



EPA & Maine Leaders Roundtable on Climate Change May 17, 2012 – see page 4



2012

REPORT CARD FOR MAINE'S ENVIRONMENT

The 2012 legislative session was a challenge for those who care about the future of Maine's environment. Like last year, lawmakers focused on one proposal after another that would weaken the environmental safeguards that have been put in place over the past 40 years at the insistence of Maine people. Although many of the rollback attempts were defeated outright, or amended to reduce their damage, little was accomplished this year that improved the quality of Maine's air, water, wildlife habitat, or forests.

The one exception was a proposal to let voters decide on a \$5 million bond to reinvest in the Land for Maine's Future (LMF) program. The LMF bond proposal won solid support from more than two-thirds of the House and Senate, yet legislators and LMF supporters statewide were left wondering for many days whether Governor LePage would veto this modest bond measure. The fact that a small infusion of funding for one of Maine's most popular conservation programs was left in limbo, without clear support from the governor, says a lot about the new era that we are in. And when he did finally allow the LMF bond to go to the voters, he did so in a remarkably backhanded manner, saying that he did not support any of the bonds, would not vote for them, and might not allow the funds to be spent for years.

We appreciate the bipartisan leadership that helped block a number of bills, including Governor LePage's legislation to weaken our clean energy and energy efficiency policies, a costly and extreme "takings" bill, and proposals to dismantle the Land Use Regulation Commission (LURC) one county at a time. But the Legislature also passed bills to dismantle the State Planning Office, weaken Maine's mineral mining laws, and finance

Legislature's Performance at a glance...	
SUBJECT	OUTCOME
Land for Maine's Future	++
Regulatory Takings	+
Waterfowl Habitat	+
Clean Energy	+
North Woods	+/-
Mineral Mining	-
East-West Highway	-
State Planning Office	--

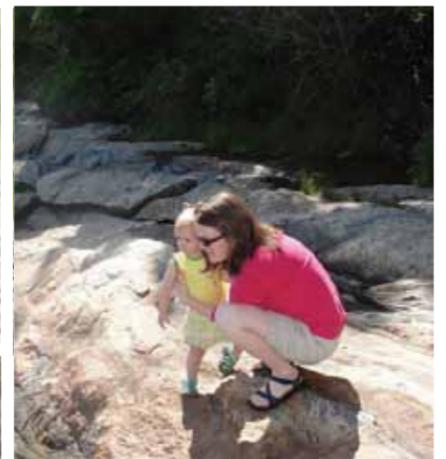
a study of an East-West highway that could be a total boondoggle. We also are concerned about the bill to merge the Department of Agriculture with the Department of Conservation—which to us is a "merge first, ask questions later" initiative that could disrupt and undermine both existing departments, with no benefits.

As described in this report, we give the Legislature a mixed report card this year for its performance across environmental bills. Rather than assigning letter grades, as we generally have done in the past, we instead are providing plus (+) and minus (-) signs, with more signs suggesting how good or bad the outcome was, with one of each indicating it was a mixed outcome. Overall, we are troubled that a "win"

in today's Legislature generally means that an important environmental law has not been eviscerated. This is a sad state of affairs. We need to get back to a place where legislators are in tune with the overwhelming sentiment of Maine people that a clean and healthy environment goes hand-in-hand with a strong economy and helps ensure our Maine way of life.

Maine people played a vital role this year in speaking out against environmental rollback bills, and lawmakers seemed to take heed. 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. Due to Maine's term limit law, a number of strong legislative allies will be leaving the Legislature this year. To those leaders, we are particularly thankful for your years of service to your constituents, Maine's environment, and all the people who live in and visit our state. —Pete Didisheim, Advocacy Director

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Funding for Land for Maine's Future



Dodge Point Preserve, Newcastle, a Land for Maine's Future project

At a time when communities and land trusts across Maine have identified important land conservation projects that deserve support, the state's premier land conservation program—Land for Maine's Future (LMF)—is virtually out of money. Although legislators attempted to advance an LMF bond proposal last year, Governor LePage refused to

support any bonds, and his Administration even went so far as to eliminate the director position for the LMF program. But lawmakers pushed back this year, insisting that a \$5 million bond be sent to Maine voters for their consideration at the ballot box. This is good news, and we're also relieved that the Appropriations Committee re-instated the LMF director position.

