



# Maine Environment



Natural Resources Council of Maine

Spring 2011

## Beating Back the Environmental Rollbacks By Pete Didisheim

Over the past five months, NRCM has faced the most sweeping anti-environmental agenda that we have ever seen. The long list of rollback efforts proposed by Governor LePage and his allies in the Legislature—with help from special interests and out-of-state corporations—has required us to concentrate nearly all of our efforts on defeating bills that would destroy the character of Maine.

As the legislative session has progressed, each day has seemed to offer up a new outrageous bill that could put at risk Maine's clean air, clean water, and natural landscape. Legislation that would gut our bottle bill, allow billboards to spoil our scenic highways, degrade the water quality of Maine's lakes, and condone toxic chemicals in consumer products have left us shaking our heads in disbelief. It's as if the broad environmental rollback proposals announced by Governor LePage in late January opened up the flood gates for anyone who might have a proposal to weaken Maine's environmental laws. And there has been no shortage of parties interested in taking a run at it.

Beverage giants Coca-Cola and Pepsi opposed Maine's bottle bill from the start and have been working to eliminate bottle redemption programs around the world. Their fingerprints are all over the bill (LD 1324) to weaken Maine's bottle bill. The makers of billboards and other business signs—including the International Sign Association—were first in line to testify in support of a bill (which they drafted) that would destroy Maine's ban on billboards.

The American Chemistry Council helped to author a bill (LD 1129) to eviscerate Maine's Kid Safe Products Act, and the world's two largest bromine manufacturing companies, Albemarle and Chemtura, wrote a bill that would loosen Maine's restrictions on a bromine-based toxic chemical banned here two years ago. These are some of the companies that we've been up against, along with the "hired gun" lobbyists who have been pushing their agenda.

And the pace of activities this year has been relentless, with bill after bill scheduled for public hearings and votes. During the last week of April alone,



*NRCM staff members continue to work tirelessly this legislative session to stop proposed rollbacks that would weaken protections for Maine's land, air, and water.*

NRCM staff testified on more than 25 bills—in just one week! On one day of that week, each of our five advocates—Nick Bennett, Dylan Voorhees, Matt Prindiville, Cathy Johnson, and I—were testifying, literally, at the same time in different committee rooms at the State House.

NRCM has pulled out all the stops, but we haven't been alone. We have worked closely with the broad-based Environmental Priorities Coalition and other groups to get the word out to Maine people about the threats posed by the rollback agenda. The response has been incredible. People have contacted their legislators through e-mails, phone calls, letters-to-the-editor,

and meetings in their home towns, and they have come to Augusta in droves to speak out in support of Maine's environment. As always, a huge number of these activists are NRCM's own supporters, something we count on and have needed this session more than ever.

At nearly every critical hearing this year, the number of people showing up to oppose an environmental rollback bill has outnumbered supporters. Across the full range of issues, including the bottle bill, billboards, shoreland zoning, vernal pools, energy efficiency, pesticides, and toxic chemicals, Maine people have shown up to speak their mind. They have done so with passion, facts, and a love for Maine's natural world that has had a big impact, so far. As I write this article, more than half of the 50 worst anti-environment bills have been withdrawn or rejected, including:

- On April 14, the bill to repeal Maine's Energy and Building Code was defeated by the Utilities and Energy Committee, thus ensuring that this energy-saving measure will continue (although other bills may still weaken the codes).
- On April 25, the bill to phase out the toxic chemical BPA from some consumer products became law, even though Governor LePage refused

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## Judge Agrees with NRCM in Plum Creek Court Case

In mid-April, a Maine Superior Court judge agreed with NRCM and rejected the Land Use Regulation Commission's (LURC) approval of Seattle-based Plum Creek's massive development proposal for 2,000 resort and vacation home units scattered around Moosehead Lake. The Judge sent the issue back to LURC, advising the Commission to hold an additional public hearing on the proposal before finally acting on it.

One week later, Plum Creek, The Nature Conservancy (TNC), and Maine's Attorney General, acting on behalf of LURC, appealed Superior Court Justice Humphrey's decision to Maine's highest court. But lawyers disagree about whether the State, Plum Creek, and TNC can appeal at this stage. Generally courts say that only "final" decisions can be appealed. Because Justice Humphrey sent the case back to LURC, we believe there has not yet been a "final judgment." NRCM has filed a "Motion to Dismiss" the State's, Plum Creek's, and TNC's appeals.

Because we do not know how the Law Court will rule on our Motion to Dismiss, NRCM has also filed a cross appeal on issues we lost before the Superior Court. If we want to appeal those issues, we must do so now, while the State's, Plum Creek's, and TNC's appeals are pending, or we would lose the opportunity.

