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MAINE Environment

2019 Report Card for Maine's Environment

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The Maine Legislature delivered historic wins this year for clean energy and Maine's environment. In a wonderful change from the past eight years, lawmakers enacted dozens of bills that NRCM supported, making the 2019 session the most productive for our environment in more than 20 years—a fitting outcome for NRCM's 60th anniversary year.

Mainers can now celebrate new laws that will help protect our rivers, lakes, and streams; reduce plastic pollution; boost renewable energy and create clean energy jobs; tackle climate-changing emissions; help communities plan for the impacts of climate change; phase out toxic chemicals; and protect public health.

We are particularly pleased that most of these measures received strong, bipartisan support, with many earning unanimous backing from both the House and Senate before being signed into law by Governor Janet Mills. We also appreciated the increased level of civility among legislators.

This was a big year for climate policy and renewable energy. The governor's climate bill is the most significant climate change bill ever adopted in Maine. It sets our state on a path to reduce greenhouse gas emissions 80 percent by 2050, creates the Maine Climate Council, and requires a new Climate Action Plan by December 2020.

Legislators also set a goal of achieving 100 percent renewable energy by 2050. They passed bills that will expand solar and renewable energy development across Maine, establish a plan for installing 100,000 energy-efficient heat pumps within five years, and promote electric vehicles and off-shore wind power.

Maine positioned itself as a national leader in addressing plastic pollution, phasing out single-use plastic shopping bags by April 22, 2020 (Earth Day) and becoming the first state in the nation to ban the use of foam food packaging (effective January 1, 2021).

Governor Mills signed several bills into law this year that had been defeated in previous years by Governor LePage's vetoes. These include bills to protect Maine lakes, help towns plan for the impacts of climate change, and expand solar energy development. Governor Mills vetoed eight bills, compared with Governor LePage's 644 vetoes during his tenure.

Among the bills Governor Mills vetoed were two that NRCM strongly supported, and lawmakers fell short of the two-thirds vote needed to override the vetoes. Both would have helped protect local community interests from the Central Maine Power (CMP) transmission corridor. Similarly, a bill that would have required the Department of Environmental Protection to commission an independent study of the climate impacts of the CMP corridor was defeated because it fell short of getting the two-thirds vote needed to go into effect immediately. Bipartisan majorities of legislators consistently voted to pass these three CMP corridor bills, reflecting the deep concerns that Maine people have about the CMP corridor, but none became law. The Legislature also failed to pass a bill that would have put the brakes on a misguided change in the "adjacency rule" that has helped protect the North Woods.

Although we're disappointed with the defeat of these four bills, we're extremely proud of and impressed with what Maine lawmakers accomplished overall.



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 built new partnerships with retailers and local businesses, and forged strong working relationships with allies in the Legislature, including many new lawmakers who did a great job in their first year.

Thank you for your support and engagement throughout the session. Your letters, emails, and conversations with legislators, and testimony in Augusta on priority bills, were invaluable and helped deliver the most successful legislative session in a generation! Together, we helped protect the Maine we all love and took decisive steps to move forward on climate action and clean energy.

—Pete Didisheim, NRCM Senior Director, Advocacy

Policy Goal

Outcome

Bold Climate Action	++
Increase Clean Energy	++
Invest in Energy Efficiency	+
Protect Clean Water	++
Promote Electric Vehicles	+
Reduce Plastic Pollution	++
Curb Toxic Pollution	+
Protect North Woods	-
Respond to CMP Corridor	-
Land for Maine's Future	TBD

2019 Report Card for Maine's Environment



SJanevay/NRCM

++ Solar Energy for Maine The Legislature took bold action to expand solar energy across Maine and improve access to solar for all Mainers. Lawmakers quickly passed a bill (LD 91) to repeal an anti-solar rule approved in 2017 by the Public Utilities Commission (PUC) that penalized rooftop solar investments. They also enacted a sweeping solar bill (LD 1711) that removes limits on and will greatly expand community solar projects and directs the PUC to procure 375 Megawatts (MW) of distributed solar through a market-based process.

