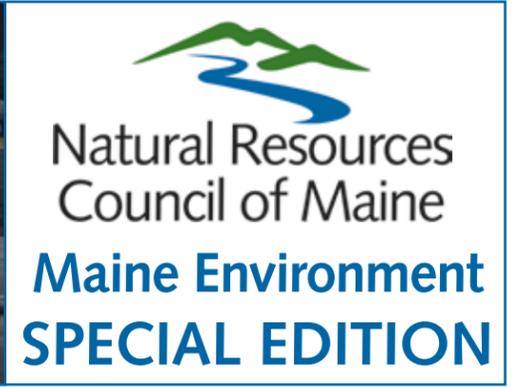




2015 Citizen Action Day Tuesday, April 7



2015 REPORT CARD for Maine's Environment

This was the most challenging legislative session in memory due to strong partisan tensions at the State House and relentless attacks by Governor Paul LePage on environmental issues across the board and on lawmakers of both political parties. The governor played a hugely disruptive role, especially near the end of the session, vetoing every bill sponsored by a Democrat and then vetoing nearly every bill no matter who sponsored it—even if it was supported by one of his own agencies.

With the House controlled by Democrats and the Senate by Republicans, we anticipated a difficult year, especially for any proactive policy initiatives. We haven't had "divided government" like this in 20 years. We also knew it would be a tough session when we saw the long list of bills proposed by the governor and his allies to weaken or eliminate Maine's clean energy policies and important safeguards for Maine's clean air, clean water, treasured wildlife, and natural landscapes. As the session evolved, however, we secured considerable bipartisan agreement on most environmental and energy issues. It was heartening to see lawmakers of both major political parties speak up in support of laws that protect the nature of Maine.

The required two-thirds majorities of Representatives and Senators overturned a number of the governor's vetoes of environmental and energy bills. The Legislature also blocked bills that would have rolled back Maine's environmental laws, when the bills passed in one of the legislative bodies, but not in the other (this is known as "died in non-concurrence").

We are particularly pleased that the Legislature overwhelmingly defeated weak mining rules that would have threatened water quality and exposed Maine taxpayers to the risk of paying massive future clean-up costs.

Legislature's Performance at a Glance

SUBJECT	LEGISLATURE	GOVERNOR
Mineral Mining	+	-
Energy Efficiency	+	-
Logging in Public Forests	+ -	-
Stopping Rollbacks	+	-
Land for Maine's Future	+ -	-
Solar Energy Policy	-	-
New Solar Energy Concept	TBD	-

Another important victory came when both the House and Senate unanimously voted to pass a simple bill that added just one word ("and") that was inadvertently left out of a 2013 energy law. Without correcting that typo, Maine homeowners and businesses would have lost out on up to \$1 billion in energy efficiency savings.

Our biggest disappointment of the year came on the last day of the session when the House fell five votes short of overturning Governor LePage's veto of a bill requiring the governor to release \$11.5 million in Land for Maine's Future

funding. The Senate prevailed in voting to overturn the veto, but six House Republicans switched their votes under heavy pressure from Republican House leadership and the governor's office.

Overall, we tracked more than 130 bills this year. During the busiest parts of the session, NRCM's policy experts were present in as many as five committees at one time, testifying about or working with legislators and coalition partners to help ensure the good bills passed and harmful ones didn't. We worked closely again this year with our colleagues in the Environmental Priorities Coalition, comprised of 31 environmental, conservation, and public health organizations. We also worked with passionate business partners who work at companies like ReVision Energy, Insource Renewables, and Evergreen Home Performance that are creating good jobs for Maine people in the clean energy and energy efficiency sectors.

Inside are some of the highlights. We greatly appreciate your support and engagement throughout the session, through your letters, emails, and conversations with legislators, and testimony in Augusta on priority bills. This year's results could not have happened without your support and involvement. Together, we have helped protect the Maine we all love.

—Pete Didisheim, Advocacy Director

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CHECK YOUR LABEL!
Please call NRCM with address corrections or duplicate mailings!

Nominate Your Hero!
2015 People's Choice Award nominations are now open.
Deadline for nominations: August 19, 2015
See Page 4

Help us honor someone (or a group!) who has gone above and beyond to protect a special place, or helped pass a particular safeguard for Maine's environment, or worked to stop polluting companies from contaminating our state—a volunteer who has devoted their time and effort to making sure future generations will enjoy the kind of Maine we know and love today.

