



Maine Environment SPECIAL EDITION



2013 REPORT CARD FOR MAINE'S ENVIRONMENT

In early July, the Legislature finally adjourned for the year. After six long months, with many long days and nights of work near the end, the Natural Resources Council of Maine staff has now been able to step back and assess the Legislature's overall performance. What we see is a pretty good record. There were disappointments and frustrating losses, in some cases due to vetoes by the governor. But we also achieved some big victories this year for Maine's environment, and that represents a nice change from the past two years when we spent all of our time at the State House working to defeat bills that would have undermined Maine's environmental laws.

Most significantly, lawmakers overwhelmingly approved legislation to restore passage of alewives (river herring) to the St. Croix River—a goal that NRCM has worked hard to achieve for more than 10 years. The Legislature approved an omnibus energy bill that will boost energy efficiency funding, saving Maine people and businesses money while reducing pollution, and a new law was enacted to create a recycling program for unused household paint. These positive bills were big wins that took a huge effort by NRCM staff and our partners, allies in the Legislature, and Maine people, including NRCM members and supporters, communicating with their elected officials.

Other good news came with passage of rules to prohibit the use of bisphenol-A (BPA) in baby formula packaging and infant food packaging, passage of a law requiring labeling of food with genetically modified organisms (GMO), and termination of state funding for a financial feasibility study for an East-West highway and energy corridor which, if built, would cut through wildlife habitat and conservation lands.

Legislature's Performance at a glance...	
SUBJECT	OUTCOME
Restoring Alewives	++
Defeating Rollback Bills	++
Paint Recycling	++
Energy Efficiency	++
East-West Highway	+
Toxics in Consumer Products	+/-
Climate Change	-
Mineral Mining	-

the year came when a bill to strengthen Maine's mineral mining law was defeated by one vote in the Senate, after having been approved by a bipartisan, 42-vote margin in the House.

Compared with the previous two years, the Legislature this year demonstrated a much higher level of bipartisan support for bills to protect Maine's environment. More than 50 Republican lawmakers joined most Democrats on at least one of the major bills that NRCM was working on this year. We are pleased by this return to a bipartisan majority on many issues, because protecting Maine's environment is not a partisan issue; we all depend on Maine's clean air, clean water, healthy forests, and abundant wildlife.

One of the signature features of this legislative session was the proliferation of vetoes from Governor LePage—more than 83 in all. Several significant environmental bills approved by the House and Senate with strong bipartisan votes subsequently failed to become law because the Legislature fell short of securing the two-thirds vote needed to override a veto. One exception was on the energy bill, where lawmakers did, thankfully, override the governor's veto.

As described in our Report Card, we give the Legislature generally positive marks this year. Rather than assigning letter grades, as we often have done in the past, we instead are providing plus (+) and minus (-) signs, with more signs suggesting how good or bad the outcome was. This year the Legislature took forward steps for Maine's environment, and that is very good.

These forward steps would not have happened if lawmakers hadn't felt the pressure to do so from their constituents. We extend a special thanks to NRCM's members and activists who communicated with their legislators on these important issues, in some cases over and over again. We also appreciate the work of legislators who showed leadership on issues affecting the future of Maine's environment. Collectively, we did very good work this year and seem to be moving forward again with positive actions for Maine's environment.—Pete Didisheim, Advocacy Director

NRCM helped defeat many bills that would have weakened Maine's environmental safeguards, including proposals to reduce protections for vernal pools. Our biggest disappointment of

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Restoring Alewives to the St. Croix River



NRCM participated in a celebration along the St. Croix at which tribal and federal officials signed a pledge to continue working together to bring back river-run fish to this important Maine watershed.

In one of the biggest victories of the session, the House and Senate voted overwhelmingly to overturn a law that blocked passage of alewives in the St. Croix River since 1995. Alewives are a critical fish species that serves as a source of food for trout, salmon, striped bass, cod, and other fish species, as well as for birds and other wildlife.

During the late 1980s, more than 2.6 million alewives swam up the St. Croix to reach their ancestral breeding grounds, but they were blocked from doing so beginning in 1995 when the Maine Legislature passed a misguided law requiring that the fishway at the Grand Falls dam be closed to alewife passage. That action prevented alewives from reaching 98 percent of their ancestral breeding habitat and caused the alewife run to collapse. The 1995 law was pushed into place by a group of sportfishing guides who mistakenly believed that alewives threaten smallmouth bass, and thus would jeopardize their guiding businesses. This claim is not supported by the science, which—if anything—shows just the opposite to be true.

