



Maine Environment

Natural Resources
Council of Maine

Summer 2011

Understanding—and Protecting—the North Woods' Most Crucial State Agency By Catherine B. Johnson

LURC: you've been hearing about it and reading the acronym a lot over the last six years. Given attempts to abolish or weaken it this legislative session, now is a good time to really understand just how important LURC is to the people of Maine, and to everyone who cares about the North Woods.

LURC stands for the Land Use Regulation Commission. It is the state agency responsible for protecting the public values of Maine's unorganized territories (UT), including the North Woods. LURC does this through planning, zoning, permitting, and legal enforcement. With 10.4 million acres under its jurisdiction (half of the state), it is arguably the most important land use agency in the country.

LURC: A Bipartisan Effort

In 1971, after years of discussion and debate, the Maine Legislature created LURC to provide public oversight of development and protect the natural resources of the land in northern and Downeast Maine, where there is no local government to fulfill this role. LURC also serves this function for the 8 towns and 32 plantations that have limited local government functions but have chosen to have LURC take care of land use planning and permitting.

When LURC was created, the Legislature was controlled by Republicans. Following much heated debate, the creation of LURC was done through a bipartisan effort. Heroes of that effort include Hoddy Hildreth, a Republican from Portland, and Democrat John Martin from Eagle Lake. One of the most significant aspects of the law that passed was



Maine's North Woods is a spectacular place of national significance. LURC has provided an irreplaceable service by guiding development while protecting natural resources. We must not let shortsighted political ambitions derail this important state agency.

the recognition that the largely uninhabited North Woods—even today, only about 8,000 people live in the entire 10.4 million acres—was an asset that benefited all of the people of Maine. The law even acknowledges its national significance by referring to Maine residents and “visitors” who make the trek to this special area from across the country and beyond.

LURC's jurisdiction is the largest remaining undeveloped forest east of the Mississippi River. It includes 2,600 lakes and ponds, 21,000 miles of rivers and streams, and 100 mountains that are more than 3,000 feet high. It is the foundation of our forest products industry and forest-based tourism economy. From Thoreau to local Girl Scout troops, people across the spectrum have valued Maine's remote forests, lakes, rivers, mountains, and uninterrupted swaths of backcountry for their beauty, wildlife, recreational opportunities, and spiritual renewal.

Mixed Success

LURC was created to protect against the threat of unplanned development, which would destroy this unique ecological and economical asset. Development scattered across the landscape can interfere with timber harvesting, ruin wildlife habitat, and degrade pristine recreation areas. LURC's primary function has been to guide development to appropriate areas and keep other areas undeveloped for forestry and recreation, and for wildlife habitat. LURC

WHAT'S IN A NAME?

The 10.4 million acres of unorganized townships are variously called Maine's “North Woods,” the “UT” (unorganized territories or townships), and the “jurisdiction.” While there are some legal distinctions between unorganized towns, plantations, and organized towns that use LURC for planning and zoning, most people (including NRCM) use these three terms interchangeably.

CHANGING OWNERSHIP OF MAINE'S NORTH WOODS

Between 1998 and 2009, two-thirds, or 7.1 million acres, was sold in Maine's North Woods. This has led to increased fragmentation as parcels are subdivided and sold for investment purposes. Such trends indicate that Maine needs LURC to continue to monitor the UT and protect its highly unique resources.

GOOD CUSTOMER SERVICE: LURC PERMITTING TIMES

As the planning board for the unorganized territories, LURC issues permits for a variety of uses throughout its jurisdiction. How well has LURC serviced the residents and landowners of the UT? Between 2001-2010, LURC approved 98 percent of all Residential Development Permits (over 7,000 permits), 96 percent of all Non-Residential Permits (727 permits), 99 percent of all Subdivision Permits, 100 percent of all Concept rezoning plans, 86 percent of all rezoning for non-residential uses, and 71 percent of all residential rezoning petitions. All this with a staff of about 25.