Robert Godfrey of Eastport, 2014 recipient

Make your nomination by Wednesday, August 19!
We'll compile the nominees and post finalists on our website, where through Friday, September 7th, you, your friends, and your family can vote for the person you think most deserves this year's People's Choice Award. (Please note: We cannot consider someone currently sitting 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 honors volunteers.) *If you nominated someone in the past and they were not selected, please feel free to nominate them again.* The winner will be presented with the award at our Conservation Leadership Awards on Wednesday evening, October 14th at Maple Hill Farm in Hallowell. **See form on page 4. Send us your nomination today!**

SAVE THE DATE!

NRCM Conservation Leadership Awards
WEDNESDAY, OCTOBER 14

Plan to join us for NRCM's 2015 Conservation Leadership Awards, Wednesday, October 14th, 5:00–7:00 p.m. at Maple Hill Farm, Hallowell. The awards are given in recognition of an individual or group for outstanding dedication to protecting Maine's environment, and whose actions have made a real difference at the local, regional, or state level in safeguarding the Maine we know and love. For more information visit www.nrcm.org. Celebrate with us!

MINING RULES DEFEATED



BALD MOUNTAIN BY JBERKINORCA

NRCM pulled out all of the stops this year to make sure that a proposal to adopt weak mining rules was defeated, and we won—with overwhelming, bipartisan votes in both the House (109-36) and Senate (26-8) to reject the rules. These were the same weak rules proposed, and defeated, last year. But Canada-based Irving Corporation LLC and the LePage Administration decided to take another run this year at getting the rules adopted. Fortunately, their gambit didn't pay off, but not for want of trying.

AROOSTOOK COUNTY VOICE

"I hope that we aren't at a point where Maine's environmental laws are determined by a foreign corporation that only values Aroostook County for how easily its resources are exploited for profits."
—Shelly Mountain, a resident of Mapleton who grew up in Portage Lake, near Bald Mountain

This was an extremely hard-fought legislative battle. Irving hired the most expensive lobbyists that money can buy to push its agenda. Based on our review of filings with the Maine Ethics Commission, Irving and its allies spent \$160,000 this year (\$389,000 over the past four years) on lobbyists in an attempt to weaken Maine's mining rules. In Maine, that's a huge amount of money. But it turned out to be no match for the public opposition to weakened safeguards for our rivers, lakes, and streams.

"At every single opportunity, Maine citizens have pushed back forcefully against Irving's proposals to weaken our mining rules," says NRCM Staff Scientist Nick Bennett. "And some of the loudest voices of opposition have been from Aroostook County, where people are not happy about Irving's desire to dig an open-pit mine at Bald Mountain."

The numbers are telling. The Environment and Natural Resources Committee held two hearings this year on the mining rules, with 153 people commenting in opposition and only 15 total in support. And almost all of the supporters were Irving's lobbyists or from consulting firms that would benefit from mining in Maine.

With the defeat of these rules, the 1991 mining rules that NRCM helped draft will remain in effect. We are pleased with this outcome and will provide continued vigilance in case the weak rules resurface in the future.

ENERGY EFFICIENCY



NRCM FILE

Who would have thought that one of the biggest environmental battles of the year would be over a simple bill to restore a single word ("and") back into the 2013 Omnibus Energy Law? But that's what happened, and it required a massive effort.

LAWMAKER VOICE

"This bill is simply about fixing a clerical error, honoring one's word, and doing the right thing. In our lives outside of this building, we all know what we would do. When you shake hands on something in your personal life, your word is your bond. We would all honor our word. Why should that concept be different here?"
—Senator Roger Katz (R-Kennebec County)

The problem began on March 17, 2015, when the Public Utilities Commission (PUC) voted to slash the cap on funding for programs that help Mainers improve the energy efficiency of their homes and businesses from \$60 million to \$22 million, based on a typographical error in the law. The PUC's 2-1 vote—with the governor's two appointees determining the decision—gave more weight to a typographical error than to the entire body of legislative intent and

legislative history for the bill. NRCM helped enact the bill in 2013 specifically because of the increased spending it would provide for energy efficiency.

NRCM joined with the Conservation Law Foundation in filing a motion for the PUC to reconsider its misguided vote, and we were prepared to file a lawsuit if the Legislature failed to pass a bill (LD 1215) reinserting the missing "and." Governor LePage threatened to veto the bill unless the Legislature agreed to his demand to exert more control over the Efficiency Maine program—which we, other energy efficiency advocates, and the business community strongly opposed.