Critical leadership on the LMF bond came from Senator Roger Katz (R-Kennebec) who sponsored the bond measure, and David Trahan, executive director of the Sportsman's Alliance of Maine. While many other organizations, legislators, and individuals contributed to passage of the bond measure, these two really stand out.

"NRCM was pleased to work with the Sportsman's Alliance of Maine this year to help secure a winning vote on the LMF bond," says NRCM North Woods Project Director Cathy Johnson. "Working with SAM to support Land for Maine's Future reconfirms our many common interests—including protection of forests, farmland, wildlife habitat, and working waterfronts, all of which benefit from the LMF program."

Next Step: Now we need to secure passage of the LMF bond when it comes to a vote in November. Although LMF bonds traditionally have earned overwhelming support from Maine people, one can never be complacent. Please tell your friends and family that passage of the LMF bond this fall is a critical vote for the future of Maine's environment.

Protecting Waterfowl Habitat



Last year the Legislature directed the Department of Environmental Protection (DEP) to develop a proposal to streamline permitting near some types of habitat used by wading birds and waterfowl. The Board of Environmental Protection (BEP) oversees the development of such rules. After considerable debate and improvement of DEP's proposal, they approved new rules and sent them to the Legislature.

NRCM weighed in strongly during the BEP review, to ensure that the rules were protective of important species. We were pleased with the outcome of that process, and were glad that the rules were approved by the Legislature without any weakening amendments. The wetlands addressed by these rules are important habitat for many species of birds, including some of Maine's most spectacular species—Great Blue Herons and Wood Ducks, among them. Some of the species that frequent these wetlands (such as teal) are very sensitive to disturbance. Protecting forests around these wetlands is essential for them to reproduce and raise their young successfully.

"These rules maintain important protections for nearly 400,000 acres of wetlands in Maine that are used by wading birds and waterfowl," said NRCM Staff Scientist Nick Bennett. "The outcome strikes an acceptable balance between the need for landowners to have a predictable and shortened permitting process, and the values that these wetlands have for wildlife and our nature-based tourism economy."

Next Step: NRCM will monitor the new permitting process to ensure that it is being implemented as intended.



Great Blue Heron

BETH DIMOND

Stopping Regulatory Takings



The Legislature defeated a controversial "takings" bill (LD 1810) that would have cost Maine taxpayers millions of dollars, caused a proliferation of lawsuits, and blocked future laws that may be necessary to protect Maine's environment, people, and communities. The original bill would have required state taxpayers to pay property owners to obey new Maine land use and environmental laws, or allow them to ignore those laws by claiming reduced property values. Such proposals have been broadly defeated nationwide based on concerns about their high costs and negative consequences, but this year NRCM had to pull out all the stops to defeat the measure, which was being pushed hard by developers, out-of-state interests, and lawyers who stood to benefit.

"This risky, costly, and radical proposal would have undermined the laws that protect Maine's environment and communities," said NRCM Advocacy Director Pete Didisheim. "Despite a massive effort by lobbyists to force this dangerous bill through the Legislature, a bipartisan majority held firm and refused to support it. Common sense won the day over ideology."

Next Step: Passage of takings legislation has been a high priority for the ultra-right-wing American Legislative Exchange Council (ALEC), and other such groups, since the early 1990s. NRCM will remain vigilant and oppose any bill like this again in the future, just as we have every time this extreme measure has been introduced in the past.



LAUREN NIER

Advancing Clean Energy and Energy Efficiency



Governor LePage announced that he would make energy policy a top priority during this year's legislative session, and from all his public statements we expected him to attack Maine's clean energy policies and weaken our investments in energy efficiency. So it came as no surprise when he introduced two bills to do just that. It also

came as no great surprise that both bills were strongly opposed by Maine people, businesses, and legislators of both parties. Opinion polls consistently demonstrate strong support from across Maine for policies to boost clean energy and enhance energy efficiency, and objective studies show that these policies are strengthening Maine's economy while reducing pollution.