- Continued on page 2

A Day with the Salmon at the Veazie Dam

I recently spent a great day on the Penobscot River, observing a team of state biologists in their annual ritual of catching and tagging the nearly 3,000 wild Atlantic salmon captured in the fish lift at the veazie dam. Many of the salmon were destined for a hatchery—to help ensure the survival of this endangered species; others were trucked and released farther upriver, past the man-made structures that hinder the salmon's access to the cool inland waters where they historically spawn. Eleven species of native sea-run fish rely on the Penobscot watershed for spawning and juvenile-rearing habitat. We should be able to count alewives, shad, and several other species in the millions, but just a tiny fraction of that number get past the dams on the Penobscot. We should see annual runs of thousands of wild Atlantic salmon, sturgeon, and striped bass. These fish should be sustenance for the Penobscot people; forage for birds, mammals, and other fish inland and in the Gulf of Maine; and sport for anglers. Unfortunately, two centuries of industrial use have caused the annual runs to plummet. But all that is changing soon.

In December 2010, our conservation partner, the Penobscot River Restoration Trust, purchased three dams on the watershed: Veazie, Great Works, and Howland. The Trust will remove Veazie and Great Works and construct a fish bypass around Howland. With the exception of the Everglades, this project is the biggest restoration effort east of the Mississippi. It is happening in Maine, and it is happening in our lifetimes.

No clean power will be lost—total energy production may even increase—as the Trust's purchase agreement for the dams allows Black Bear Hydro to increase power at six other dams in the watershed. By summer 2012, we expect the Trust will begin work on removing the second dam on the river, Great Works. Veazie will stay in place temporarily for management of endangered Atlantic salmon. Work will begin on the Howland bypass as soon as the Trust and partnering conservation groups, including NRCM, are able to raise the necessary funds. To find out how you can help, please contact me at (207) 430-0179. This project is exciting, attainable, and essential to the health of the Penobscot watershed and the Gulf of Maine.

-Lisa Pohlmann, NRCM Executive Director



Lisa Pohlmann recently joined Department of Marine Resources staff at the Veazie Dam on the Penobscot River in their work on endangered Atlantic salmon.

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• THE BIG PICTURE •

Lights at the End of Tunnels

Summer days are my favorite. Most Saturdays it's tough to decide between a bike ride, kayaking down the Sheepscot River, jumping in Clary Lake for a swim, heading to Reid State Park, fussing over my flower gardens, or sitting in my lawn chair just reading a good book. Some nights I have a campfire in the backyard with the moon rising, the deer snorting, and the coyotes howling. The nature of Maine is incredible to experience every day and night. It's never hard to remember why I am working so hard in the rest of my days to keep it that way.



And that's why NRCM—including so many of you—worked hard to defeat dozens of bills that would have weakened our environmental protections. Hundreds of Maine people pushed back on efforts to reduce shoreland and critical habitat protections, reverse our progress on bottle recycling, and allow toxic chemicals in products that children use. Policymakers heard us and voted down many of the worst measures.

Now it's time to enjoy some time with family and friends on these beautiful summer days. But NRCM must also remain vigilant in order to contest more bad ideas that are brewing while figuring out how to still make forward progress. We'll be monitoring what happens behind the scenes at the agency level under new leadership. We will be following important study commissions, including one that could have a significant impact on the future of the North Woods (the preservation or abolishment of the Land Use Regulation Commission).

There is always some bright light on the horizon. For example, after a decade of work, we are moving closer to freeing up miles and miles of the Penobscot River to Atlantic salmon and other fish with the prospect of removing the Great Works dam next summer—the first of two to come out, while a third gets an upgraded fish passage. NRCM is a longstanding partner in the Penobscot River Restoration Trust that spearheads this effort. I was thrilled to get the opportunity to see and touch an Atlantic salmon at a recent trip to the Veazie dam—the second that will be removed. It was a long and majestic creature that should return by the thousands once the Penobscot Trust has finished implementing its restoration plans and the fish can freely return to their native spawning habitat again.

It's been wonderful to talk to so many of you in Boothbay Harbor, Bethel, Falmouth, Gouldsboro, Brooklin, and Jefferson, just to name a few towns I've made it to recently. I appreciate your challenging questions about our work, which leave me pondering as I travel from one place to another. Your perspectives make our work stronger and clearer.

We rely on the depth of your commitment to preserve what is wonderful about Maine. Thanks for bringing your voices forward in the last few months. It made all the difference. —Lisa Pohlmann, Executive Director

Understanding LURC - Continued from page 1

has been most successful at guiding major development to the fringe of the jurisdiction. It has been less successful at limiting the sprawl of individual houses across the landscape, due to an exemption in the law allowing houses almost anywhere. This exemption was intended as a safety value to allow a landowner to build a couple of houses, but, by allowing large landowners to develop two houses every five years on every individual parcel or township they own can be misused to do extensive development over time.

