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MAINE Environment

2017 Report Card for Maine's Environment

SEPTEMBER 2017

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The 2017 legislative session finally came to an end on August 2, making this the longest session in Maine history. The primary reason for the extended session was Governor Paul LePage's rampant vetoing spree. This year alone, the governor vetoed 128 bills, bringing his total since January 2011 to 519. By comparison, Governor Angus King vetoed only 51 bills during eight years in office, and Governor John Baldacci vetoed only five. Prior to Governor LePage, the record for the most bills vetoed in a single session was held by Governor James Longley with 49 in 1977.

The governor's vetoes create a challenging context for the Legislature—and were the reason lawmakers were still meeting in early August to

consider overriding the governor's vetoes. The governor's unbridled vetoes have also been enormously disruptive and caused the defeat of many bills that, in normal times, would have been enacted into law. But these are not normal times.

Each time a bill is vetoed, the bill is returned to the Legislature and, to become law, at least two-thirds of the members of the Maine House and Senate must vote to override the veto. A veto by the governor can turn a non-partisan issue into an intensely partisan one, triggering lawmakers from the governor's party to suddenly flip their votes. We've seen this happen repeatedly over the past seven years, and it happened again this year on the solar bill.

In the biggest disappointment of the year, an important solar bill that initially passed both the House and Senate by veto-proof majorities ended up falling three votes short of the number needed to override the governor's veto. This happened because eight Republicans switched their votes in the face of pressure from the governor and his allies. Maine's utilities also played a role by intensely lobbying legislators. Central Maine Power (CMP), in particular, spent thousands of dollars on an army of lobbyists to defeat this year's solar bill.

While this outcome was extremely frustrating, on a number of other important environmental issues, lawmakers held their ground and voted to override the governor's vetoes. Most significantly, the Legislature passed a landmark mining bill over the governor's veto that will help protect Maine's waters and taxpayers from the threat of mining pollution. Lawmakers also voted to override the governor's veto of a bill that will add a five-cent deposit on small liquor containers ("nips") to include them in Maine's Bottle Bill.

As in the past, NRCM worked closely this year with our colleagues in the Environmental Priorities Coalition, comprised of 34 environmental, conservation, and public health organizations. We also worked with passionate business partners, including Maine's leading solar energy companies, and allies in the Legislature.

Thank you for your support and engagement throughout the session. Your letters, emails, conversations with legislators, and testimony in Augusta on priority bills, were invaluable. This year's achievements could not have happened without your support and involvement. Although the outcome on the solar bill is deeply disappointing, we succeeded on many other bills and, working together, we helped protect the Maine we all love. —Pete Didisheim, NRCM Senior Director, Advocacy

| Subject | Initial Votes | Governor | Veto Overridden |
|-------------------------------|---------------|----------|-----------------|
| Mineral Mining (LD 820) | + | Veto | YES |
| Public Forests (LD 586) | + | Veto | YES |
| Bottle Bill Expansion (LD 56) | + | Veto | YES |
| Renewable Energy (LD 1147) | + | Veto | YES |
| Arsenic Testing (LD 454) | + | Veto | YES |
| Toxics in Furniture (LD 182) | + | Veto | YES |
| Solar (LD 1504) | + | Veto | NO |
| Plastic Pollution (LD 57) | + | Veto | NO |
| Sea-Level Rise (LD 540) | + | Veto | NO |
| Lake Protection (LD 559) | + | Veto | NO |
| Mattress Recycling (LD 349) | + | Veto | NO |
| Marine Flares (LD 252) | + | Veto | NO |

JOIN US
as we honor this year's recipients of our
Conservation Leadership Awards
Thursday, October 19, 2017
5:30 to 7:30 p.m.
Maine Maritime Museum
243 Washington Street, Bath
(See page 4)



Bell Studios

Last year's winners: The Quimby/St. Clair family and community leaders from the Katahdin region, Penobscot River Restoration Trust, and People's Choice Award winner the LaRouche family.

2017 Report Card for Maine's Environment

Passing a Protective Mining Law **Veto Overridden**



Carr Pond looking at Bishop and Bald mountains by Betsy Terrell

This year we achieved a major breakthrough in protecting clean water and Maine taxpayers from the threat of mining pollution. In the biggest environmental victory of the session, we secured overwhelming bipartisan votes in both the House (122-21) and Senate (34-0) to override the governor's veto of a bill introduced by Senator Brownie Carson (D-Cumberland). The governor applied intense pressure on key Republicans before the House vote. But lawmakers stood firm and enacted the most protective mining law in the country. The new law bans large-scale open-pit mining and mining on all public lands. It also bans mining under Maine's lakes, outstanding rivers, high-value freshwater wetlands, and coastal wetlands. "After five years of intense work on the mining issue, we are delighted by this big win," says NRCM Staff Scientist Nick Bennett. "Members of both parties worked equally hard on the bill during countless hours of work sessions in the Environment and Natural Resources Committee. They came up with an excellent bill."

