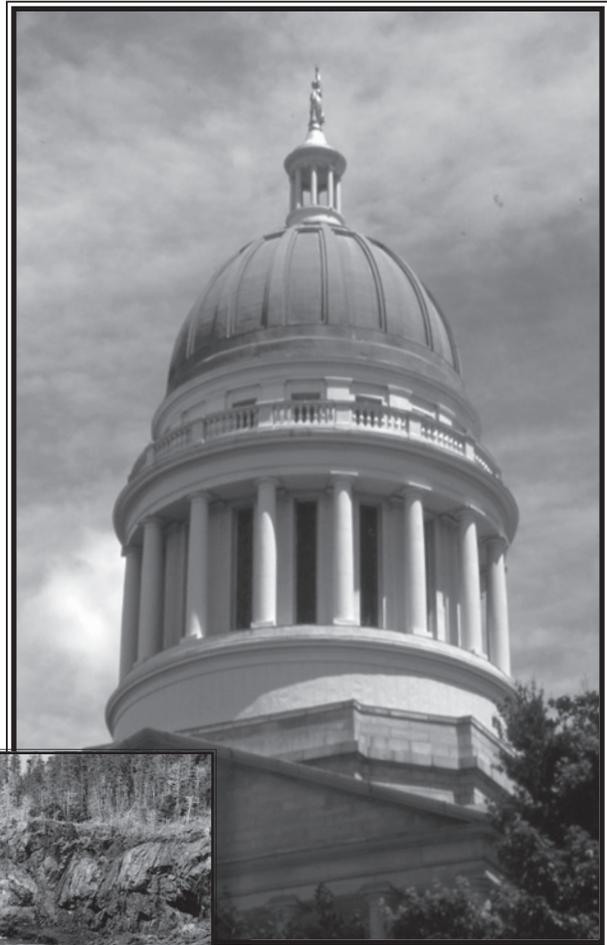
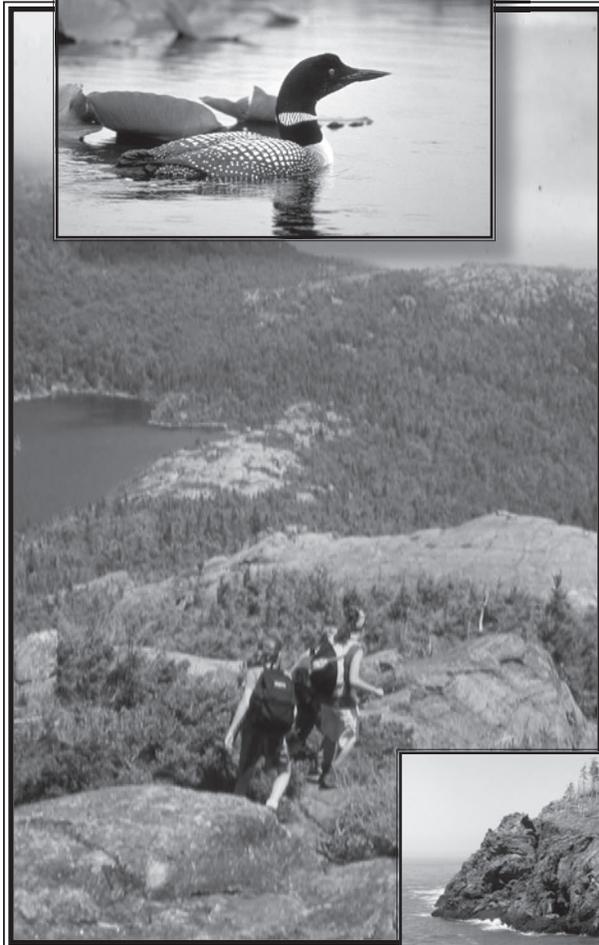


Gubernatorial Report Card

The Administration of
Governor John E. Baldacci
2003–2006



Maine League of Conservation Voters

Gubernatorial Report Card

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On April 15, 2002, Candidate John Baldacci laid out what he would do on behalf of Maine's environment if he were elected governor. His speech, delivered at Bowdoin College and entitled "Meeting Maine's Environmental Needs," set a high bar for environmental achievement and was broadly cheered by the environmental community. In part, he said:

"My overall goal is nothing less than to preserve our natural legacy, to undo past damage, and to build a truly sustainable Maine way of life. If I am elected Governor,

- We will protect Maine's natural heritage, and the public's traditional access to the special places that our parents and our grandparents enjoyed;
- We will continue to clean up our lakes and rivers;
- We will fight to reduce air pollution, from sources within and beyond our borders;
- We will improve the management of our vast forest lands, and make Maine the 'gold standard' against which others will be measured;
- We will improve the efficiency of energy use in Maine, so that our people and businesses will save money, and help reduce America's dependence on foreign oil;"

"And we will do all this in a way that honors the connections between our environment, our economy, our communities, and our people."