One of the governor's bills (LD 1864) would have stripped the Efficiency Maine Trust of much of its autonomy and opened up its funding to being redirected away from proven, cost-effective programs that are helping Mainers reduce energy costs. The other bill (LD 1863) would have undercut Maine's renewable energy policies by allowing massive hydropower projects to qualify, thus harming Maine jobs and sending Maine ratepayer dollars to support Canadian government-backed hydropower. LD 1864 was amended to eliminate the worst provisions, and LD 1863 died in disagreement between the House and Senate.

"The governor's energy bills would have weakened our economy, increased energy costs to ratepayers, and benefited out-of-state power producers and utilities, with no clear benefit for Maine people," according to NRCM Clean Energy Project Director Dylan Voorhees. "On the renewable energy bill, the governor chose to have no bill rather than compromise, and he refused to even sign the energy efficiency bill into law because he didn't get what he wanted. We continue to believe that the governor is not considering the interests of Maine people and the companies that are working to create and sustain clean energy and energy efficiency jobs."

Next Steps: LD 1864 creates a pilot program for electric heat conversion systems to be run by Maine utilities after review and approval by the Public Utilities Commission. NRCM will monitor the pilot program and continue to be a strong advocate for increased investment in clean energy and energy efficiency.



Solar panels at NRCM headquarters

BETH DIMOND



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Protecting Maine's North Woods



Jason Heinzel
Maine's North Woods

The future of Maine's North Woods has hung in the balance since Governor LePage in 2011 called for rezoning three million acres of Maine's North Woods for development and abolishing the Land Use Regulation Commission (LURC). Fortunately, advocates for eliminating LURC couldn't round up enough votes

to advance their bill, so they created a study committee instead. NRCM was pleased that the LURC Reform Commission ended up rejecting the idea of eliminating the agency, but we opposed a number of the group's recommendations—which were reflected in legislation (LD 1798)—because they would weaken LURC's ability to protect the North Woods.

One of our chief concerns was a proposal to give counties the option of withdrawing from state agency oversight after three years. Fortunately, this proposal ran up against a wall of opposition, including from a group of 10 Republican lawmakers led by Rep. Russell Black (R-Wilton). Elimination of the "county opt-out" provision was an important win, but other provisions of the bill remain problematic.

"Removal of the county opt-out provision was critically important, because it could have allowed LURC to be dismantled one county at a time," says NRCM North Woods Project Director Cathy Johnson. "But the final bill allows county commissioners to appoint themselves or their designee to fill eight of the nine slots on the revamped commission, which raises serious concerns about their allegiances. We also are concerned that too many of LURC's permitting responsibilities will be transferred to the Department of Environmental Protection, which does not have the same landscape-scale planning perspective that is used by LURC during the permitting process."

Next Steps: We will closely follow development of new rules this summer and fall that will guide the transition of LURC to a newly named Maine Land Use Planning Commission. The new commission also will soon initiate a prospective zoning process for Maine's 10.4 million acres of unorganized townships, and NRCM will actively engage in that process. We also will follow DEP as it reviews applications for development in the North Woods that previously were the responsibility of LURC, and we'll work to ensure that DEP pays appropriate attention to the impacts caused by developments proposed for remote areas.

Keeping Maine Mineral Mining Laws Strong



Berkeley Pit Mine, Butte, Montana, currently the largest EPA Superfund site in the U.S.

A last-minute bill to completely rewrite Maine's mineral mining laws was significantly improved before being enacted, but NRCM could not support the final bill because it weakens water quality protections and may leave Maine taxpayers footing the bill for major clean-up costs. The bill (LD 1853) was pushed by the Irving Corporation, which is interested in

extracting zinc, copper, and other minerals from Bald Mountain, west of the

town of Portage in Aroostook County. But the bill does not deal only with the Bald Mountain proposal; it will affect mining operations statewide.