In his decision, Justice Humphrey threw out LURC's approval of Plum Creek's permit saying LURC used an "unauthorized, ad hoc procedure" when its staff essentially rewrote Plum Creek's plan for the company and then pushed it to an approval vote by the Commission without the opportunity for a public hearing. But Justice Humphrey also considered other issues raised by NRCM and the other appellants. One of those was whether Plum Creek could receive payment for the conservation



*NRCM staff members celebrate news of the Court's ruling on our lawsuit challenging LURC's Plum Creek development decision. From left, North Woods project director Cathy Johnson, advocacy director Pete Didisheim, and executive director Lisa Pohlmann*

**Stay up-to-date on this and other NRCM issues. Sign up for our online Action Network at [http://supporters.nrcm.org/Action\\_Network\\_signup](http://supporters.nrcm.org/Action_Network_signup) and "Like" us on Facebook!**

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# • THE BIG PICTURE •

## Turning the Tide

In the last few months, NRCM members have been standing so strong that many items on Governor LePage's initial list of controversial regulatory reform proposals are disappearing. While the initial list attacked protections for Maine's land, air, and water, the final version of LD 1 contains no rollbacks, does not abolish BEP, and generally pertains only to the implementation of current laws. The proposed rollback to Maine's ban on toxic BPA in baby bottles, sippy cups, and other food containers has been defeated, as have the attempts to undo Maine's most successful recycling program: the Bottle Bill. These are major accomplishments.



Meanwhile, many other rollback proposals are still in play in bills from legislators. And you have been rallying! Through your letters, personal testimony, in-district meetings, and phone calls, you've been telling your legislators that proposals that undermine the health of Maine's environment are bad for Maine. The voter poll we released in early April confirmed that the vast majority of Mainers believe protecting Maine's natural resources should be a high priority for all policymakers. Many of your lawmakers are listening.

It has been my great pleasure to be out and about discussing these issues with so many of you in recent weeks. I've heard your outrage and your ideas as we've cross-country skied together in Jefferson; sat around the woodstove in Bangor; and stood outside hearing rooms at the State House. We've met in living rooms and coffee shops in Camden, Portland, and Washington, D.C. We've rallied at the NRCM office at our record-breaking Citizen Action Day. I've met with activists who are young and others who are retired, with businesspeople, educators, and many coalition partners. I knew this is what I would love most about my new job, and you have proved me right. It is always exciting to hear of the positive responses you receive from your legislators. This is how we turn the tide.

But we have a long way to go.

As I write this, Maine's Kid-Safe Products Law to keep toxics out of consumer products; the shoreland zoning law that protects Maine lakes and streams, and the role of LURC, the planning board for Maine's North Woods, are still very much at risk. So are protections for vernal pools, significant wildlife habitat, and more. There are hearings, work sessions, and floor votes yet to come before we reach the end of June. We'll need you to make more calls and send more letters before we're done.

NRCM staff members have been deep in the thicket of bill language, analysis, writing testimony, and speaking with legislators each day. We've created helpful new web pages that many of you have visited, including our bill tracking page ([http://www.nrcm.org/2011\\_legislative\\_bill\\_tracking.asp](http://www.nrcm.org/2011_legislative_bill_tracking.asp)), while our Facebook and Twitter activity has been helping to keep you all informed. We've been on the radio and in the papers weekly. I am proud of all of us for what we've done so far. But we can't let our guard down or allow our energy to wane. We must keep up the fight through this year and beyond.

Thank you for speaking out, for your financial support of NRCM, and for coming out to meet with me and others, as we show our strength in numbers, in science, in common sense, and in commitment to Maine's environment.

—Lisa Pohlmann, Executive Director

## Beating Back the Rollbacks - Continued from page 1

to sign it. The bill was enacted without his signature after 10 days, per a rarely used provision in the State Constitution.

- On May 2, the Environment and Natural Resource Committee defeated all of the proposals that would have crippled Maine's bottle bill, our most successful recycling program.
- On May 5 and 6, the Transportation Committee rejected two bills that would have allowed billboards—banned in 1978—to return to Maine's roadways.

I can say with pride that many of these accomplishments would not have happened without the work of NRCM. Our advocacy staff members have provided expertise and institutional knowledge to the legislative process that has been absolutely crucial. But our work alone is never enough to carry the day. This has been, and must continue to be, a group effort with voices from all corners of Maine insisting that a clean environment and a strong Maine economy go hand-in-hand.