The issue became a political football at the State House—with multiple press conferences, intense lobbying, editorials, and political jockeying—but it eventually was resolved favorably, and we didn't need to file a lawsuit. The House and Senate passed the bill. The governor then vetoed it, as expected, lashing out at NRCM by name in his veto message. But every single legislator ended up disagreeing with the governor when the House and then the Senate voted unanimously to override his veto (144-0 and 35-0, respectively).

"Never before have we had to work so hard to pass a bill that made such a small wording change in the law," said NRCM Clean Energy Project Director Dylan Voorhees. "But fixing this one word was vital, since it would have cost Maine people up to \$1 billion in lost energy savings."

PROTECTING PUBLIC FORESTS FROM EXCESS LOGGING



MAHAKANTA PUBLIC RESERVED LANDS BY MISSINGLYN/NRCM

The Legislature resisted the governor's relentless push for a radical increase in timber harvesting in Maine's public forests, but we have serious concerns about the final outcome and what comes next for public lands.

NRCM EXPERT VOICE

"Maine's public reserved lands are some of the best managed forests in Maine, with large trees, valued recreation opportunities, and great wildlife habitat. We strongly oppose efforts to radically increase logging on these lands for the short-term purpose of generating cash."
—Cathy Johnson, NRCM North Woods Project Director

This issue dates back to 2013, when Governor LePage and the director of the Maine Forest Service, behind closed doors, hatched a scheme to ramp up logging in public forests far beyond a scientifically justified sustainable level. The governor's goal was to divert cash from the increased logging to programs outside of the public reserved land system. This is not allowed, which doesn't seem to matter to the governor.

But it does matter to legislators. They defeated the governor's bill (LD 1397) to siphon timber revenue away from public lands investments toward energy efficiency programs (ironic, given the governor's opposition to the "and" bill to restore energy efficiency funding). But LD 1397 was really just a gambit to increase harvesting to unsustainable levels in public forests that belong to the people of Maine.

Members of the Agriculture, Conservation and Forestry Committee understood the issue and took a strong stand, recommending that the budget bill cap timber harvesting at no more than 141,500 cords per year—which is the current science-based Annual Allowable Cut. We supported this language, so we were surprised when the Appropriations Committee increased the figure to 160,000 cords per year at the last minute based on a two-page "opinion" letter (not a study) developed by the Sewall Company for the director of the Maine Forest Service. This revised cap was enacted into law when the House and Senate both passed the budget over the governor's veto.

The final logging level is higher than we would have preferred, based on sound science, but it is far better than the 180,000 to 220,000 cords/year desired by the governor. We recognize that this issue is not going away. The Legislature also established a Commission that will review the use of funds generated by harvesting on public lands, and sustainable harvest levels. We know that the governor wants to treat Maine's public forests as ATMs, rather than value these lands for their deep woods, mature trees, recreation opportunities, and wildlife habitat.

MAINE 2015 LEGISLATIVE SUMMARY

LAND FOR MAINE'S FUTURE



This has been a trying year for Maine's most successful and popular land conservation initiative: Land for Maine's Future (LMF). The governor has refused to release \$11.5 million in voter-approved LMF funding unless lawmakers approve his plan to over-harvest Maine's public reserved lands (see previous). This is truly outrageous. He's putting 36 great land conservation, farmland, and working waterfront projects at risk to create political leverage for his misguided plan to increase harvesting on Maine's public reserved lands.

This is the first time in Maine history that a governor has subverted the will of Maine voters in this fashion by blocking the release of bond funds, and \$6.5 million of the LMF money will expire this November.

A bipartisan group of lawmakers introduced a bill (LD 1378) that would have required Maine's governor to release bonds that have been approved by voters and not be allowed to hold bonds hostage as Governor LePage is currently doing. In one of the biggest setbacks of the year, however, the governor succeeded in defeating the bill.

Although a veto-proof two-thirds bipartisan majority in both the House and Senate voted in support of the bill, the bill was killed on the last day of the session. The Senate voted 25-9 to override the governor's veto, but six Republicans switched their votes under pressure from House Republicans and the governor's staff. This resulted in a House vote (91-52) that was five votes short of the number needed for an override.

Following the defeat of LD 1378, lawmakers enacted a resolve (LD 1454) directing the governor to release the LMF funds. The governor vetoed the bill, which means the House and Senate will have another opportunity to override the governor on this critical issue in January 2016.