“We won this year because we had such a great, broad-based coalition advocating for the alewives,” said NRCM Staff Scientist Nick Bennett. “At the center were representatives of the Passamaquoddy Tribe who eloquently argued for restoring the health of the river.” The bill (LD 72), introduced by Madonna Soctomah, the Passamaquoddy Representative to the Maine Legislature, passed 123-24 in the House and 32-3 in the Senate. Governor LePage allowed it to become law without his signature.

Next Step: NRCM will closely monitor alewife returns to the St. Croix during the years ahead. We fully anticipate a strong recovery of the population, just as we have seen in the Kennebec River and the Sebasticook tributary, which this year had about three million returning alewives.

Defeating Rollback Bills



NRCM led efforts to stop the weakening of protections for vernal pools.

During 2011 and 2012, the overwhelming focus of NRCM’s efforts at the State House were focused on defeating bills aimed at undermining Maine’s landmark environmental laws. During the 2011 session alone, NRCM worked to defeat 50 rollback bills. Although we faced fewer such proposals in 2012, we still spent countless hours working to persuade lawmakers not to pass bills that would take Maine backwards on safeguards for clean air, clean water, and healthy ecosystems.

From that perspective, this year was a breath of fresh air. Fewer rollback bills were introduced, and most of them (though not all) were easier to defeat. For example, legislators defeated 10 bills that would have chipped away at Maine’s billboard ban, which helps protect the scenic character of the state. Two bills that would have eviscerated protections for vernal pools and waterfowl and wading bird habitat were defeated at the committee level. Two “takings” bills similar to ones we worked hard to defeat last year, and in many previous years, were rejected. Also rejected this year were bills to repeal Maine’s energy efficiency building code, politicize the hydropower relicensing process, and create loopholes in Maine’s shoreland zoning law.

Next Step: We will continue to work with legislators to make sure they understand that Maine people value our environment, and that means ensuring safeguards for it and rejecting efforts to weaken protections for our air, water, forests, and wildlife.

Paint Recycling Bill



Thanks to NRCM’s efforts, Maine will become one of seven states with a program to recycle leftover household paint.

Maine is set to become the seventh state in the country with a law that establishes a program to collect and recycle leftover household paint. The law will provide Maine residents with a safe, convenient, and environmentally responsible way to dispose of leftover latex and oil paint.

The bill, introduced by Sen. Tom Saviello (R-Franklin), received strong support from the paint industry, municipalities, and some paint retail stores. Yet the Department of Environmental Protection testified against the bill, which surprised many lawmakers because the bill came with such strong support from paint companies like Sherwin-Williams, Velspar, and Behr.

Based on Maine paint sales data, the new program—when implemented beginning in 2015—could result in the collection and environmentally responsible reuse and recycling of more than 300,000 gallons of paint annually. The program also will save money for towns and taxpayers by avoiding the cost of processing unused paint through household hazardous waste cleanup events, which is a costly way to handle used paint.

“The bill will help protect the environment by making it easy for Maine people to recycle cans of partially used household paint that pile up in our basements and garages,” says NRCM Advocacy Director Pete Didisheim. “This new law will build on Maine’s other successful product stewardship programs, which are helping keep toxic materials out of landfills and incinerators.”

The bill, (LD 1308), was adopted by 97-45 in the House and 28-7 in the Senate. Governor LePage allowed it to become law without his signature.

Next Step: We will work closely with representatives of the paint industry’s nonprofit organization, PaintCare, which will run Maine’s paint recycling program. We will monitor and evaluate the programs already underway in other states to make sure that Maine’s program learns from those experiences.

Energy Efficiency Funding



NRCM helped pass a new energy bill that will help reduce heating costs for Mainers.

The Legislature enacted an omnibus energy bill comprised of pieces from more than nine different bills. The governor vetoed the measure, but the House and Senate both voted to override the governor’s veto—putting in place one of the most significant energy bills of the past 20 years.

The bill includes many provisions that will be good for Maine’s environment and energy consumers. It will cut energy costs significantly for homeowners and businesses as a result of increased funding for energy efficiency programs. The bill changes the decision-making process for energy efficiency investments so that the Public Utilities Commission (rather than the Legislature) will determine energy efficiency spending levels in the future, based on an economic analysis about maximizing savings for electricity ratepayers.

