



State House from Capitol Park by NRCM member Judy Berk

MAINE Environment

2021 Report Card for Maine's Environment

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Although 2021 was a challenging year for lawmakers to do their work because of the complications and risks posed by the COVID-19 pandemic, the Legislature was remarkably successful in enacting a broad range of environmental laws that will benefit Mainers for years to come. By almost any measure, Maine's environment was a big winner in the 2021 legislative session.

New laws enacted this year mean that the state will conserve thousands of acres of land for recreation and public access with \$40 million in new funding for the Land for Maine's Future (LMF) program. The state also will have \$50 million for investments in badly needed infrastructure upgrades at Maine State Parks, which have become more popular than ever.

Maine also will strengthen local recycling programs with a first-in-the-nation law that requires manufacturers of packaging waste to help pay the cost of municipal recycling programs in Maine. This is a big victory for Maine, shifting costs away from taxpayers and toward the manufacturers that are responsible for the ever-growing packaging waste that is costing us more and more to manage and recycle.

We are particularly proud of the Legislature's actions this year to implement key elements of Maine's Climate Action Plan that will promote clean energy, reduce energy costs, curb harmful climate pollution, and help Maine towns prepare for the threats caused by climate change.

As strong advocates for energy efficiency, we are excited that Efficiency Maine will be able to accelerate energy efficiency investments across Maine with \$50 million in energy efficiency funding for low-income Mainers and older residents, as well as for renters, businesses, schools, and municipalities. We also supported passage of a law establishing stronger energy efficiency standards for appliances, which will save millions of dollars annually by 2025.

Lawmakers put science-based projections of sea-level rise into law, directed the Public Utilities Commission (PUC) to play an active role in helping the state reduce greenhouse gas emissions, curbed potent greenhouse gas pollutants known as hydrofluorocarbons, and established a new Infrastructure Adaptation Fund to support local, regional, and state infrastructure projects that address the risks posed by climate change. Laws passed this year also will help promote a careful path forward for developing offshore wind power, boosting electric vehicles with \$8 million in new funding for charging stations, and requiring the State's public employee pension fund to divest from fossil fuels.

This also was a banner year for addressing toxic chemicals in our environment, with new laws that ban or restrict harmful pesticides and address so-called "forever chemicals" (PFAS) that are contaminating farmland and drinking water wells throughout Maine.



These and other measures described in this Report Card build on the long legacy of bipartisan action by the Maine Legislature, on behalf of Maine people, to protect the environment that is so vital for our economy and quality of life.

These accomplishments are even more notable because it was such a difficult session, with lawmakers forced to hold public hearings via Zoom and unable to meet in person in the State House until June.

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.

Thank you for your support and engagement throughout the session. Your letters, emails, and testimony on priority bills were invaluable and helped deliver one of the most successful legislative sessions ever. Together, we helped protect the Maine we all love and took decisive action to move forward on climate and clean energy.

—Pete Didisheim, NRCM Senior Director, Advocacy

Policy Goal	Outcome
Bold Climate Action	++
Increase Clean Energy	++
Invest in Energy Efficiency	++
Land Conservation & Parks	++
Recycling Reform	++
Curb Toxic Pollution	++
Defeat Rollbacks	++

2021 Accomplishments for Maine's Environment

Bold Action on Climate and Clean Energy



Lincolnville Beach by Judy Berk

++ Energy Efficiency As part of the American Rescue Plan (COVID Relief) funding provided to Maine, lawmakers allocated \$50 million (LD 1733) for energy efficiency upgrades, especially for low-income and older residents as well as renters, and to assist local governments, schools, community organizations, and businesses in investing in projects to reduce energy costs. These funds will result in more than \$100 million in lifetime energy savings, weatherize more than 3,000 homes, and support close to 500 jobs.

++ Responding to Sea-level Rise Lawmakers passed a governor's bill (LD 1572) that requires state agencies to review the laws and rules they administer and determine which need to be changed to incorporate science-based projections of 1.5 feet of sea-level rise by 2050 and 4 feet by 2100, as recommended in Maine's Climate Action Plan. Agencies need to complete this review and make recommendations to the Legislature by January 2022. This requirement will make coastal communities more resilient to the impacts of sea-level rise.