The bill sets a new standard that could serve as a model for any state. This outcome was made possible by countless Maine people who have pushed back forcefully, year after year, against efforts to weaken our state's mining rules. Those efforts successfully defeated weak mining rules in 2014 and 2015. This year they paid off with passage of a new law to protect Maine from the type of mining disasters that have occurred around the world.

Increasing Solar Energy **Defeated by Veto**



Solar panels, Aroostook County by E.Theberge/NRCM

The biggest disappointment came on the last day of the session, when the solar bill (LD 1504) was defeated because eight Republican lawmakers flipped their votes. These legislators had voted in support of the exact same bill. But once it was vetoed, their support collapsed under intense pressure by the governor and his allies, and by aggressive lobbying by CMP and out-of-state fossil fuel industry groups. The bill initially passed the House and Senate by more than the two-thirds "super majority," but enough lawmakers flipped their votes to cause the bill to fall three votes short of the number needed to override the veto.

This was the second year in a row that a good solar bill was defeated by false claims and senseless ideology. This year's modest compromise bill was crafted almost entirely by Republican lawmakers. It would have blocked implementation of the most offensive parts of the new Public Utilities Commission (PUC) rule to force new solar customers to pay fees to utilities for solar power they produce and consume on site. This nationally unprecedented provision is akin to making homeowners pay their local grocery store for the produce they grow and eat from their own backyard gardens. The bill would have spared ratepayers millions of dollars for additional meters needed to assess this absurd fee—costs that will now end up in everyone's electric bills in Maine. The bill would have increased to 100 the number of parties that can share a community solar project, up from the current arbitrary cap of 10.

Last year, strong bipartisan "super-majorities" in the House and Senate enacted a more ambitious, comprehensive solar bill that would have created more than 600 jobs and increased solar statewide for homeowners, businesses, farms, and communities. That bill also was defeated following a veto by the governor and fell just a couple of votes short in the House for the number needed for an override.

"In some ways, this year's solar vote was déjà vu all over again," says NRCM Clean Energy Project Director Dylan Voorhees. "Maine has an excellent solar resource, strong public support for solar, and a strong bipartisan majority of lawmakers who want to move forward with a solar bill. Yet a good solar bill was defeated because a third of the House membership is anti-solar energy, with backing by the governor. Last year the bill was a comprehensive compromise solar policy; this year it was a modest bill to halt an impending fiasco. That difference didn't matter to anti-solar ideologues such as the governor."

As a result, Maine remains in last place in the region in terms of solar energy development and jobs. The solar industry and Maine's solar employees face continued uncertainty. We are losing out on the economic, energy, and environmental benefits of a proactive solar policy. Because of the Legislature's failure, the PUC's extreme anti-solar rule is set to go into effect on January 1, 2018. NRCM has joined with the Conservation Law Foundation, ReVision Energy, and the Industrial Energy Consumers Group in filing a lawsuit to block the PUC rule. We also are considering all options for the best way to advance solar power and clean energy policy in coming months and years.

Safeguarding Public Forests **Veto Overridden**



Stragglily Public Reserved Land by Ryan Burton

We are pleased that lawmakers voted to help maintain sustainable management of Maine's Public Reserved Lands by overriding another veto by the governor. These lands feature 600,000 acres of forests in more than 30 separate parcels across the state, including the Bigelow Preserve, Kennebec Highlands, Tumbledown Mountain, and Cutler's Bold Coast. People enjoy the outstanding hiking, camping, birding, fishing, and hunting opportunities these lands provide.

For much of the past seven years, Governor LePage has tried to drastically increase timber harvesting on our Public Reserved Lands and divert the revenues away from their intended land management purposes. In 2015, the Legislature established a bipartisan study commission to look at the fund that the governor had repeatedly tried to raid, and to develop general recommendations for sustainable management of the lands. In 2016, the bill to implement the study commission's recommendations passed the House and Senate, but was defeated after the governor vetoed the bill. This year, however, legislators voted to override the governor's veto.

"This important law will help ensure that our public forests are managed to protect their ecological, recreational, and economic values," says NRCM Senior Staff Attorney and Forests and Wildlife Project Director Cathy Johnson. The bill requires a detailed forest inventory every five years, a report on forest growth and harvest levels for each Public Reserved Land unit, and a prioritized list of recreational infrastructure needs.