The bill will reduce the carbon pollution cap for power plants under the Regional Greenhouse Gas Initiative (RGGI) by 45 percent, to cut global warming pollution. The bill also directs that the vast majority of funds Maine gets from the sale of carbon credits under RGGI continue to be used for energy efficiency purposes. And the bill requires that one-third (roughly \$4 million annually) of the RGGI funds be used for programs that reduce heating costs for homeowners, such as weatherization or high-efficiency heating systems. This could benefit nearly 5,000 Maine homeowners per year.

“It’s hard to overstate the importance of this bill for increasing energy efficiency and reducing pollution from energy consumption,” said NRCM Clean Energy Project Director Dylan Voorhees. “Hands down, this is the most important energy bill adopted in Maine in a very long time.”

Next Step: NRCM will closely monitor implementation of all of the provisions of this bill, with particular focus on making sure that the measures that improve energy efficiency and reduce global warming pollution are fully implemented.

3 Legislative Session

East-West Highway and Energy Corridor



Efforts by NRCM succeeded in the rescinding of public funding for an East-West highway feasibility study.

Lawmakers introduced many bills this year aimed at curbing a possible 220-mile East-West highway and energy corridor across the middle of Maine, including through important wildlife habitat and conservation lands. NRCM closely followed and testified on these bills, including at a day-long hearing that drew a huge crowd of Maine people who oppose the idea of an East-West highway cutting across the state. Interestingly, almost nobody showed

up to defend the proposal—not even a representative of Cianbro Corporation, the company that is behind the project and devoting considerable effort to moving it forward. More than 175 small businesses along existing east-west routes have announced their opposition to the proposed East-West highway because of the economic damage that would occur from the “bypass” effect due to rerouted traffic.

In the end, the Legislature took three actions in connection with the East-West highway; NRCM testified in support of all three. The Legislature rescinded \$300,000 in public funds authorized last year to conduct a financial feasibility study for an East-West highway. Lawmakers also passed a bill that increases transparency for an East-West corridor project if it is pursued as a public-private partnership (the law previously kept this information secret from the public). And the Legislature enacted a resolve saying that state agencies must have a full opportunity to evaluate “the potential impacts to the State’s environment, small communities, and existing economies along any proposed route” for an East-West highway, regardless of whether or not it is a private project.

Next Steps: NRCM is closely following developments associated with an East-West transportation and energy corridor and will keep our members informed of any opportunities to take action.

Removing Toxics from Consumer Products



Efforts to keep Maine people safe from toxic chemicals in consumer products yielded mixed results.

We had mixed results on the issue of removing toxic chemicals from consumer products. On the plus side, the Legislature unanimously approved new rules (LD 902) that will phase out the toxic chemical bisphenol-A (BPA) in infant formula packaging and baby food packaging. These rules were initiated through a petition supported by NRCM and signed by 800 Maine moms and citizens concerned about the harmful effects of BPA. The governor allowed the rules to go into effect without his signature.

On the negative side, though, the governor vetoed a bill that would have required major food manufacturers to disclose their use of BPA in the linings of cans and jars, and the Senate was unable to muster the votes to override the veto. The bill (LD 1181) started off as a broad-based proposal aimed at requiring the DEP to step up its regulation of the “worst of the worst” chemicals found in consumer products. In its effort to kill the bill, the DEP made a completely unfounded claim that implementation of LD 1181 would require seven new staff and more than \$860,000 in new resources. Proponents of the bill had little choice but to drastically revise the legislation, to remove these implementation costs, scaling it back to a proposal that simply would require BPA disclosure by food manufacturers with more than \$1 billion in annual sales. This would have provided information that consumers could use to protect Maine children from a chemical linked to cancer, learning and developmental disabilities, and reproductive damage. Although this version passed the House and Senate on initial votes, the governor’s veto prevailed—which was a loss to all Maine people.

Next Steps: Working with our colleagues in the Alliance for a Clean and Healthy Maine, we will continue to push lawmakers and the Maine DEP to implement the Kid-safe Products Act—including through identification of the worst of the worst chemicals that should be regulated out of consumer products sold in Maine.

Climate Change



The governor vetoed a bill to help Maine respond to climate change.