The Governor and many lawmakers this year essentially announced that Maine's environmental laws should be rolled back, and the people of Maine have come out in force saying, "Don't you dare!" But our work is far from being done. There are many votes still ahead, so we will continue to look to NRCM supporters to keep the pressure on.

—Pete Didisheim, NRCM Senior Director, Advocacy

## Plum Creek Court Case - Continued from page 1

easement that LURC required of Plum Creek in order to provide public benefits and mitigate adverse impacts caused by the proposed developments. On that issue, Justice Humphrey ruled against us.

The Court's decision to throw out LURC's permit for Plum Creek is a great victory for Maine people, including you, our supporters, who opposed this oversized, inappropriately located development. You wrote thousands of letters and emails, signed petitions, gave testimony, sent in letters-to-the-editor, and remained persistent in your opposition for more than five years. Now it has paid off. The Court has now ruled that your voices cannot be bypassed at the most important juncture of the decision-making process.

Two good conservation purchases have already happened and are not affected by this decision. The Appalachian Mountain Club has already purchased 29,000 acres in the 100-Mile Wilderness region east of Moosehead Lake. Also, TNC has purchased 15,000 acres at Number Five Bog, south of Jackman. NRCM has consistently supported conservation of these lands, and we are pleased that they are now fully protected.

The next action will come from the Appeals Court. If the Court grants our Motion to Dismiss, the case will go back to LURC. Assuming Plum Creek wants to continue to fight for this massive development plan, LURC could schedule a public hearing on the final proposal in the next few months. In the meantime, the conservation easement would stay in place.

If Plum Creek decides not to push any further, the company could request an end to the process. In this case, the conservation easement would stay in place for five years, giving LURC a chance to adopt new zoning for the region.

If the Court does not grant our Motion to Dismiss, the appeal will continue and both sides will argue whether Justice Humphrey should have thrown out the permit, first in writing, then in oral argument. This process would likely take a year.

While we don't know exactly what the path forward will be, it is certain that your participation in the past has succeeded in getting us where we are today. Your continued support will be important, regardless of which route Plum Creek takes in the future.

Thank you for your ongoing commitment to protection of the Moosehead Lake region. Stay tuned for the next steps.

—Cathy Johnson, Senior Staff Attorney and North Woods Project Director

## Stay Up-to-Date on Our State House Work



So much of what happens at the State House happens fast. Stay on top of it all by visiting our bill tracking web page, where you can see what NRCM's position is on each piece of legislation and why we support or oppose it. There's also our quick-updates page that gives you timely news from the State House. You'll find both at [http://www.nrcm.org/statehouse\\_updates.asp](http://www.nrcm.org/statehouse_updates.asp).

### Maine Environment

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Maine Environment is provided four times a year to more than 12,000 members and supporters of the Natural Resources Council of Maine. NRCM is a Maine-based nonprofit membership organization working to protect, conserve, and restore our land, air, wildlife, and water, now and for future generations. Membership starts at \$28/year. Join online at [www.nrcm.org](http://www.nrcm.org). Copyright 2011. All rights reserved. Maine Environment is printed on processed chlorine-free, post-consumer recycled paper.

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# NRCM Member Pam Wells, Wildlife Enthusiast and Photographer

Beth Dimond, NRCM's public affairs coordinator, spoke with one of NRCM's new members



One of my favorite website features is our "My Maine This Week." I like it both for the beautiful pictures that people who love Maine submit week after week, and because I really get to know some of our "regulars" who submit their photos several times a year. We decided to feature the work of some of these members by creating slideshows on our website.

The most recent of these slideshows is from a new member, Pam Wells of Old Town. Pam sent in a photo of a mink, and when I responded, she said she had lots of other wildlife photos that she would be happy

to share with NRCM. Now, if you visit [www.nrcm.org/mymaine.asp](http://www.nrcm.org/mymaine.asp) you can see Pam's slideshow of amazing Maine wildlife. I spoke with Pam recently about her photography, her love of Maine, and why she and her husband chose to join NRCM this year. Here is part of our interview. You can read the rest at [www.nrcm.org/pam\\_wells.asp](http://www.nrcm.org/pam_wells.asp). —Beth Dimond, Public Affairs Coordinator

**Beth:** You recently joined NRCM as a member. What was it that made you decide that now was the time to join?

**Pam:** We currently own 1,100 acres of undeveloped, forested property, which is under development pressure. The preservation of forest resources is important to us. While we tried to maintain a middle-of-the-road attitude, with the current administration, it has been more difficult not to become polarized. NRCM seems to be a good lobbying organization, and for this time and place, we believe strong lobbying is what is needed.