Expanding the Bottle Bill ("Nips") **Veto Overridden**



B. Comeau/NRCM

We're pleased that the House and Senate voted to override the governor's veto of a bill to require a five-cent deposit on small liquor bottles ("nips") to add them to Maine's Bottle Bill. These small bottles have become a major source of road litter. Last year, the State Bureau of Alcoholic Beverages sold more than eight million nips to Maine liquor stores, with 12 million in sales expected this year and 17 million next year. A large percentage of

nips are consumed by drivers, then thrown out car windows.

NRCM was involved in establishing Maine's Bottle Bill in 1976, and we have defended it from repeated attacks from Coca-Cola and the bottling industry. After losing on the issue, the governor tried to stop nip sales, but his proposal was rejected largely because it would have jeopardized 150 jobs at a bottling plant in Lewiston and cost several million dollars in lost State revenue.

"With passage of this bill, Maine's successful Bottle Bill will become even stronger. We are the first state to have a five-cent deposit on these small liquor bottles, and we're confident that the outcome will be reduced litter on Maine's roads," says NRCM Sustainable Maine Project Director Sarah Lakeman.

Additional Actions



+ Ensuring Safe Drinking Water By overriding the governor's veto of LD 454, the Legislature voted to improve well water testing so that more people are protected from arsenic and other contaminants in their well water. Introduced by Rep. Karen Vachon (R-Scarborough), the bill provides more information to Maine people about the risks of naturally occurring arsenic contamination in well water, the importance of testing, and options for water treatment.

+ Maintaining Energy Efficiency Building Codes Lawmakers defeated a bill introduced by Rep. Ellie Espling (R-New Gloucester) that would have weakened Maine's energy efficiency building code. The measure would have allowed all municipalities in Maine to opt out of the Maine Uniform Building and Energy Code. If it had passed, more Maine homes would have been built to sub-par energy efficiency standards, leaving generations of homeowners saddled with high energy bills and major costs for energy efficiency improvements.

+ Extending Renewable Energy Portfolio Standard The Legislature passed a bill to clarify that the requirement that 10 percent of the electricity sold in Maine come from new sources of renewable energy continue past 2017. This Renewable Portfolio Standard (RPS) requirement increased gradually from 1 percent in 2007 to 10 percent in 2017. Although the bill merely clarified the intent of the existing law, Governor LePage vetoed the bill (LD 1147), introduced by Rep. Jennifer DeChant (D-Bath). The House and Senate both voted to override the veto.



+ Protecting Land Conservation The Legislature defeated a bill (LD 727) introduced by Rep. Stetkis (R-Canaan) that was part of the governor's agenda to attack land conservation. The bill would have imposed property taxes on lands held by land trusts for conservation and public access purposes. Lawmakers recognized that most land held by land trusts remains on the tax rolls, or payments are made to towns through Payment in Lieu of Taxes. Protected lands also contribute much to Maine's way of life and communities, and are strongly supported by Maine people.

+ Keeping Pesticide Ordinances in Place Lawmakers unanimously defeated a bill (LD 1505), introduced by the governor, that would have prevented towns from enacting ordinances to limit pesticides in their communities. The bill appears to have been written by the out-of-state American Legislative Exchange Council (ALEC), a conservative organization funded by major corporations, including pesticide manufacturers. Currently, 27 Maine towns have ordinances guiding pesticide use.

+ Preventing Climate Denier Protection The Legislature defeated a bill (LD 771) introduced by Rep. Larry Lockman (R-Amherst) that was described as a "free speech" measure, designed to prohibit discrimination against those who deny that humans are causing climate change. The bill was aimed at stopping Maine's participation in the ongoing lawsuit against ExxonMobil, which deliberately withheld information about climate change from its shareholders. This behavior was fraudulent and should not be considered protected speech.

+ Banning Sales in Maine of Furniture with Toxic Chemicals Lawmakers voted to override the governor's veto of a bill (LD 182) that will ban the sale in Maine of new upholstered furniture containing toxic flame-retardant chemicals associated with cancer, learning disabilities, reproductive health problems, and other health hazards. The bill, sponsored by Rep. Walter Kumiega (D-Deer Isle), was supported by firefighters.