Large developments can be done well. The resort proposed by Matt Polstein for Millinocket Lake is an example. Sited not far from Millinocket along a public road, this development will provide a variety of resort services that complement, not usurp, businesses in Millinocket. LURC provided speedy approval of this proposal.

NRCM has not always agreed with LURC's decisions. Most notably, we disagreed with LURC's approval of Plum Creek's massive development plan for the Moosehead region and are appealing that decision in court. However, even as we disagree with LURC's final decision, we acknowledge that LURC was instrumental in getting Plum Creek to remove from the application development on remote ponds. Despite our disagreements, it is without question that Maine is far better off with LURC than the state would be without it. Both our forest products industry and our forest-based recreation economy rely on large areas of undeveloped forest. And the lives of Maine people and visitors alike are enriched by time spent camping, fishing, hunting, hiking, and paddling in the undeveloped North Woods.

Threats to LURC

Governor LePage and Maine Senate President Kevin Raye from Washington County have both stated their intent to eliminate LURC. Governor LePage has gone so far as to say he wants three million acres of Maine's North Woods zoned for development—an area large enough to fit 10 cities the size of Los Angeles. This past legislative session



JASON HEINDEL

there were a half-dozen bills to eliminate or drastically weaken LURC. When the dust settled, the Legislature passed a bill setting up a study committee to examine different options for land use regulation in the unorganized territories.

NRCM is very concerned that this study committee is just a front for the effort to abolish LURC. Senator Raye has reaffirmed that he intends to do what he can to eliminate LURC. Since two-thirds of the committee members will be appointed by the governor and President Raye, we are concerned that the committee members (yet unnamed) will simply rubber stamp the proposal to abolish LURC and turn all of its responsibilities over to the counties. Doing that would be inefficient. There are eight counties with hundreds of thousands of acres of unorganized townships, and another five counties with some townships or islands of unorganized areas. Costs—in time and money—that are now centralized would get duplicated in all of these counties. There is also no guarantee that the counties would adopt land use regulations that offer the same level of protections that LURC's currently do. In fact, some counties may choose not to adopt regulations at all.

Tourism is Maine's largest industry. Without LURC, poorly placed development and diminished protection of our forests, lakes, and rivers would jeopardize dollars that are so essential to Maine's economy. Abolishment of LURC also threatens Maine's forest products industry—in fact, protection of this industry was one of the primary reasons LURC was established. Scattering development throughout Maine's North Woods would likely result in new home owners complaining about dust, logging trucks, and skidders operating at 6:00 a.m.—and doing what they can to get rid of them.

The number of landowners in Maine's North Woods already has increased dramatically, as the land is cut up into smaller and smaller parcels and sold. Plum Creek is a good example of how new owners may have a much greater interest in speculative development than did the large industrial owners of two decades ago. We need LURC now more than ever before.

NRCM will continue to follow the progress of the study committee. We, along with our friends at Maine Audubon, have been told decisively that we will not be invited to take the spot reserved for a statewide conservation group, despite the fact that NRCM unquestionably has more experience with LURC than any other statewide conservation group.

Maine's North Woods is a spectacular place of national significance. LURC has provided an irreplaceable service by guiding development to appropriate locations, protecting ecologically important areas, keeping forests as forests, supporting Maine's forest products industry, and safeguarding remote recreation opportunities on our beautiful lakes, rivers, mountains, and forests. We must not let short-sighted political ambitions derail this important state agency.

Follow our work on this issue by visiting our website at www.nrcm.org.

—Cathy Johnson is NRCM's North Woods project director and senior staff attorney.

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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. Copyright 2011. All rights reserved. Maine Environment is printed on processed chlorine-free, post-consumer recycled paper.

Cover Banner: Sorrento, a My Maine This Week photo by NRCM member Bob Donofrio

Thank you! More than 360 members contributed a total of \$20,777 to help us earn a \$20,000 matching grant put together by four donor families. NRCM supporters made special gifts or increased their membership dues to reach the goal. From \$2 to \$1,000, those contributions added up. As a result, NRCM received additional funds for outreach and communication to activists and potential activists around the state. We face many challenges in the months ahead, including efforts to abolish the Land Use Regulation Commission. Thank you to everyone who gave so generously to the matching campaign.