++ Climate Action Plan and Climate Council Lawmakers made up for lost time by passing the most important climate bill ever enacted in Maine. The governor's climate bill (LD 1679) requires Maine to reduce carbon emissions by 45 percent below 1990 levels by 2030 and 80 percent by 2050. It directs the Department of Environmental Protection (DEP) to develop rules to achieve these goals and creates a 39-member, ongoing Maine Climate Council with a broad range of responsibilities, including drafting a new Maine Climate Action Plan by December 1, 2020, and every 4 years thereafter.

++ Ban on Foam Food Packaging Maine became the first state in the nation to ban disposable foam food packaging containers, effective January 1, 2021 (LD 289). Mainers and visitors use more than 256 million polystyrene foam cups, plates, bowls, platters, and trays each year. Each piece becomes waste or litter after a single use since it cannot feasibly be recycled in Maine due to its low value and the high cost of recycling polystyrene. Twenty Maine towns have already banned foam food packaging because it is an avoidable source of pollution.



Gov. Mills signs plastic bag ban bill (NRCM's Sarah Lakeman, left; Lisa Pohlmann, third from right)

LHahn/NRCM

++ Ban on Single-Use Plastic Bags Maine became the third state in the nation to ban single-use plastic bags and promote reusable bags, effective April 22, 2020 (LD 1532). This bill was successfully passed because NRCM had built a strong partnership with Maine retailers and grocers. Globally, about one million plastic shopping bags are distributed per minute—and only one percent are recycled. With growing international awareness of the extent of wildlife-threatening plastic pollution in our oceans, banning plastic bags and other single-use plastics has become a high priority. Twenty-five Maine towns have banned or placed a fee on disposable shopping bags.

+ River Protection Lawmakers overwhelmingly (125-5, House; 35-0, Senate) endorsed a plan to provide more than 400 miles of Maine rivers and streams with increased protection. Passage of this bill (LD 1743) was a high priority for NRCM because it helps lock into place existing water quality improvements in many critical stretches of Maine rivers—including high-quality brook trout streams running into Webb Lake in Weld, Fish Stream near Patten, Back Brook in Limington, and also critical stretches of the upper Penobscot River.

+ Tribal Sustainment Fishing Rights The Legislature passed a bill that will provide long-sought water quality protections for sustainment fishing for Maine's four Indian tribes. LD 1775 addresses an issue that has been a source of protracted conflict between the State and Maine's tribes by establishing sustainment fishing as a "designated use" for tribal waters identified by the DEP and the Penobscot Indian Nation, Passamaquoddy Tribe, Houlton Band of the Maliseets, and Aroostook Band of Micmacs. Within such waters where sustainment fishing is a designated use (including the Penobscot River near Indian Island), the bill protects sustainment fishing by calculating criteria for toxic water contaminants based on a fish consumption rate of 200 grams per day versus 32 grams per day (about seven ounces per day versus one ounce per day). These new sustainment fishing criteria will be the most protective in the nation.



Penobscot River, Veazie

BComeau/NRCM

- CMP Corridor Climate Study A bill (LD 640) that would have required an independent study of the climate impacts of the controversial CMP transmission corridor died because it did not receive the two-thirds majority vote needed in both the House and Senate for immediate enactment (so the study could commence right away). CMP spent an enormous amount of money fighting this bill, mobilizing dozens of lobbyists and sending political-style mailers statewide calling on Maine people to oppose getting the truth about the climate impacts of the project. We have never seen such a massive effort to block a study.

V CMP Corridor Local Control As a result of vetoes by Governor Mills, two bills that would have helped protect the interests of local communities from the CMP corridor were defeated. One bill (LD 1383) would have required CMP to honor local ordinances and land use requirements in towns where it wants to build a transmission corridor. The other bill (LD 1363) would have required CMP to provide a significant benefits package to communities that hosted the corridor and would have required two-thirds of the towns through which the corridor would pass to vote in support of the project. Both bills received bipartisan majority votes in the House and Senate. Twenty towns have voted to rescind their support or oppose the CMP corridor.