++ Curbing High-polluting Chemicals The Legislature enacted a bill (LD 226) to phase out high-polluting chemicals known as hydrofluorocarbons (HFCs), which are potent greenhouse gases used for air conditioning, refrigeration, and other applications. These chemicals have hundreds of thousands of times the heat-trapping power of carbon dioxide. Starting in January 2022, it will be illegal to sell or install products in Maine that use HFCs.

++ PUC Action on Climate Change With enactment of LD 1682, the Public Utilities Commission (PUC) must now actively help the state reduce greenhouse gas emissions. This is a big deal, mandating that the PUC help Maine achieve the electrical grid of the future that we need to decarbonize transportation and heating. The law also requires the Governor's Office of Policy Innovation and the Future to prepare a study on methods for incorporating equity considerations into decisions by the Maine Department of Environmental Protection (DEP), PUC, and other agencies, and to provide that study to the Legislature by February 2022.

+ Stronger Energy Efficiency Standards This new law (LD 940) requires that eight commercial and residential appliances and products (including computers and monitors) meet stricter efficiency standards, which will help Maine households and businesses reduce both carbon emissions and utility bills. This bill alone is projected to reduce energy costs by as much as \$9 million annually by 2025.

++ New Financing Programs for Clean Energy Legislators created two new finance mechanisms for clean energy and energy efficiency investments: 1) A law (LD 340) that will allow municipalities to establish, through local ordinances, programs that enable commercial property owners to finance their energy efficiency and renewable energy projects through assessments on the property; and 2) A law (LD 1659) that will create a Clean Energy and Sustainability Accelerator at Efficiency Maine to leverage low-cost, private-sector capital to support clean energy, energy efficiency, clean transportation, and climate resiliency projects. Creative financing programs like these were endorsed in Maine's Climate Action Plan because they have been a big success in other states.

++ Divestment from Fossil Fuels With passage of LD 99, Maine became the first state in the country to order the State pension system to divest from fossil fuel holdings within five years. Specifically, the law directs the Board of Trustees of Maine's Public Employees Retirement System to divest from fossil fuel stocks and securities by 2026, consistent with their fiduciary obligations. The Board also must post publicly accessible information about its equity investments and disclosure of environmental performance metrics in an annual environmental, social, and governance report.

++ Progress on Offshore Wind The Legislature has directed the PUC to secure a 20-year power purchase agreement for the electricity from a deep offshore floating wind power research array with expected capacity of 144 MW (LD 336). Lawmakers also established an Offshore Wind Research Consortium to assess and provide advice on the opportunities and challenges for floating offshore wind power projects in the Gulf of Maine and how to avoid and minimize impacts. The bill (LD 1619) protects state waters within three miles of the shore from wind energy projects.

++ Grant Program to Protect Infrastructure from Climate Change As part of the American Rescue Plan (COVID Relief) funding provided to Maine (LD 1733), lawmakers provided \$20 million to help protect infrastructure from climate change through creation of an "Infrastructure Adaptation Fund" to support local, regional, and state infrastructure projects that address risks posed by climate change. These funds will help protect at-risk infrastructure and leverage other public and private funds that benefit public safety.

+ Maine Healthy Soils Program This new law (LD 437) creates a Healthy Soils Program at the Department of Agriculture, Conservation, and Forestry to promote climate-friendly agricultural practices like cover crops, reduced tillage, and rotational grazing to increase carbon capture while preventing soil erosion and improving the water and nutrient holding capacity of farmland. These cost-effective methods can also help farms be more resilient through droughts and extreme weather events.



Missinglynx/NRCM

+ Electric Vehicle Incentives As part of the Governor's Jobs & Recovery Plan (COVID relief funds spending plan), legislators approved \$8 million in new funding to expand the statewide network of publicly accessible electric vehicle charging stations located at local businesses and municipalities. The funds will be administered by the Department of Transportation in collaboration with Efficiency Maine.



Investments in Land Conservation and State Parks

Little Tunk Pond by Kathleen Lafferty

+++ Funding for Land for Maine's Future Lawmakers provided \$40 million for the Land for Maine's Future (LMF) program in the state budget (LD 221), which means the money will be available immediately to conserve land for recreation, farmland preservation, working waterfronts, public access, and working forests. These are the first funds provided for Maine's successful and popular LMF program since 2012 and will protect thousands of acres, with an increased focus on projects that address climate change, save deer-wintering areas, and promote community-focused recreation.



