



MAINE Environment

2022 Legislative Priorities



This year's legislative session is well underway, and the Natural Resources Council of Maine has achieved progress on several of our priority bills. With pandemic restrictions in full force, lawmakers are meeting only infrequently for in-person sessions, and public hearings are being conducted online via Zoom. Although we miss the opportunity to engage directly with legislators as well as with our members and supporters in the halls of the State House, we recognize that the people's business needs to be done in a manner that protects the health and safety of all involved.

This is the second session of the 130th Legislature. Lawmakers have fewer overall bills to deal with—only about 350, compared with 1,700 last year—and they are slated to complete their work by late April, as opposed to June for the first session. NRCM staff members are tracking about 30 bills that could affect the future of Maine's environment. This is a smaller number than usual because we've won on so many top priority bills in recent years, leaving fewer issues needing immediate action.

During the 2019 and 2021 sessions, the Maine Legislature passed more than 50 environmental bills, including landmark measures to require reductions in greenhouse gas pollution, establish the Maine Climate Council, increase solar energy and energy efficiency, fund the Land for Maine's Future Program, invest in Maine's State Parks, implement a first-in-the-nation product stewardship law for packaging waste, curb toxic pollutants, ban single-use plastic shopping bags and foam food packaging, identify and mitigate risks from polyfluoroalkyl substances (PFAS), and much, much more.

Because of these victories, there is now a lot of exciting implementation activity underway by the Mills Administration, particularly within the natural resource agencies. NRCM staff and our colleagues are following this work closely. We know it's not enough to get new laws passed; these laws must also be implemented well.

Despite all this winning in recent years, we continue to have high hopes for achieving further progress for Maine's environment during 2022.

We are excited about a bill to expand Maine's ecological reserve system so that it provides enduring protection for more of Maine's unique habitat types. We are determined to make 2022 the year that lawmakers close a loophole in Maine law that has allowed our state to become a dumping ground for some forms of out-of-state waste. This year also should be the year that Maine recognizes the inherent sovereignty rights of the Wabanaki tribes. This is the 50th anniversary of the Clean Water Act, and we will be working to pass a bill to improve protections for more than 800 miles of Maine's rivers and streams. We also are working to pass a bill to further expand solar energy development and a bill introduced by the governor to establish performance standards and increased accountability for Maine's electric utilities.

NRCM is closely coordinating our efforts with 37 organizations that participate in Maine's Environmental Priorities Coalition. We also are working in coalition with business owners, young Mainers, municipal officials, policy experts, Maine people statewide, and you—our members and supporters. You provide us with the inspiration and people power that help us win.

We greatly appreciate your help, support, and participation in our work during these challenging times. If you are interested in becoming more involved in the policy process, then please contact us. We are here to help. If you have not already done so, please join the NRCM Action Network at the Take Action page on our website (nrcm.org). As a member of the Action Network, you'll receive updates about progress on legislative priorities and learn when and how you can help make a difference. Also, please visit our Facebook page and website throughout the legislative session for further updates, especially since hearings for some of the bills may take place as this newsletter is on its way to you.

As always, thank you for your support. —Pete Didisheim, Senior Director, Advocacy



NRCM file

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Hold Electric Utilities Accountable

In recent years, Maine’s largest electric utility, Central Maine Power (CMP), has repeatedly earned the dubious distinction of being the worst-rated utility in the nation, according to J.D. Power. In terms of customer

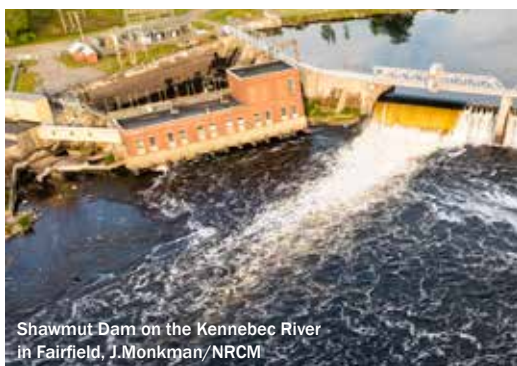
service and reliability, CMP and Versant are at the bottom of the list of 145 U.S. electric utilities, along with problem-plagued Pacific Gas & Electric (PG&E).