**Beth:** Tell us about your first experience as a photographer, would you?

**Pam:** Believe it or not, my first camera was a Polaroid Instamatic that my grandfather bought for me. I must have been about 10 years old, and the first picture I remember taking was of a snow sculpture I built of Snoopy on his dog house.



**Beth:** I'm a big fan of Snoopy! What got you interested in wildlife photography?

**Pam:** I have always been a person who has loved the outdoors. As a little

kid, I would collect spiders and lay in fields staring at the sky. I was fortunate enough to have grandparents who also loved the Maine forest. I spent many hours fishing, picking wildflowers, and collecting lightning bugs with them. I also wanted to show others the amazing things that I observed in the wild: that unique moment that might never happen again. A camera seemed like a perfect solution.

**Beth:** It sure is, and you use it well. Do you have favorite Maine places you visit to find some of the wildlife you photograph?

**Pam:** I have gone to Monhegan several times during migration season (an incredible experience). The scenery of Maine can be breathtaking in itself, but the majority of my pictures take place not too far from my house in Old Town. My husband and I own a large tract of land in Milford that abuts Sunkhaze

Meadows, National Wildlife Refuge. I get a lot of my pictures in that area, but I also get them in my garden, in the little pond up the street, along my house foundation. That is the magic of wildlife. It's everywhere if you look close enough.

**Beth:** Well, you've got a very special eye for it. Is there a species of Maine wildlife that you haven't yet photographed that you would like to?

**Pam:** I would love to get a picture of a black bear and a bobcat. Together would be awesome. Separately will do just fine. I did get some photos of baby bears during a state bear den study, but I would rather get them wandering around the forest.



**Beth:** What are some ways you stay connected to NRCM's work other than your new wildlife slideshow on our website?

**Pam:** My husband and I attended a "meet and greet session" in Orono where Lisa Pohlmann was introduced.

**Beth:** Thank you for attending. Member events are very important to us. What do you think are some of the most important issues of concern related to Maine's environment today?

**Pam:** Loss of habitat, unregulated manufacturing that creates dangerous chemical waste, lack of incentive for "big" small landowners like us.

**Beth:** Thank you for sharing with us, Pam!

You can read Beth's full interview with Pam Wells (no relation to the editor) and view her slideshow at [www.nrcm.org/pam\\_wells.asp](http://www.nrcm.org/pam_wells.asp).

## NRCM Film Nominated for Emmy



**Roll out the red carpets!** In April, we learned that our film, "Protecting the Nature of Maine: 50 Years of the Natural Resources Council of Maine," had been nominated for a New England Emmy Award! Directed by Richard Kane, and broadcast on MPBN and in theatres around the state, this inspiring documentary features some of Maine's most important victories and the people who helped to make them happen. Already, we can honestly say, "It's an honor just to be nominated!"

## NRCM Members Rise to the Challenge By Gretta Wark



In early April, I received an urgent telephone call from an NRCM member who was on an extended vacation out west. She had just received a letter from NRCM that had been forwarded from their home in Maine. She was dismayed by the anti-environmental agenda of Governor LePage and a small group of legislators who had introduced 50 bills that would rollback protections for our health, welfare, and natural resources—and she knew she had to act.

She and her husband issued a challenge to NRCM and our members to raise emergency funds to stop the anti-environmental agenda. They would give \$5,000—an unprecedented gift for them—if we could secure additional contributions for a challenge grant that would match the gifts of NRCM's members and activists. Within days, another donor stepped in with \$5,000. Then another and another, for a total of \$20,000.

With these gifts, you can double the impact of your support. The fund matches increased memberships and additional gifts from current supporters and all gifts from new members, up to the full \$20,000. Simply visit our website, [www.nrcm.org](http://www.nrcm.org), hit the Donate Now button, and give.

All gifts—the challenge grant and your contributions—will support research, communication, in-district meetings with legislators, and other activities that ensure Maine people have the information and the opportunities they need to help stop the environmental rollbacks. These efforts are already making a difference as dozens of people from around the state descend on Augusta each week to raise their objections at public hearings about the 50 bad bills. One by one, many of these bad bills have failed.

**Help us keep up the pressure. Donate today at [www.nrcm.org](http://www.nrcm.org).**

# A Record-Breaking Citizen Action Day!



NRCM Executive Director Lisa Pohlmann speaks to a packed house at this year's Citizen Action Day.



▲ Maine citizens filled the halls outside the House chamber, waiting to speak with their representatives.