- Losing Out on Energy Efficiency Funding Lawmakers supported a watered-down bill that, in its original form, was designed to increase the amount of money available for energy efficiency programs in Maine. The increased funding, which would have come from Maine's share of the Regional Greenhouse Gas Initiative (RGGI), would have saved Maine homeowners and businesses \$20 million to \$40 million on energy bills over the next five years. This was a lost opportunity to reduce energy costs in Maine through enhanced energy efficiency investments and perpetuated an unfair give-away to select businesses.



- Vetoed Lake Protection The Legislature attempted to pass a bill (LD 559) to help protect Maine's lakes, but it was defeated by the governor's veto and the Legislature's failure to override. The bill, introduced by Rep. Gary Hilliard (R-Belgrade), would have required that underground septic systems on lakeshore property be inspected prior to the sale of such property. This requirement would have provided a way to detect malfunctioning septic systems that pollute Maine's lakes. The House and Senate enacted the bill unanimously, but on the override vote the House fell six votes short.

- Vetoed Plastic Pollution The House and Senate enacted a bill to reduce pollution from plastic bags and polystyrene food packaging, but the bill failed to survive a veto by the governor. The amended LD 57, a combination of bills introduced by Rep. Stanley Zeigler (D-Montville) and Rep. Michael Devin (D-Newcastle), established a state policy promoting reusable bags and recyclable food packaging. The bill set a goal of 50 Maine towns with enacted ordinances to reduce these disposable sources of plastic by 2030. Ten Maine towns have already adopted ordinances to reduce single-use bags, and seven have banned polystyrene food packaging.

- Vetoed Pollution from Marine Flares The governor vetoed, and thereby defeated, a bill (LD 252) to help Mainers safely dispose of expired marine flares used by commercial and recreational boaters. The bill was introduced by Rep. Jay McCreight (D-Harpswell) when she learned that marine flares contain explosives and toxic chemicals that can contaminate ground water and cause health problems. No accessible, safe disposal options exist. Marine flares expire after three years and are piling up in barns and basements.

- Vetoed Mattress Recycling If not for a veto by the governor, the Legislature would have created a new Mattress Recycling Grant Fund to help recycle used mattresses, keeping them out of landfills. Funding would have been provided through a \$5 fee on mattress sales. The House and Senate approved the bill (LD 349), introduced by Sen. Tom Saviello (R-Franklin), but it was vetoed by the governor. The Senate voted 33-1 to override the veto, but the House fell short of the votes needed to override.

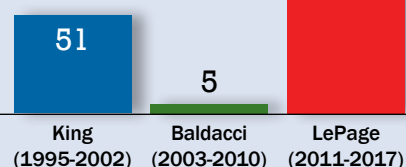


- Vetoed Sea-level Rise Preparation With his veto pen, the governor defeated a bill (LD 540) that would have encouraged municipalities to consider the potential effects of sea-level rise as part of their land use plans. The bill, introduced by Rep. Lydia Blume (D-York), was designed to help towns prepare and plan for costly impacts to buildings, roads, sewage treatment plants, and infrastructure from rising sea levels caused by climate change.

519

Vetos by Recent Maine Governors

Governor LePage has vetoed far more bills than any other governor in Maine history. During his seven years in office, he has vetoed 100 times more bills than Governor Baldacci, and 10 times more than Governor King, during their full eight years in office. Governor LePage vetoes essentially every environmental bill that reaches his desk. Although the Legislature has voted to override about 44 percent of the governor's vetoes, many bills with strong bipartisan support at the State House—and among people across Maine—have been defeated. The casualties include many important bills to protect Maine's environment and increase renewable energy. Governor LePage's vetoes empower a minority of lawmakers, working with the governor, to block many positive bills from becoming law.



EDITOR

Allison Childs Wells, Senior Director, Public Affairs

WRITERS

Pete Didisheim, Allison Childs Wells

ADDITIONAL CONTRIBUTOR

Beth Comeau

EXECUTIVE DIRECTOR

Lisa Pohlmann

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Kate Rush

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Natural Resources Council of Maine

3 Wade Street,
Augusta, ME 04330
(207) 622-3101
(800) 287-2345

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Join Us!

2017 Conservation Leadership Awards

Thursday, October 19 • 5:30 to 7:30 p.m.

Maine Maritime Museum, 243 Washington Street, Bath

Maine is known and loved for its beautiful lands, lakes, rivers, and coastline—and we owe a lot to the individuals who have helped protect these natural resources.

Each year, NRCM recognizes several of those who have made significant, lasting contributions to safeguarding our environment.

The Museum is offering **free admission** on October 19th to NRCM supporters attending the event.

Interested in a tour? Meet in the lobby at 3:30 p.m.