To help make Maine’s electric utilities more accountable to Maine people, Governor Mills in early February announced a bill, An Act to Ensure Transmission and Distribution Utility Accountability (LD 1959), aimed at requiring CMP and Versant to perform, pay penalties, or be replaced—by another private company or a publicly owned utility that can meet the needs of Maine people.

NRCM sees the governor’s bill as a good starting point for legislation, but we believe significant improvements and amendments are needed to strengthen the bill. Specifically, the accountability metrics and climate planning obligations need to be strengthened to ensure that utilities are aligning their investments and operations with the state’s climate and clean energy policies. The utilities must be measured on their work to help Maine achieve the state’s greenhouse gas reduction requirements. We also believe that the planning obligations for the utilities must be expanded to include integrated transmission and distribution planning for climate mitigation, with attention to decarbonization, power sector transformation, load management, and energy affordability and cost controls.

We recognize that many key details and decisions will be made in rulemakings, but the statutory language is critical in steering those outcomes and giving the Public Utilities Commission (PUC) courage to take bold action. We are working with colleagues to assess whether LD 1959 can be amended to offer a credible pathway to divestiture, with a level playing field for a possible consumer-owned utility, or whether that section of the bill should be removed.

Status: The Energy, Utilities, and Technology Committee will hold a public hearing on LD 1959 in late February, and likely will hold many work sessions before a bill is reported to the House and Senate for votes in late March or April.



Defend Science-Based River Restoration

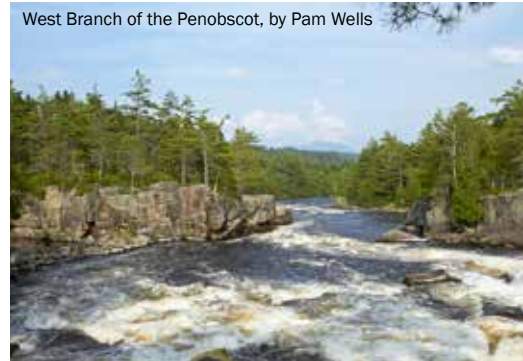
NRCM and members of Maine’s Environmental Priorities Coalition strongly oppose a bill (LD 1979) introduced by Senator Troy Jackson (D-Aroostook) that would

undermine Maine’s ability restore the water quality and fisheries in Maine rivers through water quality standards and dam removals.

The bill language is confusing, but it appears that the sponsor of the bill is trying to block the removal of dams in the Kennebec River even though these dams are killing Atlantic salmon in violation of the Endangered Species Act. The bill directs the Department of Agriculture, Conservation and Forestry (DACF) to develop river management plans for all of Maine’s rivers, even though DACF has no expertise or jurisdiction for river management. This requirement apparently has been included to block the work of Maine’s marine resource experts from providing science-based recommendations about how to enhance the water quality in Maine rivers. The bill would undermine Maine’s steady progress in restoring fisheries populations to Maine rivers, including through the removal of dams that are pushing Atlantic salmon to the brink of extinction. LD 1979 is inconsistent with Maine’s long commitment to the Clean Water Act.

Status: The Environment and Natural Resources Committee will hold a public hearing on LD 1979 in late February.

Action needed: Contact your Representative and Senator to urge them to oppose LD 1979. This is a bad, unnecessary bill that would disrupt further progress in restoring the health of Maine rivers.



Protect Rivers and Streams Across Maine

This year marks the 50th anniversary of the federal Clean Water Act, and lawmakers have an opportunity to pass a bill (LD 1964) that would improve the

protection of more than 800 miles of rivers and streams. Every three years, the Maine Department of Environmental Protection (DEP) reviews the waters of the state and recommends improved protections for appropriate water bodies. The additional protections involve a higher level of classification, which means greater protection from pollution. For example, upgrading a Class C river to a Class B river means that wastewater dischargers are regulated more strictly to protect a broader range of uses.

DEP typically recommends upgrades when water bodies meet the standards of the next highest level of classification, based on lowered levels of pollutants or on new science that shows the water body meeting a higher level than its existing classification.

The water reclassification program provides the foundation for the protection of water quality in Maine in accordance with the federal Clean Water Act. This year’s recommendations emerged from a process that involved input from the state’s natural resources agencies, Maine tribes, and many environmental organizations, including Friends of Casco Bay, NRCM, The Nature Conservancy, Maine Rivers, and others.