David Preston

+ Renewable Energy Portfolio The Legislature enacted a Renewable Portfolio Standard (RPS) bill (LD 1494) that will increase the proportion of electricity sold in Maine from renewable sources from 40 percent today to 80 percent by 2030. The bill will result in an estimated 500 MW of solar in Maine and 200 MW of wind. Maine currently is in 42nd place nationally for solar, with less than 60 MW, and 22nd place for wind power, with 923 MW. The RPS bill will help Maine meet the 100 percent clean energy by 2050 goal set by Governor Mills and the Legislature, and result in hundreds of new jobs.



- Defending the North Woods Lawmakers failed to pass a bill (LD 1561) that would have provided the governor with more control over appointments to the Land Use Planning Commission (LUPC), and would have suspended LUPC's implementation of a rule that overturns the long-standing "adjacency principle" that has helped prevent sprawling development in the North Woods. This bill would have promoted regional planning and required developers to do an alternatives analysis before receiving the right to rezone forested land in LUPC jurisdiction for development.



Dodge Point, Newcastle, protected with help from LMF funds

TBD Land for Maine's Future Bond Lawmakers have not yet acted on a proposed \$95 million bond (LD 911) that would have provide \$75 million for the Land for Maine's Future (LMF) program, and \$20 million for state parks, or on the governor's bond package, which included \$30 million for LMF. However, the Legislature is expected to return in August for a Special Session to consider bond proposals, at which point we hope they vote to send a bold proposal for LMF and state park funding to the voters to decide on the November ballot.

+ Ban on Offshore Oil Drilling The Legislature banned offshore oil and gas drilling and exploration in Maine's ocean waters (LD 955). The ban puts Maine firmly on record in opposition to the Trump Administration's January 2018 proposal to open up most U.S. offshore waters to oil and gas drilling. Maine waters only extend three miles from shore, but the bill effectively blocks oil drilling in the Gulf of Maine by blocking the transport of oil and gas across state waters to onshore processing facilities.

+ Protecting Bottle Bill Redemption Centers Lawmakers passed a bill to help improve the finances of redemption centers across Maine that receive and process millions of beverage containers returned as part of Maine's highly successful Bottle Bill. The new law (LD 248) provides a one-cent increase in the handling fee that beverage companies must pay redemption centers per container. This long-overdue increase will help redemption centers stay in business and keep Maine's most important recycling program going strong.



Proud EV owner Alex Pine with his plug-in Fiat

+ Electric Vehicle Incentives The Legislature created new programs at Efficiency Maine to provide incentives for the purchase of electric vehicles (EVs) and EV charging stations. The law (LD 614) complements an EV program announced by the governor that will use \$5 million received by Maine as part of the settlement agreement against Volkswagen for rebates to consumers who buy EVs.

+ DEP Permitting Fee Increase Lawmakers agreed to increase the fee for DEP's Permit by Rule applications from the \$50 level set 30 years ago to a new level of \$250. The increased revenue from the bill (LD 1784) will support existing staff positions and training for one of DEP's most vital roles: the processing of permit applications under the Natural Resources Protection Act and Site Location of Development Law.

+ Energy Efficiency Funding The Legislature enacted a bill (LD 1757) that will result in tens of millions of dollars in increased investments in energy efficiency, including for heat pump hot water heaters. The law will help keep the PUC from undermining the Triennial Energy Efficiency Plan developed by the Efficiency Maine

Trust. It also clarifies that the standard to determine electricity and natural gas conservation funding should be the level needed to capture the "maximum achievable, cost-effective" savings, and the PUC will be required to give deference to the Efficiency Maine Trust's calculations of maximum achievable, cost-effective savings.

+ Energy-Efficient Buildings Two positive bills to promote energy-efficient building construction were signed into law. One (LD 1509) updates the decade-old municipal energy efficiency code, requires regular updating, and clarifies that the code applies statewide (while still allowing towns with populations of less than 4,000 to opt out of enforcement). The other (LD 1543) requires that a "stretch code" be developed as an alternative to the standard code and made available for any town that wants greater energy efficiency standards for new buildings.

