



Maine Environment



2012 LEGISLATIVE PRIORITIES for Maine's Environment

State lawmakers returned to Augusta on January 4, and already we're in a whirlwind of activity. This is the so-called "short" legislative session, with adjournment expected by late April. As a result, everything seems to be moving fast, with hearings, work sessions, and news events unfolding almost daily.

NRCM's advocacy staff is in high gear, paying close attention to more than 40 bills that could affect the future of Maine's environment. Our top focus is in the following six areas, described further in this report:

- 1) **Protecting Maine's North Woods**—We are determined to protect the integrity of the unique forested landscape of Maine's North Woods by ensuring that the effectiveness of Maine's Land Use Regulation Commission (LURC) is not weakened.
- 2) **Land for Maine's Future**—We are working with a broad coalition to replenish funding for the LMF program, one of Maine's most successful land conservation efforts.
- 3) **Regulatory Takings**—NRCM is leading the effort to block a so-called "regulatory takings" bill that would be an environmental, fiscal, legal, and policy nightmare for Maine.
- 4) **Wildlife Habitat**—We are urging lawmakers to ratify a proposal for protecting important habitat used by inland wading birds and waterfowl.
- 5) **Clean Energy**—We will be opposing rollbacks from the Governor of Maine's energy efficiency and renewable energy policies and will push for a clean energy measure to be on the ballot in 2013.



- 6) **Keeping Maine's Natural Resource Agencies Effective**—We are fighting against proposals from the LePage Administration that would damage the ability of Maine's natural resource agencies to do their work to protect our air, water, land, and wildlife.

During the months ahead, we will do everything we can to advance these priorities, working with a broad coalition, including organizations that are members of the Environmental Priorities Coalition (EPC). We also will be responding quickly to any new bills that could threaten or create new opportunities for the protection of Maine's environment.

But we can't do our work without you. When faced with a record number of environmental rollback proposals last year, Maine people spoke out in force to oppose them. Because of that broad-based citizen "blow-back," the overwhelming majority of the 50 rollback bills were defeated. This year we will again need your steadfast involvement.

As described in this report, we are working on issues that could change the face of Maine's environment. We hope that you will stay involved, speak with your elected officials, and join us as we work hard to ensure wins on these issues. Visit our website www.nrcm.org for detailed updates about priority legislation. Also, please consider registering today for our Citizen Action Day in Augusta, to be held this year on February 28.

As always, thank you for your support.

—Pete Didisheim, NRCM Advocacy Director

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MAKE A DIFFERENCE!
Attend Citizen Action Day
Tuesday, February 28th
Help keep Maine, *Maine* - See Page 4!



NATURAL RESOURCES COUNCIL OF MAINE

NRCM takes pride in being the only organization in Maine that brings focused attention to the full range of environmental issues: land conservation, the North Woods, product stewardship, and more. The challenges below are our highest priorities this legislative session.

Preserve Statewide Management of Maine's North Woods



Protecting Maine's North Woods is an NRCM priority.

A study commission established to review Maine's Land Use Regulation Commission (LURC) finished its work in December. The LURC Reform Commission backed away from abolishing LURC, as it had originally threatened to do, because so many people spoke up against such radical thinking. But the Commission's recommendations remain seriously flawed, with changes that could lead over time to scattered development and fragmentation of the North Woods, spoiling forever this unique forested landscape that is such an iconic part of Maine's image and identity. Specifically, we are concerned that the Commission's proposal would allow county commissioners to appoint themselves as LURC commissioners, without experience and without review through the standard channel: gubernatorial nomination, legislative committee hearing, and Senate confirmation process. This could undercut LURC's statewide perspective and commitment to the protection of statewide values. We believe county commissioners would have a conflict of interest in serving on LURC, and we certainly do not support an appointment process that eliminates legislative oversight and a normal confirmation vote.

We also are concerned about a "county drop-out" provision that would allow counties to withdraw from the current, unified system that governs planning and development in the North Woods, and we oppose changes to LURC's permitting and zoning responsibilities that could make the permitting process more complicated, less predictable, less efficient, and more expensive.

Action: Lawmakers should vote NO on any LURC reform bill that would undermine the ability of this important state agency to provide careful, uniform, and consistent stewardship for Maine's North Woods.

Invest in Land for Maine's Future

Protecting forests, mountains, working waterfronts, and farms is vital to keeping Maine, *Maine*. The Land for Maine's Future (LMF) program has conserved land in all 16 counties, providing guaranteed public access to hundreds of thousands of acres and dozens of water bodies.