"Our government must recognize these connections and adopt policies that make sense of them. In my Administration, we will do this by setting high environmental goals and standards; by sound resource planning and effective coordination; and by leading by example..."

Now, in the fourth year of his term as Maine's governor, it is time to review how well Governor Baldacci has lived up to his own goals, as well as the expectations of Maine's environmental community. The Maine League of Conservation Voters, with the help of Urquhart & Spritz, asked a broad cross-section of Maine's environmentalists to assess the Governor's performance in the following areas:

- Air Quality
- Energy
- Fisheries & Wildlife
- Forestry
- Land Conservation
- Smart Growth
- Toxics
- Water Quality
- Wilderness

We asked them to consider the Governor's appointments in the natural resource agencies and to citizen boards responsible for implementing much of the state's environmental policies. We asked them to consider results and how they were achieved, and we also interviewed natural resource commissioners or deputy commissioners. Based on this information, the Maine League of Conservation Voters has prepared the following report on the environmental performance of Governor Baldacci and his Administration.

Quotes at the head of each topic are from the Governor's campaign speech at Bowdoin College, April 15, 2002, unless otherwise indicated.

The Report Card

Overall Grade: B-

For twenty years, the Maine League of Conservation Voters has held Maine's legislators accountable by compiling and publicizing their environmental votes. In evaluating a governor, such clear benchmarks are rarely available. A legislator's vote can be counted even if a bill does not pass, but a governor must be graded by more qualitative elements in his environmental policies: degree of pro-activeness; commitment of human and financial resources; expenditure of political capital; and leadership in reaching a successful conclusion.

In the areas of Air Quality, Energy, and Toxics, Governor Baldacci's particular leadership and commitment clearly merit A's. While his Administration has had considerable accomplishments in Fisheries & Wildlife, Forestry, Land Conservation, and Wilderness, we found a less compelling level of vision with successes sometimes falling short of their potential; these areas fall in the B range. In both Marine Resources and Smart Growth, the Governor's performance has been disappointing, largely because of what he has not done, and we give him a C grade in each. Based on two serious environmental missteps, we can only give Water Quality a D, although we appreciate the Governor's recent efforts to turn this around. The B- for Appointments reflects the wide range between very good and very bad, while C in Administration points to a disappointingly inconsistent management record.

In giving Governor Baldacci and his Administration an overall grade of B-, we reflect an expectation of leadership—describing a vision for the future and developing specific plans to achieve it—that has not been realized, and a weakness in commitment to some environmental goals. While his heart often has been in the right place, that is not sufficient. A scorecard for the Governor must measure accomplishments, not positions like those of legislators. In the end, his position is less important than his list of actions.

Subject	Grade	Comment
Air Quality	A+	National leadership on climate change issues
Energy	A	Consistent leadership and creativity
Fisheries & Wildlife	B	Some significant actions, but overall lack of vision
Forestry	B+	Followed through on campaign promise to limit liquidation harvesting
Land Conservation	B	Good intentions, mixed results so far; \$10 million land bond disappointing
Marine Resources	C+	Leadership inadequate to importance of resource
Smart Growth	C+	More promises than results
Toxics	A-	Considerable achievements of national importance
Water Quality	D	Serious problems are being addressed
Wilderness	B-	Good intentions, some initiative shown; more follow-through needed
Appointments	B-	Some very good; some very bad
Administration	C	Good intentions, mixed management record
Overall Grade	B-	All Maine's natural resources merit the leadership the Governor showed on Air Quality

While this assessment includes input from over twenty individuals who represent Maine’s environmental leadership, the opinions expressed are those of the Maine League of Conservation Voters.

Abbreviations:

State Government:

ASC—Atlantic Salmon Commission
BEP—Board of Environmental Protection
DEP—Department of Environmental Protection
DIFW—Department of Inland Fisheries & Wildlife
DOC—Department of Conservation
DMR—Department of Marine Resources
MFS—Maine Forest Service
MGS—Maine Geological Survey
MSHA—Maine State Housing Authority
PUC—Public Utilities Commission
SPO—State Planning Office

U.S. Government:

EPA—Environmental Protection Agency
ESA—Endangered Species Act
NPS—National Park Service
USFWS—United States Fish & Wildlife Service

Air Quality

Grade : A+

“Ultimately, the federal government must act to regulate greenhouse gases. Until then, we in the states must do what we can to address global warming through conservation, fuel use and emission control...”