Reid State Park by Allison Wells

++ Funding for State Parks The Legislature provided \$50 million for infrastructure and facility improvements at Maine State Parks, which have experienced record-setting visitations during the pandemic. This is the biggest infusion of sorely needed funding to address a backlog of maintenance needs at State Parks in decades.

Victory for South Portland vs. Big Oil

We are thrilled that the City of South Portland has prevailed against a lawsuit by the Portland Pipe Line Corporation (backed by Big Oil companies). Portland Pipe Line has withdrawn its six-year litigation aimed at trying to overturn South Portland's 2014 Clear Skies Ordinance, which prohibits crude oil from being loaded into marine tankers on the city's waterfront. This critical ordinance protects South Portland from potentially becoming the Tar Sands Capital of the Eastern United States. Portland Pipe Line was potentially interested in bringing dirty Canadian tar sands through is pipeline from Montreal to be loaded onto tanker vessels, then to refineries elsewhere for processing. NRCM is proud to have worked with the tireless advocates of Protect South Portland, and our colleagues at Environment Maine and others, to help achieve this win. The people of South Portland have prevailed over Big Oil, and that's worth celebrating.



BComeau/NRCM



T.Martin/NRCM

Tackling Plastic Pollution and Reducing Waste

+++ Big Win for Recycling Reform The most significant victory this year came when the governor signed a first-in-the-nation bill that will require manufacturers of packaging waste to help pay for recycling of packaging materials in Maine. The Extended Producer Responsibility (EPR) for Packaging law will make local recycling programs more effective and reduce costs for municipalities, as Maine joins with more than 40 jurisdictions worldwide that have already adopted similar policies. NRCM has worked on this bill for the past three years, building on 20 years of prior work to enact EPR laws governing electronic waste, unwanted paint, mercury-containing products, and other materials.

+ Reducing Plastic Pollution The Legislature enacted a bill (LD 1023) to reduce plastic pollution caused by the intentional release of balloons by adding balloons to the definition of litter and establishing a fine for the release of 16 or more balloons. Intentional balloon releases are frequently organized as part of an event celebrating or honoring individuals or milestones, yet there exist many other ways to hold such events without adding plastic pollution—a serious threat to wildlife—to the ocean.

+ Safe Disposal of Unused Medications Maine will now have a new program that enables people to dispose of unused medications safely and for free at convenient locations statewide. Maine has been a national leader in enacting EPR laws like this one to reduce waste and protect the health of people and the environment.



Callie Wronker

Cleaner Water for Maine People and Wildlife

+ Stronger Standards for “Forever Chemicals” A new law will provide healthier drinking water by establishing a limit of 20 parts per trillion for 6 types of PFAS in drinking water, significantly lower than the federal government’s current “advisory level” of 70 parts per trillion for just 2 PFAS compounds. All public water utilities as well as schools and daycare facilities using private wells must begin testing for PFAS by the end of next year and take steps to remediate any elevated levels.



+++ Cleaner Drinking Water Legislators provided \$25 million in the Jobs & Recovery Plan to improve public drinking water systems and protect public health through mitigation of lead in drinking water at schools and daycare facilities and removal of polyfluoroalkyl substances (PFAS) in drinking water. The Legislature also provided funding for a well

water testing program for low-income residents to provide free testing of arsenic in private residential water supplies. Landlords of residential buildings will be required to test for arsenic in private drinking water every five years, starting in 2022.

+++ Cleaner Rivers, Lakes, and Streams Lawmakers provided \$22 million for investments in municipal wastewater infrastructure, which will leverage significant additional federal funding. This will help address a large backlog of necessary improvements in water treatment plants, reducing pollution to Maine waters and the burden for local ratepayers, and supporting construction jobs.

+ Improved Fish Passage The Jobs & Recovery Plan will provide \$3 million for improved fish passage and healthier rivers and streams through a competitive grant program that matches local funding to upgrade municipal culverts at stream crossings.



Bumblebee on pickerweed by Jeff Wells

Curbing Toxic Pollution and Forever Chemicals

+++ Protecting Pollinators In a big win to reduce toxic chemicals that harm the environment, the Legislature banned (LD 155) the use of neonicotinoid pesticides (neonics) for residential landscaping and lawn care because of the threat they pose to bees and other pollinating insects.