+ Environmental Enforcement and Rulemaking The Legislature transferred from the DEP back to the Board of Environmental Protection (BEP) the responsibility of reviewing and approving all environmental enforcement consent agreements and all DEP rules (LD 1789). These responsibilities were transferred to DEP during the first year of the LePage Administration, making enforcement and rulemaking less transparent and accessible to the public. NRCM strongly supported shifting them back to the BEP.

+ Green New Deal for Maine The governor signed into law a significantly amended Green New Deal for Maine bill (LD 1282) that is likely to result in all new schools built in Maine including solar energy systems. To build a well-trained clean energy workforce, the law also requires that construction companies hire a growing percentage of apprentices for energy generation projects, starting at 10 percent of total employees in 2021 and increasing to 25 percent by 2027.

+ Heat Pump Expansion Lawmakers passed a governor's bill (LD 1766) to promote the installation of 100,000 energy-efficient heat pumps in Maine homes over the next five years. The new law includes a strong focus on getting heat pumps into low-income households. The program will tap into several funding sources and will involve a new partnership between Efficiency Maine and the Maine State Housing Authority.



Moxie Lake by Sam Horfine

+ Lake Protection The Legislature enacted a bill (LD 216) that will protect lake water quality by requiring inspections statewide of underground septic systems in shoreland areas before the sale of the property. The Legislature also increased funding by \$75,000 annually (LD 959) for two of the state's most important lake protection programs: LakeSmart, an education and certification program

that helps lakefront homeowners manage their land to protect water quality; and, Lake Stewards of Maine, which taps hundreds of volunteers to gather data about lake water quality statewide.

+ Lead Testing of School Drinking Water The Legislature passed a bill (LD 153) to provide more comprehensive testing for lead in school drinking and cooking water. The Department of Health and Human Services will need to provide funds for the expanded testing. Currently, only schools that are on well water are required to test for lead contamination. Lead can cause brain damage and impaired learning.

+ Municipal Recycling Reform Lawmakers directed the DEP (LD 1431) to develop a draft bill by December 16, 2019, that would strengthen recycling in Maine and save towns money through a product stewardship program for packaging. The bill would ensure that manufacturers share in the end-of-life disposal costs for the packaging waste that has become an ever-increasing financial burden on towns.

+ Office of Policy Innovation and the Future The Legislature created a new Office of Policy Innovation and the Future within the governor's office (LD 1830). The office, headed by Hannah Pingree, will focus on climate policy and other high priority policy

initiatives that work across government agencies. In some ways, it will perform key policymaking functions like the former State Planning Office did, before it was eliminated by Governor LePage.

+ Offshore Wind Power Maine's efforts to develop a deep-water offshore wind power project got a boost with enactment of a new law (LD 994) that directs the Public Utilities Commission to approve the contract for Maine Aqua Ventus, a first-of-its-kind wind project in the United States. The Maine Aqua Ventus project, being developed by the University of Maine, was stalled for more than a year when the PUC suddenly announced that it would be reviewing the power purchase agreement for the project.

+ Pavement Sealing Product Restrictions The Legislature took action (LD 906) to protect water quality from toxic coal tar compounds found in some pavement sealing products. Beginning October 1, 2023, it will be illegal to sell coal tar sealant products designed to be applied on driveways and parking lots, and starting October 1, 2024, the application of coal tar sealants on driveways and parking lots will be banned.

+ Pollution Violation Notices With passage of LD 1706, the DEP now will be required to notify municipalities when enforcement actions are issued for violations of clean air laws. The bill was introduced to prevent situations like the one that occurred in South Portland, when it learned only recently that Global Partners LP had been violating the Clean Air Act for more than a decade at its petroleum storage facility on the Fore River. No information about the violations had been shared with South Portland or residents living near the facilities.

+ Alternatives to Transmission Lines The governor signed into law a bill (LD 1181) that creates a new position of a "nonwires alternative coordinator" in the Office of the Public Advocate to identify alternatives to new transmission and distribution projects, and evaluate the costs and benefits of these "nonwire alternatives" compared to transmission projects proposed by Maine's utilities. Distributed renewable energy systems, for example, can be a less costly substitute for new transmission lines. The coordinator will work with the Efficiency Maine Trust and other parties in evaluating alternatives to new power lines.