NRCM EXPERT VOICE

"Land for Maine's Future is a very important program for Maine residents, sportsmen, farmers and people in the tourist industry... Lawmakers from both parties should stand up for Maine people and stop their bonds from becoming the governor's bargaining chips."

—Portland Press Herald *editorial*, July 12, 2015

SOLAR ENERGY POLICY



The Legislature was abuzz this year with Maine people and businesses that support solar energy and want Maine to improve our solar energy policies, but we are sorry to report that little tangible progress was made to keep Maine from falling further behind our neighboring states. As a result, we will continue to miss out on the full opportunity that solar energy provides to increase energy independence and create jobs.

The Energy Committee received overwhelming testimony in support of a comprehensive bill (LD 1263) to increase solar energy, and for bills to boost solar energy at farms and agricultural businesses (LD 1073) and aid homeowners who pair solar panels and heat pumps (LD 1355). But legislators failed to enact into law any of the

policies in these bills. Faced with a threatened veto by the governor, the agriculture solar bill was carried over to next year. Lawmakers replaced LD 1263 with a study process bill, directing the Public Utilities Commission to convene stakeholders to evaluate and further develop an innovative straw proposal offered late in the session by the Office of the Public Advocate. (Even this was vetoed and needed to be overridden.) The draft proposal and stakeholder process could result in a comprehensive new approach to promoting solar energy that works for all parties, but only if the utilities make compromises from their current hostility toward solar and if lawmakers don't let the governor's backwards view about solar determine the outcome.

BUSINESS VOICE

"Across the country, more than 170,000 people are now employed in the solar industry. Our northeastern neighbors are among the most vibrant solar markets in the country. But because of a lack of leadership and policy support, Maine is falling behind and is missing out on this economic opportunity."

—Fortunat Mueller, Co-Owner of ReVision Energy

ADDITIONAL ACTIONS

+ Alewives Lawmakers defeated a bill (LD 800) that would have required the state to block native alewives (river herring) from swimming to their spawning habitat up the St. Croix River. Defeating this bill was a high priority, and we achieved success just as the St. Croix has experienced its strongest alewife run in more than 15 years.

?* Bond Funding Lawmakers approved just two bond measures this year, one for senior housing and one for road construction. They carried over until next year more than 30 bond proposals, including two high priority bills for NRCM: a \$30 million weatherization bond (LD 1341) and \$20 million Land for Maine's Future bond (LD 1248).

*To be determined

+ Bottle Bill Coca-Cola's campaign to weaken Maine's bottle bill was soundly defeated. The bill would have exempted bottles larger than 32 ounces from the redemption program. As a result, Coca-Cola and other bottling companies would have pocketed an additional \$7 million in profits over the next six years as towns got hit with new costs and redemption centers were forced to lay off employees.

+ Bureau of Parks and Lands The governor's proposal to break up the Bureau of Parks and Lands and merge them with the Maine Forest Service was defeated. As part of the budget, enacted over the governor's veto, the Bureau of Parks and Lands should remain intact.



- Climate Change The governor defeated an amended bill (LD 408) to help coastal communities plan for the impacts of sea-level rise. The bill passed the House and Senate, but the House fell short of the two-thirds vote needed to override the governor. The bill would have helped coastal towns address sea-level rise as part of their comprehensive plans.

- Composting The Environment and Natural Resources Committee defeated two bills that would have helped boost composting of food waste in Maine, particularly from large facilities like schools, restaurants, and hospitals. Other New England states have ambitious composting laws that are succeeding in reducing the volume of organic waste heading to landfills. The Committee will be revisiting the issue next year as part of a broad solid waste policy review.



+ Endangered and Threatened Species The Legislature enacted a bill (LD 807) that updates Maine's Endangered and Threatened

Species list for the first time since 2007. Based on recommendations from the Department of Inland Fisheries and Wildlife, six species have been added to the state's endangered species list, and three species have been listed as threatened (including two downgraded from endangered status).

+ Energy Efficiency Building Codes A bill to repeal Maine's uniform building and energy code was rejected, but a separate amended bill to allow any town with a population of less than 10,000 to opt out of this important code almost passed. The Senate supported this rollback, but the House defeated it on a tie (72-72) vote.