—Gretta J. Wark, Senior Director of Development

Senator George Mitchell to Speak at NRCM Annual Meeting

Friday, September 23, 2011 University of Southern Maine, Portland



Senator George J. Mitchell will be the keynote speaker at NRCM's Annual Meeting, scheduled for Friday, September 23, at the Hannaford Lecture Hall at the University of Southern Maine in Portland. The event will start at 12:30 p.m. with a dessert reception, followed by the program at 1:30 p.m.

In a long and distinguished career of public service, Senator Mitchell represented Maine in the U.S. Senate from 1980 to 1995. He led the successful 1990 reauthorization of the Clean Air Act and was the author of the first national oil spill prevention and cleanup law. His accomplishments extend far beyond the environment and the U.S. Senate. He served first as Special Advisor to President Clinton on Ireland and later as the independent chairman of the Northern Ireland Peace Talks. The peace talks resulted in the Good Friday Agreement on April 10, 1998, which ended decades of conflict in Northern Ireland, between Northern Ireland and the Republic of Ireland, and among the countries of Great Britain.

Senator Mitchell is chairman emeritus of DLA Piper, one of the largest legal services firms in the world. He is also the founder of the Senator George J. Mitchell Scholarship Research Institute. Each year, the Portland-based institute awards scholarships to one graduating student from every public high school in Maine. More than one-third of Mitchell Scholars are first-generation college students. We look forward to welcoming him at our special event.

Candidates for NRCM Board of Directors As part of the Annual Meeting, NRCM members will be asked to vote on candidates for the Board of Directors.

Nominated for one-year terms:



George Lapointe, Hallowell George Lapointe served as Commissioner of Marine Resources in the King and the Baldacci administrations, and is widely known and respected in the conservation community. In his role as Commissioner, he led the management responsibilities of the Department of Marine Resources at local, state, regional, federal, and international levels. His credentials include service as a member of the Federal Advisory Committee on Marine Protected Areas, member of the Governor's Taskforce on Ocean Energy, U.S. Commissioner on the North Atlantic Salmon Conservation Organization, Maine Atlantic Salmon Commission, Chair of the Land for Maine's Future Board, the New England Fishery Management Council, and as Maine's Administrative Commissioner to the Atlantic States Marine Fisheries Commission where he served as Commission Chair for three years and chaired the lobster and menhaden management boards. His current work includes continuation as a U.S. Commissioner to the North Atlantic Salmon Conservation Organization, working for the New England Fishery Management Council on ocean energy and marine spatial planning, and working contractually with the National Marine Fisheries Service to examine nationwide marine fisheries allocation issues. George received his B.S. in Wildlife Biology from the University of Massachusetts and holds a M.S. in Wildlife from the University of Minnesota.



Didi Manns, Camden Edith K. (Didi) Manns is a resident of Camden, where she summered throughout her life. Didi holds an undergraduate degree from Oberlin College and two graduate degrees from the University of Virginia. After three years at the University of Texas Medical Branch at Galveston in the School of Allied Health Sciences and a Research Associate in the School of Medicine, she was an Associate Dean first in the School of Health Science and then in the College of Public and Urban Affairs at Georgia State University. An Associate Professor of Public Administration, she retired from the Andrew Young School of Public Policy as a Professor Emeritus in 1999 after 23 years as an academic administrator and faculty member. Her academic focus was first on health policy and later evolved into environmental policy. An avid birder and conservationist, Didi has been a member of NRCM since the late 1980s. She has served on the boards of Coastal Mountains Land Trust and the

Megunticook Watershed Association and has been involved in numerous other nonprofits in Georgia and Maine.

Nominated for first three-year term:

Elisa Boxer-Cook, Scarborough
Marion Freeman, Freeport

Jeanne Gulnick, Peaks Island
Dennis King, Freeport

Susan MacKenzie, Waterville
Jeff Pidot, Hallowell

Kate Rush, Newport

Nominated for second three-year term:

Ed Cervone, Hallowell

Ken Olson, Bass Harbor

Tom Tietenberg, Waterville

In addition, NRCM traditionally presents awards for environmental leadership at the Annual Meeting. Invitations to the Annual Meeting will be mailed in mid-August. For more information, visit www.nrcm.org. In the meantime, mark September 23, 2011, on your calendars and save the date!