2017 Conservation Leadership Award Recipients

David L. Courtemanch (Mt. Vernon) Lifetime Achievement Award, for his deep knowledge of and dedication to protecting Maine's waters

Tony Giambro and Travis Ritchie, of Paris Autobarn (South Paris) For their outstanding citizen and business leadership on climate and energy issues

Martha Spiess (Freeport) For her work as a citizen activist/videographer volunteering hundreds of hours of video production for environmental protection

2017 People's Choice Award winner announced soon!

This event is free and open to NRCM members and friends. The reception will begin at 5:30, where you will have an opportunity to meet NRCM staff and board members and the recipients of this year's Conservation Leadership Awards. Enjoy light refreshments and a cash bar. The presentation will begin at approximately 6:15.

Register online to attend the Conservation Leadership Awards or call NRCM's Joyce Gracie at (207) 430-0128.

The Maine Maritime Museum is wheelchair accessible. There is parking on site.

We look forward to honoring this year's Conservation Leadership Award recipients, and we hope you will join us.

AND THE WINNER OF THE ELF IS...



Robyn Deveney! Robyn says that she looks forward to riding the solar-powered vehicle on her camp road in central Maine. Big thanks to **Maggie Warren** and **David Wood** for donating the ELF! **Donna Wheeler** won the energy audit, and winners of energy-related books and DVDs are **Eileen Coyne**, **Patricia Hager**, **Jenny Ruth Yasi**, and **Dave Oakes**. Thank you to the generous companies that offered a free energy audit:



THE YEAR MY TERROR WENT VIRAL

My 2015 NRCM Polar Bear Plunge

By Beth Comeau, Public Affairs & eCommunications Manager



I wouldn't necessarily describe myself as an adventurous person. I refused to join my husband in going to see the new, terrifying (it seems to me!) Stephen King movie, "It." Don't look for me at those spooky houses during Halloween. And yet...

I have plunged into the frigid ocean at Portland's East End Beach FIVE TIMES! Now, as we get ready for our 10th Polar Bear Dip & Dash combined with NRCM's recent acquisition of a GoPro camera, I find myself haunted by my plunge of 2015, the year my terror went viral.

My friend Susan had agreed to participate with me. First, we worked on our costumes and settled on "Frozen" pajamas and matching Olaf hats. We thought "Frozen" was a good theme, and the soft, fuzzy pajamas and winter hat would at least keep us warm while we waited on the beach. Little did I know that while we waited on the beach in our very "media-friendly" outfits that my 15 minutes of fame was waiting on the beach—and in the icy ocean!—with me. Since I am a member of NRCM's communications team, I was there to direct local reporters to people who had done the dip before and would be good to interview on camera. I even did a pre-dip interview with WCSH-6 and covered all of the important points. I smiled and was friendly.

That might be where I went wrong.

After my interview, I went back to the beach to get ready for the countdown to the plunge. Then, the reporter who interviewed me came back and asked me if I would wear a GoPro camera as I raced into the water. "No" was what I should have said. But "Sure, I'd be happy to," was what I ended up saying.

I should have had the camera facing out so the footage would make it appear as if the viewer was taking the plunge with me. But instead it faced in, aimed up at my face, catching every scream, every grimace, and every look of panic as I entered the sea. I thought it was a mistake and would end up on the cutting room floor of the news station.

Fast forward a couple of hours as Susan and I are headed back to Augusta, laughing and talking about our silly outfits and how cold the water was. My phone rang as we neared Topsham. It was my sister, who knew the station's digital media guy. "Jeff said the video is GOLD!" she exclaimed, cackling and trying to contain her glee. *When your older sister calls and can't stop laughing because of something that is about to happen to you...you know that's not good. Not good at all.*

About 10 minutes later, Susan and I watched the video, pressing "play" over and over as tears of laughter streamed down our faces. That video went viral, shared on the WCSH and NRCM Facebook pages, with 40,000 views of me in my Olaf hat racing into Casco Bay. I have to admit that I was pretty excited to get so much attention while participating in a fun event with my coworkers and friends for an important cause. I haven't missed an NRCM Polar Bear Dip & Dash yet! I hope you will be there this year, too, as a walker or runner or dipper or cheerleader on the beach or at the finish line. As we tell people, it's a great way to end one year and start the new one refreshed!

Read Beth's full, fun blog post at <http://tinyurl.com/NRCMpolarplunge> and you can watch her viral polar plunge video here: <https://wp.me/p728DF-a6Q>.



Wassataquoik Lake by Wendy Weiger

Join Us!



Learn more and sign up now at <https://nrcm.salsalabs.org/dipdash>