This year's Citizen Action Day was our biggest ever – with more than 110 Maine citizens from around the state coming together at our headquarters to learn about policies that affect our land, air, water, and wildlife. They then packed the halls at the State House to talk with their legislators! Read NRCM executive director Lisa Pohlmann's blog post about this great event at [www.nrcm.org](http://www.nrcm.org). Be sure to catch our Insider video, too. Thanks to all who attended! We hope to see you at next year's Citizen Action Day!



► Rep. Kerri Prescott (R-Topsham) hears from constituent and NRCM member Jeremy Lynch.

## NOW SHOWING AT THE NRCM INSIDER

Check out these recent YouTube videos, produced by our staff exclusively for the NRCM Insider:



**Speak Out to Protect Maine's Bottle Bill!** Maine people share their "thoughts" in this fun 1 1/2-minute video about a very serious topic: stopping beverage industry efforts to weaken Maine's bottle bill.

**Citizen Action Day 2011** Maine's land, air, and water face the worst threats in decades. Our 3-minute video captures the action of this exhilarating day at the State House with our members.



## EPA Announces Rules for Emissions Clean Up

Every day, America's coal-fired power plants spew highly toxic mercury, acid gases, and heavy metals across Maine and the nation. These life-threatening emissions were never limited by the Environmental Protection Agency (EPA) until lawsuits brought by the Natural Resources

Council of Maine and others forced EPA to draft a rule to require power plants to clean up their acts. EPA's new rule is the most important action to clean up air pollution from dirty coal-burning power plants since the Clean Air Act was updated in 1990. And it has been a long-time coming: it has taken more than a decade for these rules to be developed over the protests of the coal industry. The EPA's new "Air Toxics Rule" requires coal- and oil-fired power plants to reduce their toxic air emissions. EPA estimates that for every dollar spent to reduce pollution, this rule would save \$5-13 on health costs. In addition it would save as many as 17,000 lives and avoid 120,000 cases of aggregated asthma annually, while creating 9,000 utility jobs and 31,000 short-term construction jobs. Thanks to all of our supporters who provided comments to EPA in support of these draft rules. We'll keep you informed as this process moves along.

## Special Memberships Given February 1, 2011 to April 30, 2011

### Honoraria and Memorial Gifts

Rudolph and Helen K. Kass in honor of Dorothy Preston's 80th Birthday  
Linda A. Catelli in memory of Eleanor Sandilands  
Donalda T. Glutting in memory of Paul Glutting  
Susan L. Rosenstreich in memory of Eleanor Sandilands  
Harry and Barbara Wheeler in memory of Eleanor Sandilands  
Jeff and Allison Wells and Family in memory of Dana Childs

### Gift Memberships

George Morse from Marian L. Morse  
Kenneth Morse from Marian L. Morse  
Jane Morse from Marian L. Morse  
Del Leonard from Marian L. Morse  
The Whatley Family from Peter L. Nimkoff  
Shirley M. O'Donnell from Frank P. and Betty M. Scalfano

New members of **PARTNERS IN MAINE'S FUTURE** Program, our monthly giving club. Members' automatic donations help us save on administrative costs, including paper. Special thanks to these members!

Benjamin Axelman	John C. Meserve and Mary Takki
Daniel H. Baker	Jeff Erickson and Susan Murphy
Ben Bernard	Nancy Orr
David Cumiskey and Sarah Conly	Kathleen Pinard
William H. and Carol B. Freeman	Roberta Zur
Mark Gallup	



## NRCM Polar Bear Dip & Dash

Save the Date! Saturday, December 31, 2011

Location: East End Beach, Portland

This year, we've added a splashy twist to our Polar Plunge: **a 5k run (or walk)!**

Mark your calendar for December 31. You can dip or dash, or both! Walk/run registration (\$30 or \$25 for early birds) starts at 10:30, with the plunge at noon. For more details, visit the events page on our website [www.nrcm.org](http://www.nrcm.org).

Support NRCM's work to address climate change in Maine by participating in our Polar Bear Dip & Dash.

Run, Walk, Make a Splash!



## "My Maine This Week"



"This photo is from *The Brothers* in Baxter State Park."

– Bob Carson,  
Walla Walla, Washington

**Send Us Your "My Maine This Week"** Do you have a photograph of Maine you'd like to share? A poem? Send your submissions to [beth@nrcm.org](mailto:beth@nrcm.org). Visit "My Maine This Week" online at [www.nrcm.org](http://www.nrcm.org).



## Green Tip of the Day

**Brighten Up.** On bright days, open blinds and curtains to let the sun light your home for free. The sun is the cheapest, most energy-efficient light and heat source there is! For a green tip of the day every day, visit NRCM's website at [www.nrcm.org](http://www.nrcm.org).

Stay abreast of up-to-the-minute news and be part of the conversation.



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