Maine people strongly support this program, as demonstrated by the huge support it receives every time funding for LMF is on the ballot. The Legislature did not pass any bonds last year, but we are hopeful that a bond package may be approved this year, and we believe that LMF funding should be part of that bond package.

Action: Lawmakers should vote YES on the LMF bond proposal sponsored by Sen. Roger Katz (R-Kennebec).



Beech Hill Preserve, Rockport, protected thanks to LMF funding.

Block a Takings Bill



If a "takings" bill is passed, taxpayers would be required to compensate private landowners in order to enforce water quality laws and other safeguards.

The Maine Legislature will consider a deeply flawed and fiscally irresponsible legislative concept that could require Maine taxpayers to pay landowners and corporations if future land use laws reduce the value of their property. This dangerous concept has been promoted by special interests who want to lock Maine's land use laws in place—and the range of laws that could be affected is very large. If the state wanted to regulate the location of casinos, factory farms, energy projects, or industrial waste facilities, for example, such laws could trigger takings claims. And if the state doesn't pay the claim, then the law would be waived. This would result in a patchwork of land use laws across Maine. Takings proposals have been broadly rejected across the nation because they can trigger an avalanche of lawsuits, impose massive costs on taxpayers, and destroy sound policymaking. In Oregon, where a takings law was passed in 2004 and then largely repealed in 2007, more than 7,000 claims were filed for a total of nearly \$20 billion in payment demands. Unfortunately, the takings proposal here in Maine was supported by most members of a study commission that was stacked with supporters of such a bill.

Action: Lawmakers should vote NO on any takings bill, just as the Maine Legislature did with past proposals in 1994, 1995, 2000, 2003, and 2011.

Habitat for Waterfowl and Wading Birds

The Legislature last year directed Maine's Department of Environmental Protection to develop a streamlined permitting approach for certain development activities located near what's known as moderate value Inland Waterfowl and Wading Bird Habitat (IWWH). The "moderate value" designation refers to the size of these wetland areas, not their ecological value. Indeed, these areas are extremely valuable for the health of Maine's inland wading bird and waterfowl populations and for other wildlife. NRCM supported the concept of a streamlined permitting process in IWWH areas for single-family dwellings, but DEP's draft rules would have allowed gas stations, commercial activities, and small subdivisions to be approved through rapid permitting and would have allowed development activities too close to this waterfowl habitat. Maine's Board of Environmental Protection (BEP) reviewed the rules and strengthened them based on the science provided by NRCM's staff scientist Nick Bennett and others. We support the resulting compromise, which now goes to the Legislature for final approval.



NRCM supports much-improved compromise rules for permits near important waterfowl and wading bird habitat.

Action: Lawmakers should vote YES to approve the IWWH rules, without amendment, that were unanimously passed by the Board of Environmental Protection.

Clean Energy and Energy Efficiency



NRCM supports the clean energy ballot initiative to increase energy efficiency and Maine's renewable energy portfolio.

Maine has been on a path toward cleaner energy by increasing energy efficiency and getting more of our electricity from clean, renewable sources. Clean energy initiatives help reduce air and climate changing pollution, reduce Maine's dependence on fossil fuels, create jobs, and lower energy costs. Unfortunately, over the past year, we have seen political attacks on Maine's clean energy future, including statements by Governor LePage in opposition to renewable energy and energy efficiency, and the Legislature's failure to increase funding for energy efficiency investments. That's why NRCM and a diverse coalition of businesses, workers, conservation groups, and public health advocates have come together to support a clean energy initiative that would ensure that 20 percent of Maine's electricity comes from new renewable energy sources by 2020, and require utilities to invest in energy efficiency whenever it would reduce energy costs for ratepayers. In a race against the clock, we fell short (by just hundreds) of the 57,277 signatures needed to put the initiative on the November 2012 ballot, so we are now setting our sights on the 2013 ballot.

Action: Lawmakers should OPPOSE any legislation that weakens Maine's energy efficiency and clean energy policies, so that Maine people can have a clear vote in 2013 to support the clean energy ballot measure.

2012 PRIORITY BILLS IN THE LEGISLATURE

Issues that emerge at the State House. These include bills involving energy, water quality, air pollution, toxics, wildlife habitat, and legislative session.