+++ Prohibiting Products with Forever Chemicals Thanks to LD 1503, Maine will ban the sale of products containing so-called “forever chemicals” (PFAS) by 2030. These toxic chemicals pose an especially serious health risk to children and pregnant women. Starting in 2023, manufacturers must report all uses of PFAS to the DEP, and the sale of carpets or rugs and fabric treatments that contain intentionally added PFAS are prohibited. The sale of firefighting foam containing PFAS was also banned.



+++ More Progress to Curb Pesticides Lawmakers banned the use of any pesticide containing chlorpyrifos (LD 316), a neurotoxic pesticide associated with neurodevelopmental harm in children, and banned (LD 519) the use of glyphosate and dicamba pesticides within 75 feet of school grounds because of the risks these chemicals pose to children.

+++ Protecting Air Quality Near Oil Tanks A new law (LD 163) will require oil tank facilities to conduct continuous fence-line monitoring at tank farm facilities, measuring for hazardous air pollutants, including Benzene, Xylene, and other chemicals known to cause health risks.

+++ Mitigating Harm from Forever Chemicals The Legislature has provided \$30 million for mitigating the threats posed by PFAS chemicals affecting farms across the state that spread PFAS-contaminated sewage sludge. The DEP had approved use of these bio-solids as a fertilizer substitute, but no longer does. Farms and wells have been contaminated by PFAS, threatening livelihoods and health for these farmers and landowners. The Legislature also has established 11 permanent and 6 temporary positions at the DEP to help test more than 500 sites where PFAS-contaminated sludge may have contaminated land and water.

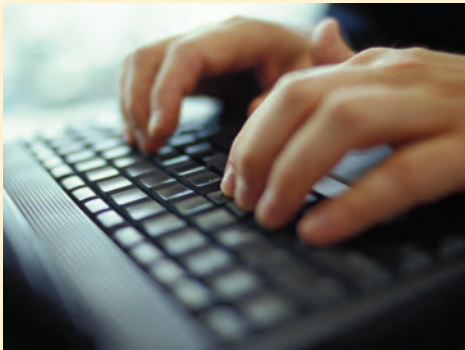
Defeating Bad Bills

+++ Proposed Rollback Bills Defeated Lawmakers easily defeated measures that would have terminated the net energy metering program that is successfully increasing solar energy development in Maine. They also prevented the repeal of Maine’s ban on single-use plastic bags (a significant source of plastic pollution), stopped efforts to terminate any development of offshore wind as a source of clean energy, fended off efforts to block Maine from collaborating with other states on ways to reduce carbon pollution from cars and trucks, and thwarted attempts to cap the amount of public land in Maine.

Continued on page 4

Thank You for Your Support

We extend a special thanks to everyone who took action this legislative session. Speaking up on issues that matter to you—contacting your elected officials, writing letters to the editor, and other actions—take time but make a difference. Our work is also made possible thanks to the support of our dues-paying members. You help provide the resources we need to do our work every day and keep you informed. If you are not yet a member, please consider joining us. We invite you to check our website for a giving level that is right for you at nrcm.org. Thank you!



2021 Accomplishments for Maine's Environment

Our podcast gives you an insider take on Maine's environmental news

Maine Environment: FRONTLINE VOICES

Natural Resources Council of Maine

New at the Blog

- ➔ **What Do Great Blue Herons Really Eat?** In their blog *Birding with Jeff and Allison*, NRCM's birding experts give you the shocking details!
- ➔ **Top 10 Climate and Clean Energy Accomplishments from Maine's 2021 Legislative Session** by NRCM Senior Director of Advocacy Pete Didisheim
- ➔ **Monhegan Weekend: Hurricanes, Harbor Seals, & a Shark!** NRCM Climate & Clean Energy Outreach Coordinator Josh Caldwell shares his Monhegan visit at his new blog, *Maine Adventures with Josh*.
- ➔ **Re-wilding Maine: The Importance of Native Plants for Native Wildlife** A fascinating read filled with tips from NRCM supporter Carrie McCusker
- ➔ **Critter Chatter: Little Stinkers** NRCM member Jayne Winters writes about Maine's odiferous striped mammal.
- ➔ **Becoming a Recreational Maine Guide** An insider view by NRCM Rising Leadership Team member Jeremy Vroom
- ➔ **One of Maine's Gems: Take a Photo Tour of the Moosehead Region** by NRCM Forests & Wildlife Director Melanie Sturm, featuring photos by many local photographers
- ➔ **Explainer: How Extended Producer Responsibility for Packaging Will Benefit Maine** by NRCM Sustainable Maine Director Sarah Nichols
- ➔ **Notes from Lisa: Reaching Out with Digital Outreach** NRCM CEO Lisa Pohlmann puts the spotlight on our new outreach work.
- ➔ **Victory for Land for Maine's Future** NRCM Forests & Wildlife Director Melanie Sturm writes about Maine's popular conservation program.
- ➔ **Maine Student Receives National Recognition for Plastic Pollution Project** A celebratory post by NRCM Sustainable Maine Outreach Coordinator Chrissy Adamowicz



