fall – watch for details. Send us your nomination today!

Candidate's Name _____

Address _____

Address _____

Telephone _____

Please describe on a separate sheet why you believe this person deserves the 2009 People's Choice Award (and include any of the nominee's organizational affiliations). Please be as specific as possible about accomplishments for Maine's environment.

Your name _____

Address _____

Address _____

Telephone _____

Email _____

Thank you! We will notify you and your nominee, if that person is selected as a finalist for NRCM's People's Choice Award. Please return this form to Beth Dimond, NRCM, 3 Wade Street, Augusta, ME 04330-6317. You can also nominate online at www.nrcm.org.

Join Us at These Upcoming 50th Anniversary Events!

Saturday, July 11

Join **Brownie Carson** for his presentation, "50 Years of Environmental Protection for Maine: What We've Learned, What's Next." 7:00 p.m. Moore Auditorium, campus of the Schoodic Education and Research Center.

Saturday, July 18

Paddle the Kennebec with us from Sidney to Augusta in celebration of the 10th anniversary of the removal of the Edwards dam. Get your canoes and kayaks ready, and find out more at www.nrcm.org.

Birding at Moosehead with Bob Duchesne. Join the author of the new guide book *Maine Birding Trail* to see Maine specialties like Boreal Chickadees, Gray Jays, and Spruce Grouse. Meet at North Woods Outfitters in Greenville 7:30 a.m.

Saturday, July 25

Hike Ragged Mountain with John Gibson, author of *50 Hikes in Southern and Coastal Maine*. Space is limited! RSVP to Stacie Haines at (207) 430-0127. The hike begins at 10:30 a.m.



Visit our website – new events are added frequently! www.nrcm.org

Fill out a Brownie Points form for events you attend (or send us your name, address, and event) and you could win prizes from Maine businesses, like a kayak from LL Bean! Check the complete list of prizes on our website at www.nrcm.org.