The DEP presented a package of upgrades to the Board of Environmental Protection for their approval. Now the package is before the Maine Legislature in the form of a bill that would provide improved protection for many significant river and stream segments, including on the West Branch of the Penobscot River, Little Narraguagus River, Orbeton Stream, and South Branch of the Sandy River.

Status: On February 10, Senator Brenner (D-Cumberland) introduced An Act to Update Certain Water Quality Standards and To Reclassify Certain Waters of the State (LD 1964). A public hearing on the bill is expected in late February.

Action Needed: Contact your legislators to urge them to support LD 1964—an important bill to protect Maine’s rivers and streams, and an excellent way for lawmakers to recognize the 50th anniversary of the Clean Water Act.



Increase Solar Energy Generation

Maine is finally on the move in adding more solar energy to the grid as a key strategy for reducing our dependence on fossil fuels. But much more is needed during the years and decades ahead.

This year, An Act to Expand Maine’s Clean Energy Economy (LD 1350), introduced by Senator Eloise Vitelli (D-Sagadahoc), stands out as the best opportunity to further expand renewable energy generation, consistent with Maine’s Climate Action Plan. This would be accomplished by directing the Maine PUC to conduct two competitive clean energy procurements through a process like a successful PUC procurement in 2020 that included 13 large solar energy projects that will deliver 460 MW of power.

Now more than ever we need new cost-effective renewable energy, and lots of it, to meet the new loads from electrifying buildings and transportation, and to help insulate Maine people in the future from the kinds of price spikes we’re seeing today due to our fossil fuel dependency. LD 1350 would result in hundreds of additional megawatts of new renewable energy to be built in Maine, reducing greenhouse gas emissions and supporting hundreds of construction jobs.

Status: A public hearing was held on LD 1350 during the 2021 legislative session, and the bill was carried over to this session. Sen. Vitelli is considering possible amendments to the bill based on input during the hearing. The Energy, Utilities, and Technology Committee will hold a work session on the bill in late February, with possible House and Senate votes in early March.



Courtesy of Wabanaki Alliance

Recognize Tribal Sovereignty

Over the past three years, lawmakers have considered versions of legislation that would recognize the inherent sovereignty rights of Maine’s tribes by implementing most of the consensus recommendations of the 2019 Task

Force on Changes to the Maine Indian Claims Settlement Implementing Act.

Because of the pandemic, legislators were not able to vote on the bill in 2020. The current version of the bill (LD 1626) was introduced last year by Representative Rachel Talbot Ross (D-Portland). This bill has the strong support of the Wabanaki Alliance, which includes the Aroostook Band of Micmacs, Houlton Band of Maliseet, Passamaquoddy Tribe, and Penobscot Nation.

NRCM testified in support of the bill in 2021 and supports its passage, along with countless other organizations and individuals working in support of the Wabanaki Alliance, and allies in the Legislature. The time has come for Maine to recognize the sovereignty of the Wabanaki as a matter of dignity, respect, and honor of inherent rights. Passage of a bill supported by the tribes would be an important step toward recognizing the harm inflicted by European settlers and the State of Maine on the Wabanaki tribes who have lived here for up to 16,000 years.

Passage of LD 1626 would provide Maine tribes with the inherent powers of self-governance, like that of 570 other federally recognized tribes in 49 other states. Maine tribes would again have the right to govern within their territories in accordance with the same federal laws that govern tribal lands across the United States.

Status: On February 15, the Judiciary Committee held a second public hearing on LD 1626, receiving testimony from hundreds of people and organizations in support of the bill.

Action Needed: Contact your Representative and Senator to urge their support for tribal sovereignty through passage of LD 1626.



Juniper Ridge Landfill (NRCM file)

Stop Out-of-State Trash from Piling Up in Maine

Maine has become a dumping ground for waste that is hauled here from other New England states. This year, we hope to put an end to this practice. A legal loophole in Maine’s waste management laws has

allowed for significant landfilling of out-of-state waste in Maine’s State-owned landfills, which are intended to be reserved for waste generated in Maine. The loophole classifies waste as “in-state” once it enters a solid waste processing facility—no matter where it originated, including from other states.

After Massachusetts and other nearby states strengthened their waste management laws, waste haulers dramatically increased the volume of materials—principally 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 here in Maine, leading to landfill expansions and increased pollution.