“My Administration will explore incentives to encourage Maine people to purchase the cleanest cars and trucks on the market. And Maine will lead by example, ensuring that the State offers incentives for car-pooling by our employees, and that the State’s vehicle fleet is made up primarily of fuel-efficient and low emissions cars and light trucks...”

“Not only is [liquidation harvesting] bad for Maine, it is detrimental to the global climate. Each year, forests consume millions of tons of carbon dioxide. By increasing our commitment to forest preservation, Maine will contribute to combating global warming.”

Governor Baldacci’s accomplishments, and those of his Administration, in the areas of air quality and global climate change are considerable. The Governor has been a leader on these issues, for instance keeping his fellow governors to their commitments to reduce greenhouse gas pollution within the New England Governors-Eastern Canadian Premiers action framework. We give him “extra credit” for his decision to turn in his SUV for a more fuel-efficient sedan, setting an important example for the state’s citizens.

The Administration committed significant staff time in support of legislation, rules before the BEP, and regional negotiations, with the following important achievements:

- Adoption of California standards for sales of cleaner cars
- Rules establishing carbon dioxide tailpipe standards for vehicles
- Regional Greenhouse Gas Initiative—carbon cap & trade regime for Northeastern states
- Maine Climate Action Plan—to reduce greenhouse gas emissions to 1990 levels by 2010, and by 10% below those levels by 2020
- Governor’s Carbon Challenge—voluntary carbon emission reduction program for businesses and non-profit organizations
- Reduction of greenhouse gases produced by state government (8% in first two years); Maine is first state to track its government’s emissions
- Carbon-friendly forest practices model (first-in-nation) based on MFS study

Inexplicably, the administration supported and the Governor signed “An Act to Review Climate Change Policy Effectiveness,” legislation designed to undermine Maine’s gains in this area.

Energy

Grade : A

“I believe our state government must lead by example on power consumption...”

“During my Administration, Maine will again become a leader in the energy arena. We will finish the job of pulling together the energy functions now scattered all across state government into a coherent energy effort...”

“I will commit state government to a goal of buying at least 50% of its electricity from reasonably priced renewable power sources—including use of biomass, hydro, wind and solar power, and installing fuel cells in some state buildings...”

“My Administration will seek energy conservation improvements in all existing state buildings, as well as “green” design principles and construction standards for all new state-funded buildings...”

“In addition, I will create tools and incentives to help Maine people, businesses, and organizations to conserve energy as a matter of daily routine. Energy conservation is both common sense and another effective tool for economic development.”

Governor Baldacci made energy a priority when gasoline prices were well under \$2 dollars per gallon, home heating oil prices hadn't skyrocketed, and energy was not a front burner issue. He created the Office of Energy Independence & Security (OEIS), Maine's first energy office since 1989; reduced, and made “smarter,” state government's energy use; promoted efficiency, conservation and renewables statewide. The Administration has shown a consistent level of responsiveness and creativity on this issue:

Government leading by example:

- Increased state's purchase of renewable energy (High:40%; Present:30%)
- Reduced government's energy use by 40% (received EPA's Energy Star Award)
- Required new/renovated state buildings to incorporate U.S. Green Building Council's “LEED” standards; first LEED designated building uses 30% less energy
- Tripled fleet of hybrid vehicles to 52; downsized state vehicles to “smallest in class”
- Reduced miles traveled by state workers through preferential parking for hybrids and van pools and teleconferencing, saving 284,000 gallons of gasoline
- Switched to biodiesel to heat state offices; solar panels pre-heat water at state parks

Efficiency:

- Natural Gas Conservation Programs Bill: rebates on natural gas furnaces, thermostats, etc
- Energy efficiency in the standard offer electricity service, and new appliance efficiency standards by the PUC

Conservation:

- Whole House Energy Efficiency Pilot Program: energy audits; financing to ensure energy savings exceed debt payments for improvements; rebates on energy efficient equipment.
- Model Residential Building Code for Maine

Renewables:

- Governor's Solar Rebate Bill for electric and thermal systems (25% installation cost)
- Renewable Energy Portfolio Bill
- Support for properly-sited wind farms; Maine's tidal power resource study; long-term contracting mechanism to help foster renewable energy
- Promotion of biofuels, including a \$.05 per gallon tax credit for biodiesel production.