Preserve Maine's Natural Resource Agencies

These are challenging times at the state agencies responsible for providing stewardship over Maine's natural resources on behalf of Maine people today, and for generations to come. Key agency personnel who have dedicated their careers to the protection of Maine's air, water, forests, and wildlife have retired out of frustration with the LePage Administration. Others have been reassigned away from important programs that suddenly are a lower priority, and many others live day-to-day in limbo as the Administration pursues agency reorganizations and dismantlement activities that could cause substantial harm. NRCM is following these issues carefully and will be working with lawmakers to preserve Maine's natural resource agencies to the best of our abilities. Here are the areas of greatest concern.



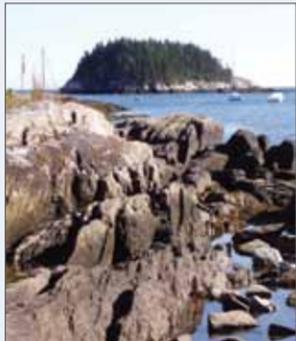
SAUL HORINE

NRCM opposes dismantling the SPO, which threatens the ability to protect Maine's identity and character by reducing statewide planning capacity.

State Planning Office Dismantlement The LePage Administration last year proposed rapid dismantlement of the State Planning Office (SPO), but the Legislature, fortunately, slowed the process down. The Appropriations Committee directed the Administration to return this year with a detailed plan for how SPO's staff and programs would be distributed to other state agencies. That plan was developed by members of the LePage Administration, and NRCM has major problems with the proposal. We remain unconvinced that dismantlement of SPO is a good idea.

We believe dismantling SPO will greatly reduce Maine's statewide planning capacity, which has helped protect Maine's identity and character. We are troubled by a cavalier assertion made throughout the dismantlement plan that SPO responsibilities can be shoved into other agencies, often without transferring staff or resources, and be performed just as well. These include the vitally important Land for Maine's Future program. And we are not sold at all on the proposal for a new Office of Policy Management, reporting to the governor, which would replace the SPO. The new office would be charged with finding \$1 million in budget savings each year in order to keep the office functioning. Thus, one group of state personnel would have among its top priorities the elimination of other state personnel in order to save their own jobs.

Action: Lawmakers should provide deep and comprehensive scrutiny of the details of the Administration's SPO dismantlement plan, working to ensure that programs such as the Land for Maine's Future program, Maine Coastal Program, waste management and recycling, and land use planning activities are not damaged.



RICHARD BAILOR

NRCM opposes a proposed DEP reorganization that would put protection of Maine's natural resources at risk.

DEP Reorganization We are deeply concerned that the Administration may pursue a poorly thought-out reorganization of the Department of Environmental Protection (DEP) that could reduce staff productivity, disrupt programs, and damage staff morale even further. NRCM does not oppose efforts to improve the efficiency and operation of Maine's natural resource agencies, but what we have seen so far about a possible DEP restructuring is not persuasive. Reorganizing a 400-person agency is a massive undertaking, and should only be attempted if there are clearly articulated goals for such an initiative, broad involvement of staff and stakeholders to achieve buy-in, and deep engagement by senior management to provide the leadership and attention necessary for success. But we see none of this from the materials that have been released so far.

Action: Lawmakers should OPPOSE a request to reorganize the DEP, unless a compelling case has been made for why any reorganization would benefit Maine people and our environment.



TONY NAZAR

NRCM opposes consolidation of state agencies that would treat Maine's natural resources like a crop.

Agency Consolidation Governor LePage has announced that he wants to consolidate the Department of Conservation with the Department of Agriculture. Again, we're not persuaded that this makes sense. We don't believe that forests should be treated like a crop. We are concerned that Maine's Bureau of Parks and Lands doesn't fit with the Department of Agriculture's programs. These departments have very different orientations, cultures, and missions.

Action: Lawmakers should OPPOSE consolidation of these two departments unless a more convincing case can be made about why this is in the best interest of the Maine people.

Stay up-to-date during the 2012 session by visiting our State House Updates page. Bookmark it and visit often for the latest on bills related to Maine's environment.

http://www.nrcm.org/statehouse_updates.asp

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Protecting, restoring, and conserving Maine's environment, now and for future generations.

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2 / Sysladobsis Lake near Lincoln, by Allen Ewing-Merrill
3 / Belfast, by Jeffrey Mabee
4 / East End Beach, Portland, by Allison Childs Wells
5 / Friendship barn, by Cindy McIntyre
6 / Ermine, by Pam Wells

Front Page Banner /
Judy McCown and Bruce Bierce of Fayette leave notes for their elected officials during NRCM Citizen Action Day.

Attack on Product Stewardship Programs Draws Strong Public Response



DANIEL POLESCHOK, JR. AND VIRGINIA R. POLESCHOK

NRCM and others voiced strong opposition to a DEP report seemed aimed at phasing out programs that keep mercury and other toxics out of Maine's environment.