Goodbye to Marion Fuller Brown, Friend and Activist



In June, NRCM and the people of Maine lost a great champion of the environment when Marion Fuller Brown passed away at her home in York. Marion was 94 years old. She leaves an extraordinary legacy for Maine people and visitors alike—miles of picturesque views, litter-free roadsides, and access to natural areas that might otherwise have been sold to the highest bidder.

During her service in the Maine Legislature (1966-1972), Marion led efforts to ban roadside billboards. She also helped sponsor Maine's returnable bottle bill and served on the Land for Maine's Future board for almost a decade. Beyond the state, Marion was a founder of Scenic America and was appointed by President Nixon to the National Highway Beautification Commission.

This spring, a handful of Republican legislators introduced legislation to repeal or significantly weaken the 1969 billboard ban. Backed by thousands of Maine people and the editorial boards of most Maine newspapers, two of Marion's daughters joined dozens of ordinary citizens and business leaders to testify against the rollback. The bills were defeated. Decades after it passed, the ban on roadside billboards remains a wildly popular demonstration of bipartisan support for Maine's environment. A few weeks before she passed away, Marion, a lifelong Republican, told her family that she was now an independent.

"Marion Fuller Brown possessed vision, courage, and a great understanding of how deeply Maine people value the natural beauty of this state," says NRCM Executive Director Lisa Pohlmann. "She helped Maine people become more effective stewards of the environment. Our high recycling rates, overwhelming support for land bonds, and the nearly universal condemnation of recent efforts to roll back the ban on billboards are testaments to her vision. We are grateful for Marion's contributions to Maine's environment and to her faith in Maine people."

Protect Your Nest Egg While Protecting Theirs



New Rates! Your support of the Natural Resources Council of Maine helps protect Maine's wild creatures from pollution and loss of habitat. Through a Charitable Gift Annuity, you can make a gift that provides income for your retirement, and at the same time supports our mission to protect Maine's environment.

A Charitable Gift Annuity allows you to make a significant gift of cash or securities to NRCM. In return, you or your spouse receive fixed payments for life.

Tax savings on a Charitable Gift Annuity can be significant. Part of the asset you donate is tax deductible in the year you make the gift. Funding an annuity with securities can lower your capital gains taxes. And a portion of the payments you receive will be tax-free or taxed at a lower rate for a number of years.

A Charitable Gift Annuity will also give you the satisfaction of knowing that you have played a critical part in protecting the wild places and creatures that make Maine special.

And it's easy to do! To find out more about setting up a Charitable Gift Annuity and to receive a personalized illustration of how an annuity can fit your needs, please contact: **Gretta Wark, Director of Development • (207) 430-0108 or (800) 287-2345 ext. 208 • gwark@nrcm.org**

Sample rates for single life Charitable Gift Annuities through the Natural Resources Council of Maine:

Age	Rate
65	5.3%
70	5.8%
75	6.5%
80	7.5%
85	8.4%
90	9.8%

SAVE THE DATES!



NRCM Annual Meeting featuring
 Senator George Mitchell, Keynote Speaker
Friday, September 23, 2011

Hannaford Lecture Hall, University of Southern Maine, Portland
 Dessert Reception 12:30 to 1:30 p.m.
 Program 1:30 p.m.
 (See page 3 for more)



The Art of Local Food: Tasting Party & Art Sale
Sunday, October 30, 4:30 to 6:30 p.m.

The Summit at Point Lookout, Northport
 Join us for NRCM's 3rd annual Art of Local Food. Come savor the best of Maine: delicious local foods prepared by great chefs, a spectacular view of Penobscot Bay, artwork by talented Maine artists, available for purchase, and the camaraderie of folks committed to protecting the nature of Maine. Visit www.nrcm.org/artoflocalfood.asp for updates on restaurants, artists, and ticket sales.



"Medley of Vegetables"
 by Susan Tobey White



NRCM Polar Bear Dip & Dash:
Run, Walk, Make a Splash!