This is an issue of environmental justice. Because of this loophole, the State-owned Juniper Ridge Landfill (JRL) in Old Town has become a dumping ground for waste, threatening sites of historical, cultural, and spiritual significance for the Penobscot Nation, the Penobscot River and Bay, and the drinking water for the area. People living near JRL have not only been disproportionately impacted by the waste facility, but also are systematically excluded from the decision-making process for landfill expansion permits and bills aimed at addressing their concerns.

Senator Anne Carney (D-Portland) introduced a bill (LD 1639) to close the loophole in Maine law that is allowing other states to fill up our landfills with waste that they don’t want to manage within their own borders.

Status: On February 7, the Environment and Natural Resources Committee voted 11-2 to support LD 1639.

Action Needed: Contact your Senator and Representative to urge them to stop Maine from being a dumping ground for out-of-state waste, by supporting LD 1639.



Deboullie Public Reserved Land and Ecological Reserve, by Noah Oppenheim

Expand Maine’s Ecological Reserve System

During the 1990s, NRCM was involved in a multi-year stakeholder process that resulted in passage of a 2000 law to create a system of “ecological reserves” on public

land managed by the Maine Bureau of Parks and Lands (BPL). The purpose of the law was to protect representative examples of Maine’s habitat types for scientific research, to protect biodiversity, and to provide opportunities for low-impact recreation.

Over the past two decades, the Bureau has designated 19 ecological reserves that encompass about 96,000 acres. Although this is less than 1% of the state, these reserves include some of Maine’s most spectacular and characteristic landscapes, such as the Cutler Coast, Nahmakanta, the Bigelow Range, Mt Abraham, and the Mahoosucs.

No timber harvesting is allowed within the ecological reserves, giving trees the chance to grow big and old, and conserving habitat for fish, other wildlife, and plant life. On average, ecological reserves store 30% more carbon than other lands in Maine on a per-acre basis. They help provide wildlife corridors and ecosystem connectivity at a time when species are moving due to climate change.

A recent study by the Maine Natural Areas Program concluded that many of Maine’s habitat types are not currently protected within the ecological reserve system. However, the Bureau currently is blocked from addressing these gaps because the original law included an arbitrary cap of 100,000 acres of allowable ecological reserves.

Representative Nicole Grohoski (D-Ellsworth) introduced a bill (LD 736) to remove the 100,000-acre cap so that BPL can designate additional ecological reserves.

Status: On February 8, the Agriculture, Conservation, and Forestry Committee voted 13-0 for an amended version of LD 736, which NRCM supports, that will allow BPL to designate at least 11,500 acres of additional ecological reserves on existing public lands, with the potential of expanding the ecological reserve system further through new public lands added to the Bureau’s ownership.

Tips for Citizen Engagement



Maine’s environmental laws exist because of the work and involvement of Maine people like you. Our goal is to encourage as many people as possible to participate in the process. Every action can help make a difference, from sending an email or making

a phone call to your elected officials to writing a letter-to-the-editor or testifying at a hearing.

Due to the ongoing pandemic, legislative hearings in 2022 are being held online via Zoom webinar and streamed live on the Legislature’s YouTube channel. NRCM has created a Take Action Toolkit on our website (nrcm.org/take-action/take-action-toolkit/) with resources to help you participate in the legislative process.

The NRCM Take Action Toolkit includes information on:

- How to find your Maine state legislators
- Tips for contacting your legislators
- Short video on how to testify via Zoom
- Short video on how to write and deliver testimony
- Tips on writing a letter-to-the-editor

We also encourage you to visit the Legislative Bill Tracking page on our website, which provides links to legislation, information on NRCM’s position, a link to any fact sheets and NRCM testimony, and updates on the status of the bills. Be sure to follow us on Facebook, Twitter, and Instagram, too.

Other Important Issues NRCM is Following

NRCM staff members are tracking dozens of bills this session. Below are a few additional ones we're following closely.



NRCM file

Investing in Climate Education Representative Lydia Blume (D-York) introduced a bill (LD 1902) to help prepare Maine students for the climate challenges of the future through improved science-based climate education. An Act to

Establish a Pilot Program to Encourage Climate Education in Maine Public Schools would accomplish this goal through training and grant funding for Maine's K-12 teachers and partnerships among schools and community organizations to create unique educational opportunities that strengthen their understanding of the risks posed by climate change.