Over the past decade, Maine has been a national leader in passing successful laws to reduce mercury pollution and promote product stewardship, but the Department of Environmental Protection (DEP) recently released a report signaling that it might try to repeal those laws.

The attack came in a report to the Maine Legislature titled *Implementing Product Stewardship in Maine*. The report

was supposed to identify new programs for involving manufacturers in helping pay the costs for recycling their products when they become garbage. That's what last year's report did. But this year, under the LePage Administration, the DEP ignored what the Legislature asked for and instead wrote a report aimed at phasing out pollution prevention programs that are helping keep mercury, lead, and other toxic materials out of Maine's landfills and incinerators.

DEP announced that it would accept public comments on the report, so NRCM and a broad range of citizens (including our supporters), organizations, businesses, public health professionals, economists, and academics weighed in to voice our strong opposition to the report. As comments began to flood in, they seemed to have had an impact. On January 10, DEP posted on its website a memo saying, "The Department remains committed to fully implementing, and improving, the product stewardship programs that we are charged with administering."

Here are a few excerpts from comments submitted to DEP in protest over their poorly written and indefensible product stewardship report:

"I believe you left the health of Maine's people out of the evaluation."

—*Dave Betts, NRCM Member, Industry, ME*

"Until now, Maine has been making excellent progress in helping to prevent further problems from toxic pollution by recognizing that keeping toxins out of the environment to begin with is much less costly than trying to clean them up after they are 'out there.' After all, once we or our children have gotten toxics inside us—isn't it too late?"

—*Susan Cottle, NRCM Member, South China, ME*

"This report presents only a cost analysis while ignoring the benefits of controlling mercury, the economic benefits to municipalities in reduced waste management costs, the economic benefits to small businesses that can now participate in the product stewardship program for e-waste, and Maine-based companies and/employees that are partners in product stewardship. A cost-only analysis presents only one side of the equation and in fact skews the analysis such that it is not meaningful or credible."

—*Dr. Travis P. Wagner, Associate Professor, University of Southern Maine*

"Whatever this report, *Implementing Product Stewardship in Maine* may be, it in no way should be considered a 'cost-benefit analysis'."

—*Hoddy Hildreth, CEO, Diversified Communications*

"I believe the long term health, wildlife, and environmental savings more than cover the annual cost of cleaning up mercury from our environment. We must begin to think more long term about our investment in this great state."

—*Cynthia Simon, Gorham, ME*

"As a tax-paying citizen of Maine, I am willing to do my part to recycle, reuse, repurpose, and properly dispose of the products that I use. The Department of Environmental Protection needs to do its part to truly protect the environment and to develop additional programs to ensure that we behave in a way that does, indeed, preserve and protect our environment for future generations."

—*Karen O. Fletcher, Freeport, ME*

"I really see mercury as the lead of our generation, and people in the future will likely be amazed at our nonchalance about it. Please work to maintain and strengthen our current laws to keep mercury out of the landfills, air, and water."

—*Dr. Carol Hubbard, Director, Developmental-Behavioral Pediatrics, Maine Medical Center*

MAKE A DIFFERENCE! Attend Citizen Action Day Tuesday, February 28th



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



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

You can make a difference! Join us at our Augusta headquarters for Citizen Action Day to learn about the latest goings on at the State House and how to most effectively make your voice heard. You'll meet and hear from NRCM staff members and take a short walk across the street to the State House, where you'll have the opportunity to meet with your elected officials. Mark your calendar now and plan to join us on Tuesday, February 28, at our headquarters in Augusta. Learn more and register at www.nrcm.org.



► Jeremy Lynch of Harpswell speaks with Representative Kerri L. Prescott (R-Topsham) at last year's Citizen Action Day.

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"Like" the Natural Resources Council of Maine to learn about up-to-the minute stories, event invites, and be part of the lively and ongoing conversation about the need to protect Maine's environment.

From our Facebook Wall:

“Even if you aren't political, it is time to get involved!” —*Melani Darrell*

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COURTESY STAGIE HAINES

An all-out attack on safeguards for Maine's environment has begun.

Governor LePage and his allies in the Legislature want to rollback safeguards and dismantle state agencies responsible for protecting our state's greatest asset, our natural resources. Join NRCM in our efforts to stop attacks on our clean air, forests, water, and wildlife by

making a donation today. Use the enclosed membership envelope or donate online at www.nrcm.org or by calling us at (800) 287-2345. Your donation could not come at a more urgent time. Thank you!