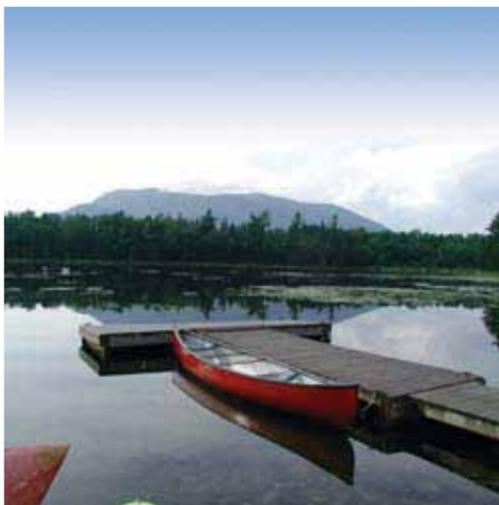
A benefit for NRCM's work to reduce climate-changing pollution!

Saturday, December 31, 2011, East End Beach, Portland, Maine
 Walk or run a 5k, plunge into the Atlantic Ocean, or both! Join NRCM for this fun way to raise awareness about the threat of global warming on Maine's coastline, and in raising funds for our energy work to help prevent the threats from becoming reality. Every cent you help us raise will go toward our energy efficiency and renewable energy work. **Listen for news about this special event on 98.9FM WCLZ radio—Maine's first carbon-neutral radio station—our media sponsor, as the date approaches!** Sign up now at www.nrcm.org/attendanevent.asp.

Mark your calendar for these special events today!

NRCM Member Discount to Maine Sporting Camps

Have you ever wanted to stay at a Maine sporting camp? Now is the time! Many Maine sporting camps are again generously offering discounts to NRCM members for their 2011 season. Just **request a voucher in advance of your visit** by contacting Beth Dimond at nrcm@nrcm.org. To learn more, visit www.nrcm.org/sporting_camps_2011.asp. Thank you to all of this year's participating camps!



AMC's Little Lyford Pond

- ▲ Appalachian Mountain Club Wilderness Lodges
- ▲ Buckhorn Sporting Camps, Indian Purchase
- ▲ Eagle Lake Sporting Camp, Eagle Lake
- ▲ The Last Resort Cabins and Campground, Jackman
- ▲ Red River Camps, Deboullie Township
- ▲ Spencer Pond Camps, Greenville
- ▲ Weatherby's, Grand Lake Stream



Green Tip of the Day

Truly Refreshing! If your kitchen smells like yesterday's fish dinner, rather than buy perfume-y deodorizers, boil a small pot of water with cinnamon, cloves, and other sweet spices. *For a green tip of the day every day, visit NRCM's website at www.nrcm.org.*



Complete Legislative Results Are In!

This session, more bills were introduced attacking protections for Maine's environment than at any point in decades. View our new web pages showing final results of our efforts, working with our supporters from across Maine, to stop these. You can also review NRCM's one-of-a-kind Report Card for Maine's Environment, and see how your elected officials voted on key issues. Visit the new pages at www.nrcm.org/2011.legislature.results.asp.

Special Memberships Given
May 1, 2011 to July 31, 2011

Honoraria and Memorial Gifts

Ellen Simmons in honor of Matt Simmons
 Robin E. and Robin Erlandsen in honor of the marriage of Jamie & Geoff Louis and Mona Rabineau in honor of Paul Liebow

Gift Memberships

Millie Crockett from Toby and John Kilgore

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!

- Sara Blair Wilson
- Erno R. and Victoria Bonebakker
- Daniel J. Ellis
- Richard F. Foss
- Charlotte Pryor and R.C. Harrison
- Priscilla J. Sherwood
- Bette Spettel and Richard Mersereau

NRCM Movie Now Available on DVD



Our movie, "Protecting the Nature of Maine: 50 Years of the Natural Resources Council of Maine," has been released on DVD. The story features a number of Maine citizens, including Marion Fuller Brown (page 3), who were instrumental to many of our state's most important environmental victories. The New England Emmy-nominated film, which played in theaters throughout Maine, captures stunning footage and dozens of interviews as it chronicles NRCM's 50-year history, including many of the efforts we helped lead. To order a copy of the DVD, visit www.nrcm.org or by contact Beth Dimond at (207) 430-0106. Cost is \$14.95, includes tax, shipping, and handling.

"My Maine This Week"



Marshall Point Light in Port Clyde.
 "A favorite place all seasons."

—Steve Cartwright, Waldoboro, Maine

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. Visit "My Maine This Week" online at www.nrcm.org.

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



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