+ Enforcement by Forest Rangers The governor's proposed budget would have decreased the number of forest rangers with law enforcement authority by 90 percent, meaning that essential environmental laws and regulations that protect Maine's forests and waters would have gone virtually unenforced. The Legislature rejected this proposal.

continued on page 4

Additional Actions - Continued from page 3

+ Lake Protection Maine's lakes will receive a bit of improved protection with passage of an amended bill (LD 568) that restricts application of fertilizers within 25 feet of a lake. Lawmakers also asked the Maine Municipal Association to lead a stakeholder group to evaluate compliance with lake water quality laws, particularly Shoreland Zoning, and report back.



+ Microbead Ban Maine became the fourth state in the nation to enact a bill (LD 85) that phases out use of microbead plastics in personal care products. These tiny synthetic plastic particles, found in shaving cream, facial scrubs, and other beauty products, pass through water treatment facilities and into our rivers, lakes, streams, and coastal waters. They then accumulate toxic chemicals, which can be a health risk to humans when they consume fish and shellfish. The bill became law without the governor's signature.

+ Paint Recycling A recycling program for unwanted house paint appears to be back on track and may be launched in August. A bill (LD 1044) became necessary because the Maine DEP wrote extremely rigid rules that would have deterred paint retail stores from participating as used paint drop-off sites. NRCM helped secure a bill that implements rules comparable to what's working well in seven other states.

+ Renewable Energy Rollback Bills The governor's late-in-the-session bill (LD 1400) to repeal Maine's clean energy policies was defeated. The bill would have terminated Maine's Renewable Portfolio Standard and net metering laws, and cut energy efficiency funding. Lawmakers also defeated the governor's bill (LD 1314) to repeal state goals for increasing renewable energy.

+ Takings Two so-called "takings" bills (LD 162 and LD 309) were defeated. The proposals would destroy Maine's land use and environmental laws through a radical scheme that would allow property owners to demand payments from the state if they felt that land use laws reduced their property values. If the state didn't pay their demands, then the law would be waived to allow the property owner to build structures that otherwise would be illegal. Developers lobbied hard for the bills, but lawmakers understood the damage that would be caused and rejected the proposals.

+ East-West Highway Lawmakers passed into law (without the governor's signature) a bill (LD 1168) that could help block construction of an East-West Highway Corridor. The law prevents the Department of Transportation from providing a private entity with eminent domain powers as part of any public-private partnership.

?* Regional Greenhouse Gas Initiative (RGGI) The governor proposed a bill (LD 1398) that would divert a large portion of RGGI funds away from energy efficiency investments. The bill arrived too late for a public hearing, so the bill was carried over to next year. We will testify against the bill then.

?* Sea-Level Rise Legislators carried over until next year a bill (LD 795) that would require that predictions of sea level rise be taken into account in the design phase of any development project along the coast or in a flood zone if more than 10 percent of project funding comes from state government. Lawmakers also carried over to next year a \$5 million bond proposal (LD 426) to provide funds to improve sea level prediction models and provide detailed mapping of coastal zones to municipalities.

*To be determined



Thanks to all who joined us in Augusta's Capitol Park on May 17th for **Not Your Ordinary 5k!** More than four dozen participants raced and completed challenges along the route—and helped us raise money for our work. A big thanks to our sponsors, too: Lamey Wellehan Shoes, Cribstone Capital Management, Preferred Products, The Breathable Home, Kennebec Savings Bank, Tilbury House Publishers, The SunriseGuide, and Maine Primitive Skills School.



Now Accepting Nominations
for NRCM's 10th annual

People's Choice Award

See story on page 1 for details and instructions.

Candidate's Name _____

Address _____

Telephone _____

Please describe below why you believe this person deserves the 2015 People's Choice Award (include any of the nominee's organizational affiliations). Be as specific as possible about this volunteer'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 Comeau, NRCM, 3 Wade Street, Augusta, ME 04330-6317. You can also nominate online at www.nrcm.org.

Maine Environment

Editor / Allison Childs Wells, Senior Director, Public Affairs

Design / brightredbicycle design

Contributors / Pete Didisheim and Allison Childs Wells

Executive Director / Lisa Pohlmann

President, NRCM Board of Directors / Kate Rush

Vice President, NRCM Board of Directors / Russell B. Pierce, Jr.

Treasurer, NRCM Board of Directors / Thomas Tietenberg

Secretary, NRCM Board of Directors / Kathleen A. Rimmel

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Jeff Pidot
Lois Winter



3 Wade Street
Augusta, ME 04330-6317
(207) 622-3101 • (800) 287-2345
FAX (207) 622-4343
www.nrcm.org

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