David Small



Duck Pond Wildlife Center



Debouille Public Reserved Land and Ecological Reserve by Noah Oppenheim

Setbacks and Bills Carried to Next Year

V* Creating a Consumer-owned Utility A bill (LD 1708) to create a utility that would be owned by, and responsive to, the people of Maine, rather than the current investor-owned model, was defeated by a veto from the governor. The bill would have provided Maine voters with the opportunity this November to vote on whether they wanted to replace our existing transmission and distribution utilities, Central Maine Power (CMP) and Versant, with a new utility focused on reliability, affordable energy, customer service, and clean energy as part of our strategy to address climate change. NRCM supported the bill. Advocates for the consumer-owned utility (COU) will be seeking signatures for a citizen-initiated measure that could be on the November 2022 ballot.

V Foreign Government Spending to Influence Maine Voters A bill to prohibit foreign government-owned corporations, such as Hydro-Quebec (HQ), from spending an unlimited amount of money to influence Maine voters was defeated by a veto from the governor. The bill (LD 194) passed the House and Senate by substantial, bipartisan margins, but fell short of the two-thirds needed to override the governor's veto. Hydro-Quebec is wholly owned by the Province of Quebec and has already spent more than \$10 million to try to persuade Maine voters to support the controversial, flawed CMP corridor. HQ stands to make \$12 billion in profits from the project.

V Ban on Aerial Spraying of Herbicides A bill (LD 125) to ban aerial spraying of herbicides for forestry operations passed the House and Senate but was defeated by a veto from the governor. The bill was focused primarily on reducing the use of glyphosate, a synthetic herbicide that has been deemed "probably carcinogenic to humans" by the World Health Organization. The U.S. Environmental Protection Agency has determined that glyphosate threatens 93 percent of species listed under the Endangered Species Act and 96 percent of critical habitats. It is toxic to fish, wildlife, and aquatic invertebrates.

TBD Blocking Out-of-state Waste** A bill (LD 1639) to close the loophole in Maine law that allows out-of-state waste to be dumped into Maine's landfill at Juniper Ridge has been carried over to next year. The loophole classifies waste as "in-state" once it enters a solid waste processing facility—no matter where it originated. After Massachusetts and other nearby states strengthened their waste management laws, waste haulers dramatically increased the volume of materials—including toxic construction and demolition debris—they shipped to Maine for disposal. Every year, hundreds of thousands of tons of waste are imported from surrounding states and disposed of in Maine, leading to landfill expansions and increased pollution.



Juniper Ridge Landfill

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TBD Tribal Sovereignty A bill (LD 1626) that would implement the recommendations of the 2019 Task Force on Changes to the Maine Indian Claims Settlement Implementing Act has been carried over to next year. The bill recognizes the inherent sovereignty rights of Maine's tribes as a step to recognizing and beginning to heal the harm inflicted by European settlers and the State of Maine on the Wabanaki tribes that have lived here for up to 16,000 years.

TBD Expand Ecological Reserves Legislation (LD 736) to enhance Maine's system of ecological reserves has been carried over to next year. Initially created by the Legislature in 2000, Maine currently has 17 ecological reserves, totaling about 90,000 acres, which help conserve Maine's biological diversity and wildlife habitat.

* **V** = veto ** **TBD** = to be determined

VOTE FOR YOUR PEOPLE'S CHOICE FINALIST

Beginning on Tuesday, August 24, visit our website at nrcm.org to vote for your favorite People's Choice Award finalist! Help us honor a volunteer who goes above and beyond to make a difference for Maine's environment. Voting ends at noon on Wednesday, September 15. The winner will be honored this fall as part of our Conservation Leadership Awards special event.



Eric Sherman of Greenville, NRCM's 2020 People's Choice Award winner

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