Governor LePage vetoed a bill (LD 825) aimed at reducing the impacts of climate change on our communities and economy. The bill, introduced by Rep. Bill Noon (D-Sanford), would have restarted a climate adaptation planning process that was stopped by the LePage Administration two years ago. The bill passed through the House and Senate with strong initial votes, but the House failed to override the governor’s veto by one vote. The override required 99 votes, but only got 98 (98-50).

At a time when most states to our south are taking the threat of climate change seriously, with major efforts to identify and plan for impacts such as those resulting from sea-level rise, Maine just isn’t doing what needs to be done. LD 825 would have gotten the conversation going again. An initial climate adaptation report was developed in 2010, through a process involving a broad group of 75 businesses, associations, organizations, and state and federal agencies. Nothing has been done since to refine the report’s recommendations and implementation steps. The governor’s veto sent an unfortunate signal that Maine state government either doesn’t believe in, or doesn’t care about, climate change and the devastating impacts it could have on Maine people, communities, and businesses.

Next Steps: Many of the groups and individuals who testified in support of LD 825, and who participated in the climate adaptation study in 2009-2010, are exploring alternative ways to achieve the goals of LD 825.

Protecting Maine from Mineral Mining



NRCM will work to defeat any mining rules that do not protect Maine’s water quality and the health of Maine people.

One of our biggest disappointments of the session came when the Senate, by a one-vote margin, failed to pass a bill (LD 1302) to provide additional protections for the environment and Maine people from the risks of mineral mining. The House voted strongly in support of the bill, not just once, but three times. The final 97-40 vote included 16 Republicans calling for stronger safeguards for water quality and Maine people. But the bill ended up dying “in non-concurrence” because of the June 6 vote by Sen. Emily Cain (D-Penobscot) in opposition to the Majority Report on LD 1302. Senator Cain’s vote resulted in the 17-18 defeat of the bill in the Senate.

The bill, introduced by Rep. Jeff McCabe (D-Skowhegan), was necessary because legislation passed last year weakened the mining law that had been in place since 1991. Much of the impetus last year came from the Canada-based Irving Corporation, which is interested in creating a 600-acre open-pit mine for zinc, copper, and precious metals near Bald Mountain in Aroostook County. Such a mine would be nearly 50 times larger than the Callahan mine in Brooksville, which operated from 1968 to 1972 and left a contaminated site that will cost federal and state taxpayers an estimated \$23 million by the time it’s finally cleaned up. But the weakening of Maine’s mining law applies statewide, not just to Bald Mountain. Significant metal deposits exist throughout Maine, usually within sulfur rock formations that release sulfuric acid if dug up and exposed to moisture. Special places like the Down East, Western Mountain, and Moosehead Lake regions could face a risk from mining in the future.

“The good news from this year’s debate on LD 1302 is that there is a very strong bipartisan group of lawmakers who believe that Maine’s mining laws need to be strengthened,” said NRCM Staff Scientist Nick Bennett. “But the bad news remains that this bill should have been passed into law to protect Maine people and our environment, and it wasn’t. We still have a lot of work ahead of us on this issue.”

Next Steps: The Maine DEP is developing draft rules based on last year’s mining law. These rules will come before the Maine Board of Environmental Protection this fall, and will then be sent to the Legislature for approval in 2014. NRCM will examine this process closely, and will work to defeat any rules that are not protective of Maine’s water quality and people.

Additional Actions

In addition to our highest priorities, NRCM also worked on the following:



+ Allagash A bill that would have jeopardized the wilderness qualities of the Allagash Wilderness Waterway by allowing large groups to travel and camp there was defeated. NRCM opposed both the original bill and an amended version. Several legislators spoke eloquently on the House floor in support of protecting the wilderness experience on the Allagash, demonstrating that the Allagash remains a special resource to a strong majority of Maine people, including lawmakers.

- Energy Building Code A bill (LD 977) to reinstate a uniform state energy and building code was defeated by one vote. At present, due to action during the 2012 legislative session, Maine's energy code is not uniformly applied; rather, it only applies to towns with a population of more than 4,000 people. Defeat of LD 977 was a lost opportunity to ensure that homes statewide are built so that they do not waste energy.

+ GMO Labeling The House and Senate both approved a bill (LD 718) requiring that food be labeled if it contains genetically modified organisms (GMO). To secure the governor's support, the bill was amended so that it only kicks in when a similar requirement has been passed in "at least five contiguous states including Maine."