Maine Climate Corps Members of the Environment and Natural Resources Committee voted to initiate a bill (LD 1974) to establish a Maine Climate Corps Program within the Maine Commission for Community Service. The program would provide grants, technical assistance, and training to individuals and programs to help respond to impacts of climate change. The bill would implement recommendations of a study conducted by Volunteer Maine/the Maine Commission for Community Service.



NRCM file

Electric Vehicle Fleets Senator Eloise Vitelli (D-Sagadahoc) introduced a bill (LD 1579) to help reduce greenhouse gas pollution in the transportation sector by setting goals and timetables for converting state and municipal fleets to 100% zero-emission vehicles by 2040. Senator Vitelli currently is evaluating

ways to amend LD 1579 to incorporate "lead by example" opportunities for state and local governments to help boost clean transportation.

Pine Tree Amendment Senator Chloe Maxmin (D-Lincoln) last year introduced a bill to amend the Maine Constitution to protect the rights of the people of the state "to a clean and healthy environment and to the preservation of the natural, cultural and healthful qualities of the environment." The amendment requires the state to "conserve, protect and maintain the state's natural resources, including, but not limited to, its air, water, land, and ecosystems for the benefit of all the people, including generations yet to come." The bill was tabled last year in the House and requires a two-thirds vote by the House and Senate to be placed on the ballot for Maine people to vote on the measure.

Reducing PFAS Pollution Representative Bill Pluecker (I-Warren) introduced a bill (LD 1911) to close two loopholes in Maine law that are allowing the continued application on Maine lands of materials contaminated with per- and polyfluoroalkyl substances (PFAS)—so-called "forever chemicals." These chemicals, which pose significant health risks particularly to children and pregnant women, have contaminated several family farms and hundreds of residential wells in Maine. LD 1911 would prohibit the spreading of compost that is contaminated with PFAS or the mixing of PFAS-contaminated municipal or industrial sludge with non-contaminated soils. Poisoning clean soils with polluted materials is not a solution for dealing with the PFAS problem.



NRCM file

Recycled Content Standards Last year the House and Senate adopted a bill (LD 1467) to require companies that sell plastic beverage containers in Maine to meet minimum recycled content standards of 25% by 2026 and 30% by 2031. NRCM strongly

supports reducing plastic containers and the unnecessary use of plastics while also reducing the need for new virgin plastic by doing a better job recycling the plastic already being produced. According to the Association of Plastic Recyclers, using recycled plastic to make new containers instead of using new virgin plastic cuts carbon pollution by 67%. LD 1467 is on the so-called Appropriations Table awaiting a decision to provide the DEP with initial funding to manage the regulatory and reporting requirements of the bill.



Long Pond, Belgrade, Allison Wells

Protecting Maine Lakes

Representative Tavis Hasenfus (D-Readfield) introduced a bill (LD 1826) to increase state efforts to protect Maine lakes from invasive aquatic plant infestations. Following a public hearing at which testimony was received by

more than 100 people in support of the bill, the Environment and Natural Resources Committee has developed an amended bill that would require a task force to submit a biennial report with recommendations and possible legislation to control invasive aquatic plants that threaten the water quality of Maine lakes.

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Augusta: (207) 622-8414	Lewiston: (207) 784-6969
Bangor: (207) 945-0417	Portland: (207) 780-3575
Biddeford: (207) 283-1101	

Senator Angus King

Washington, DC: (202) 224-5344	Biddeford: (207) 352-5216
Augusta: (207) 622-8292	Portland: (207) 245-1565
Bangor: (207) 945-8000	Presque Isle: (207) 764-5124

Rep. Chellie Pingree

Washington, DC: (202) 225-6116	Waterville: (207) 873-5713
Portland: (207) 774-5019	

Rep. Jared Golden

Washington, DC: (202) 225-6306	Caribou: (207) 492-6009
Bangor: (207) 249-7400	Lewiston: (207) 241-6767



Natural Resources Council of Maine
3 Wade Street, Augusta, ME 04330
(207) 622-3101 • (800) 287-2345 • nrcm.org

EDITOR / Allison Childs Wells, Senior Director, Communications & Public Affairs

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CONTRIBUTORS / Pete Didisheim, Allison Childs Wells

BANNER IMAGE / State House by Beth Comeau

CEO / Lisa Pohlmann

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