"This new law could have sweeping implications for water quality and habitat," says NRCM Staff Scientist Nick Bennett. "Open-pit mineral mines are notorious for creating toxic runoff that can literally destroy aquatic life in rivers and streams. That's a huge deal in Maine, which is the last stronghold for brook trout in the eastern United States."

Next Steps: The legislation directs DEP to completely revise Maine's mineral mining rules over the next 18 months and bring them back to the Legislature in January 2014 for approval. NRCM will closely follow this process.

East-West Highway



The Legislature approved \$300,000 to study a possible multi-billion dollar East-West highway that would span 220 miles across Maine, from Calais to Coburn Gore. Maine policymakers have considered such an idea several times in the past, and it has always died in the face of financial and environmental impact realities.

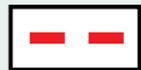


NRCM FILE

But this time could be different. At least that's the claim of Peter Vigue, the CEO of Cianbro, one of Maine's largest construction companies. Vigue has been crisscrossing Maine with a presentation about how a privately funded, privately operated, yet publicly accessible East-West highway might come about. NRCM is deeply skeptical that such a highway would truly benefit Mainers, and remains opposed based on the impacts such a road would have on Maine's environment, particularly big sections of Maine's North Woods.

Next Steps: The Department of Transportation is hiring a consultant to do the study, which will be very limited in scope—focused only on "traffic and revenue" issues, and not on environmental impacts. We do not know whether there will be any public process for this study. NRCM will monitor and assess the issue, and will be prepared to speak about the potential environmental impacts when the study goes to the Legislature in January.

State Planning Office



Governor LePage had set his sights on the abolishment of the State Planning Office (SPO), and this year he did it. As part of the supplemental appropriations bill, the Legislature implemented a plan to remove all references to the SPO from Maine law, terminate many of its responsibilities, and distribute remaining SPO staff to other agencies. The governor's plan also redirected money from SPO toward creation of a new Office of Policy and Management, which is expected to conduct investigations of state agency operations for the governor—with the goal of continually identifying state government programs and activities that the governor's office believes should be eliminated. Given the disconnect between what the governor sees as important and what Maine people value, we are greatly concerned about this.

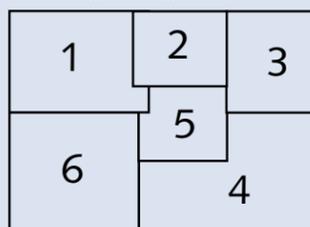
"Abolishing the State Planning Office was one of the most unfortunate actions of this legislative session," said NRCM Advocacy Director Pete Didisheim. "With the demise of SPO, the entire state will have a diminished capacity for thoughtful, long-term planning and coordination of Maine's natural resource policies with our economic development and community growth strategies."


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*Protecting, restoring,
 and conserving Maine's
 environment, now and
 for generations to come.*
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- 1/ Table Rock, a side trail off the Appalachian Trail on Baldpate Mountain in Grafton Notch. Photo by Linda Woods of Oakland, Maine (My Maine photo)
- 2/ Wood turtle. Photo by Pam Wells of Old Town, Maine
- 3/ Wolfe's Neck State Park. Photo by Allen Ewing-Merrill of Portland, Maine
- 4/ Great Head at Acadia National Park. Photo by Judy Gibbs of York, PA (My Maine photo)
- 5/ Black-throated Green Warbler. Photo by Pam Wells
- 6/ Aroostook River. Photo by Peter Victor (My Maine photo)

Additional Actions

In addition to the major issues mentioned above that were top priorities for NRCM staff, we also tracked, testified, or otherwise were involved in the following bills.



+ Fish Passage at Hydropower Dams

The Legislature defeated a bill (LD 1718) that would have prevented the Department of Environmental Protection from approving fish passage systems at dams that are blocking access to important spawning habitat.

- Agency Merger Without a compelling justification or plan, lawmakers approved the governor's request (LD 1830) to merge the Department of Agriculture with the Department of Conservation into a new Department of Agriculture, Conservation and Forestry. Although the Legislature protected a small opportunity for themselves to stop the merger next year, the bill amounts to a "merge first, ask questions later" strategy that we believe will harm conservation programs at DOC, disrupt both agencies, and not provide any benefits to Maine people or the environment.