+ Land for Maine's Future The Legislature re-established the position of Director for the Land for Maine's Future (LMF) program that was eliminated by the LePage Administration two years ago. This staff position will be important for managing the nearly \$13 million in LMF funds that have been delayed by the governor, but now will be released as part of the budget deal.



+ Lead Sinker Ban Maine loons will benefit from a new law (LD 730) that expands an existing restriction on the use of lead sinkers and jigs by anglers. Lead poisoning is a leading cause of death among adult loons in Maine, responsible for close to one-third of the documented mortality over the past 25 years.

- Merger of Agencies We are disappointed that lawmakers supported the continued merger (LD 837) of the Department of Agriculture with the Department of Conservation. This merger was started last year at the insistence of the governor, and the Legislature had an opportunity to stop it this year. We believe the merger will put conservation programs at risk.

- Resource Agency Coordination As part of Governor LePage's dismantlement last year of the State Planning Office, the Administration also eliminated the Land and Water Resources Council that facilitated coordination across Maine's natural resource agencies. The Legislature this year passed a bill (LD 1427) introduced by Sen. Jim Boyle (D-Cumberland) to recreate this valuable interagency coordinating body for Maine's natural resource agencies, but the governor vetoed the bill and the Senate fell short by three votes in its attempt to override the veto.



- Pesticides on Playgrounds The Legislature defeated a bill (LD 961) that would have restricted the application of pesticides on playgrounds. Lawmakers continue to be reluctant to restrict pesticide use in Maine, even on playgrounds where children play.

- Tar Sands The governor vetoed a bill that would have required the DEP to brief the Legislature next year on the environmental and public health and safety risks associated with handling and transporting tar sands oil in Maine. The House failed to override the veto. The recent oil train disaster in Lac-Mégantic, Quebec, demonstrates the importance of further investigation of risks associated with fossil fuel transportation, and this study would have helped Maine understand and respond to such risks.



+ Wind Power The Legislature passed, and the governor signed into law, a bill (LD 385) to improve the opportunity for public input through hearings on wind power applications and provide increased protection of certain rare, high-elevation habitat that is important for the Bicknell's Thrush. NRCM worked on this bill with Maine Audubon and the Appalachian Mountain Club.

Support the Most Effective Team for Maine's Environment



L to R: Eliza Donoghue (North Woods), Abby King (toxics), Nick Bennett (staff scientist & watersheds), Cathy Johnson (North Woods), Pete Didisheim (advocacy director), Dylan Voorhees (energy).

Since 1959, NRCM continues to be the most effective group working to protect Maine's environment. With six full-time experts focused on stopping the most urgent threats to Maine's land, air, water, and wildlife, no other group has our level of commitment and expertise. Throughout the legislative session, our advocacy staff stayed at the State House long after others had gone home, working for legislation that protects Maine's environment—and against bills that put interests of polluters ahead of Maine people. Your gifts make our work possible. Please donate today in support of the most effective team for Maine's environment! Give online at www.nrcm.org or call (800) 287-2345. Your support makes a difference!

Nominate Your Environmental Hero!

A Call for Nominations for NRCM's 8th annual

People's Choice Award

We are accepting nominations for our 8th annual People's Choice Award! Perhaps you would like to nominate someone in your community? We are looking for people who have worked tirelessly to protect a special place, or have helped pass legislation safeguarding Maine's environment, or have stopped 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 know and love today.

We'll accept nominations through Friday, August 16, so get your nomination in quickly! NRCM will compile the nominees and post finalists on our website, where, through Tuesday, September 10th, 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 someone who currently sits on a regulatory board or who is in the Legislature, or who is or was serving in a paid position while carrying out the work for which you feel they should be nominated. The People's Choice Award is to honor volunteers.) 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 _____

Telephone _____

Please describe below why you believe this person deserves the 2013 People's Choice Award (and include any of the nominee's organizational affiliations). Please be as specific as possible (use additional paper if necessary).

Your name _____

Address _____

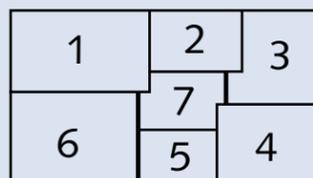
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Thank you! We will notify you and your nominee, if that person is selected as a finalist for NRCM's People's Choice Award. Please return this form to Beth Comeau, NRCM, 3 Wade Street, Augusta, ME 04330-6317. You can also nominate online at www.nrcm.org

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Protecting, restoring,
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