+ Sea-level Rise Preparation The Legislature passed a bill (LD 563) to help coastal towns anticipate and prepare for the potential impacts of sea-level rise on infrastructure such as roads, town facilities, sewage treatment plants, and private property. The bill allows such issues to be addressed in municipal comprehensive plans. Similar versions of the bill were passed by the Legislature previously but defeated by Governor LePage's vetoes.

+ Beneficial Electrification Lawmakers directed the Efficiency Maine Trust to develop and submit to the Legislature by February 1, 2020, a study (LD 1464) on so-called "beneficial electrification," which means electrification of transportation or heating systems that reduce the use of a fossil fuel and benefit Maine people and/or the environment by improving energy efficiency, reducing energy costs, and/or curbing carbon emissions. The bill also requires the PUC to solicit and approve new pilot projects related to electric vehicles—for example, to make it easier to install charging stations or have charging stations operate in ways that benefit the electricity grid.

+ Study of Public Ownership of Power Delivery Systems Lawmakers allocated \$500,000 to the PUC to commission an independent study (LD 1844) of the creation of the Maine Power Delivery Authority that would involve public ownership of the functions currently provided by Central Maine Power and EMERA Maine. The study must address all aspects of such a proposal, including costs and benefits; legal, regulatory, technical, financial, and operational issues; and possible impacts on electricity rates, utility employees, and ratepayers. The PUC must submit the study to the Legislature by February 5, 2020.

+ Renewable Energy Tax Exemptions Lawmakers enacted a bill (LD 1430) that creates a property tax exemption for solar and wind energy projects located on-site. This is an important new law because towns have been inconsistent in their approach to taxing solar and wind systems. This tax exemption sends the right signal to those who are considering installing solar or wind energy systems on their homes.

+ Rockweed Harvesting Legislators voted to protect rockweed habitat within the intertidal zone between high- and low-tide boundaries by defeating a bill (LD 1323) that would have allowed seaweed harvesters to extract rockweed without the permission of the property owner. This action will prevent overharvesting of rockweed and supports a unanimous opinion by Maine's highest court that rockweed along the seashore is not public property. Rockweed plays an important role in supporting habitat for fish and shellfish. Most mass cutting of rockweed in Maine is done to produce fertilizer.

+ Ban on Toxics in Food Packaging Maine adopted a first-in-the-nation law (LD 1433) banning two toxic chemicals from food packaging (phthalates and PFAS) starting January 1, 2022. Advocates for the bill introduced the measure with the goal of reducing human exposure and environmental contamination from these chemicals, found in food packaging, which the U.S. Food and Drug Administration has failed to sufficiently regulate.



Garrett Conover

Explore Maine's Great Outdoors

Looking for new places to explore? Good Maine-based reads? Our 2019 "Explore Maine" is hot off the press! In celebration of our 60th anniversary, this year's edition features NRCM staff, board, and member picks of places we worked together to protect! Get yours at nrcm.org, by emailing nrcm@nrcm.org, or by calling (800) 287-2345.

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Judy Berk

Pods & Blogs

Recent highlights from our podcast:

- ➔ **Episode 19: An Interview with Conservation Hero George Smith** Hear perspectives from this legendary Maine sportsman, author, and activist.
- ➔ **Episode 18: Reviewing the 129th Legislative Session** NRCM Advocacy Director Pete Didisheim shares how Maine's environment was a big winner!
- ➔ **Episode 16: Maine Brewshed Alliance** Great beer needs clean water, so NRCM is collaborating with breweries throughout the state. Hear from NRCM's Kristin Jackson and three brewers who are part of the alliance.

Find these and more at "Maine Environment: Frontline Voices"
www.nrcm.org/our-maine/maine-environment-frontline-voices-podcast/

New blog posts:

- ➔ **9 Apps to Help You Explore Maine**, by Levi Hahn
- ➔ **Thoughts from NRCM's Middle School Grants Intern**, by Michaela Bowen
- ➔ **An Evening with the Puffins**, by Jeff and Allison Wells

More at www.nrcm.org/blog/

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