- Stealing LURC Staff The Administration tried to steal two of LURC's staff and send them to DEP as part of the April budget process, but was blocked from doing so. Unfortunately, they took another run at it in the May supplemental budget, and supporters of LURC were only able to save one of the two positions. This is deeply ironic because the Administration's justification for transferring permitting of major projects to DEP was that it would free up LURC staff to do prospective zoning. Now that LURC's staff has been cut, its capacity to do prospective zoning is also decreased.

- Product Stewardship The Environment and Natural Resources Committee carried over to this session a bill (LD 1412) that would have required manufacturers of medical sharps (e.g. disposable needles) to assume responsibility for the collection, handling, transportation, treatment, and disposal of these products so that they are safely diverted from the waste stream, where they become a hazard in sewage treatment facilities and threaten the health and safety of the public and solid waste workers. But manufacturers opposed it, and the bill was defeated.

+ DEP Reorganization NRCM was concerned last December when DEP announced plans for a major restructuring of the department. We felt that the proposed change would be highly disruptive and time consuming, with no clear benefits for the mission of protecting Maine's environment. The Administration apparently agreed and withdrew the proposal from the supplemental appropriations bill.

- Dirty Tar Sands The Legislature approved a resolution (S.P. 676) in support of the Keystone XL pipeline that would carry dirty tar sands oil from Alberta, Canada, to refineries in Texas. This partisan proposal (approved on party line votes in the Senate; no recorded vote in the House) has no legal significance, but nonetheless was troubling because of the environmental and climate impacts of extracting and burning tar sands oil.

+ Federal Toxics Policy The House and Senate unanimously supported a resolution (S.P. 676) in support of reforming the federal law regulating the use of toxic chemicals in consumer products. Stating that the Toxic Substances Control Act "has been widely recognized as ineffective and obsolete," lawmakers requested that Congress modernize the law to protect the public while also promoting business innovation.



+ Wildlife Funding The so-called "chickadee checkoff" on the Maine income tax forms has been preserved and will continue to serve as a means for gathering funds for the Endangered and Nongame Wildlife Fund. The original legislation (LD 1826) proposed eliminating all check-off options from the state income tax filing, but was amended to preserve these voluntary donation programs so long as they met certain annual fundraising targets that demonstrate their popularity. The "chickadee check-off" has provided about \$30,000 annually for wildlife programs.



NRCM hosted representatives from the U.S. EPA in Portland May 17 to hear Maine perspectives on their proposed standards to limit climate-changing carbon pollution from new power plants. Curt Spalding, EPA Regional Administrator (pictured left) provided an overview and 13 panelists from a range of professions and Maine towns shared their views. More than 125 members of the public attended, many of whom spoke or asked questions. Watch our video and hear a recording of the event by clicking the *NRCM Insider* link at our website at www.nrcm.org, where you can also take action on this issue.



In May, more than 20 Maine moms went to Washington, D.C., as part of the National Stroller Brigade & Day of Action to urge Senators Snowe and Collins to co-sponsor the Safe Chemicals Act of 2011. Sponsored by Senator Frank Lautenberg (pictured), the bill would reform the broken federal chemical safety system. Learn more about this issue at our website at www.nrcm.org.



NRCM membership is a way of making a difference for the Maine you love, now and for future generations. Becoming a member also means great member benefits, including

- discounts at Maine sporting camps and *Down East* books online
- our beautiful and unique *Nature of Maine* calendar
- our quarterly newsletter, and much more!

Join online at www.nrcm.org or call (800) 287-2345

Nominate Your Environmental Hero!

A Call for Nominations for NRCM's 7th annual People's Choice Award

We are now accepting nominations for our 7th 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 all know and love. We'll accept nominations through Friday, August 3. NRCM will compile the nominees and post finalists on our website, where, through Friday, August 31st, 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 2012 People's Choice Award (and include any of the nominee's organizational affiliations). Please be as specific as possible about this person's accomplishments for Maine's environment.

Your name _____

Address _____

Telephone _____

Email _____

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