Fisheries & Wildlife

Grade : B

“It is good to remind ourselves of just how special a place Maine really is. To hear just a few of the specifics of our state’s natural endowment is stunning:

- Maine has as many as 2,000 nesting pairs of ospreys; New Hampshire has just 26, and Vermont, 28.
- We have 200 lakes and ponds that are classified as remote and undeveloped; New Hampshire and Vermont have nothing like them.
- We have virtually all of the extended undeveloped stretches of river in New England—from the upper St. John and the Dead, to the West and East Branches of the Penobscot, to the Machias and Narraguagus.
- We have almost 4,000 coastal islands providing habitat to rare marine birds and mammals.”

While the Candidate paid tribute to the importance of Maine’s fish and wildlife, he was short on specifics. Non-game wildlife and species at risk have received little of the Governor’s direct attention. However, on some controversial habitat issues, *e.g.* the coastal sand dune rule revisions, the administration took the heat and stood firm. The Significant Wildlife Habitat rules significantly strengthen the state’s habitat conservation policies.

On the positive side, DIFW and the Governor have:

- Created five non-game positions; though partially funded, a \$3.5 million allocation to DIFW recognized that Maine’s wildlife benefit everyone.
- Dropped Maine’s opposition to listing Atlantic salmon as endangered.
- Developed (with DEP and others) important Significant Wildlife Habitat rules for significant vernal pools, high and moderate value wading bird and waterfowl habitat, and shore-bird nesting, feeding and staging areas.
- Reasserted stronger coastal sand dune rule (relaxed under prior administration); DEP stakeholder process completed new rules and beach management program.
- Developed Comprehensive Wildlife Action Plan for Maine, approved by USFWS; plan makes the Beginning with Habitat partnership a central element of wildlife habitat conservation; funding continues to lag.
- Developed strategic plan for Implementing Maine Nature Tourism Initiative; to date, there has been little recognition of direct connection between protection of wildlife and habitat, and the tourism on which it is based.
- Began updating Maine’s Endangered Species list for first time since 1997.
- Enhanced protection of Tier I wetlands by adding wildlife and fisheries standard to regulatory review.

Outdated DIFW wildlife management attitudes, not new to this administration, continue to put hunting and motorized access interests above endangered or non-game wildlife. DIFW is:

- Seeking USFWS approval for controversial coyote-snaring, despite risk to Canada lynx.
- Opposing court-ordered USFWS proposal to designate critical Canada lynx habitat.
- Continuing to oppose Gray wolf restoration.

Forestry

Grade : B+

“This generation of Mainers faces challenges and opportunities of truly historic proportion in our forest lands. Twenty-five percent of Maine’s forestlands have changed hands in the past five years. Some landowners engage in liquidation harvesting, stripping the timber from the land before it is sold to developers.”

“These changes in Maine’s forests threaten to destroy the ecological integrity of vast areas, the economy of places like the North Woods, and the access to these special places that Maine people have enjoyed for centuries. Sustainable forest practices are the key to protecting our Maine woods tradition.... “

“Maine is the first state in the nation to pass both the Forest Stewardship Council and the Sustainable Forestry Initiative audits for its 485,000 acres of publicly managed forestlands. I ... know that we must do more. In all of Maine’s forested areas, we need sustainable timber harvesting, value-added manufacturing, tourism, and amenity-based development, all at the same time!”

Although he has not made it the priority suggested in his speech, Governor Baldacci has moved toward sustainable forestry. DOC and MFS undertook the Future Forest Economy Project, which concluded that industry challenges are due to lack of technology investment rather than environmental regulation. The Governor has followed his campaign pledges to:

- Limit liquidation harvesting—Despite huge pressure, the Governor introduced landmark legislation, made it a top priority, and the bill was successfully passed.
- Enroll more land in sustainable forestry programs—Seven million acres, including all public lands, are now “green” certified. This includes certification by independent Forest Sustainability Council (FSC), industry-designed Sustainable Forestry Initiative (SFI) and Maine’s Tree Farm programs.
- Develop new sustainable forestry programs—MFS is working to improve standards and to develop new small landowner and mill certification systems.

Otherwise, forestry has not been championed within the Administration:

- MFS has been hard hit by budget and position cuts, preventing programs from moving as quickly as needed.
- Though millions of acres are forest-management certified, the predominance of SFI (seen as less rigorous) over FSC (less than 35% of acreage, most of it prior to this administration) has put the credibility of forest certification at risk.
- Protection of “late successional stands” on BPL lands has been an emerging issue in the last three years. The Administration is aware of the importance of conserving these ecologically valuable forests, but beyond altering harvest plans in the Bigelow Reserve, MFS has not begun to put on-the-ground protection efforts in place.
- MFS has minimally educated or encouraged municipalities to adopt new riparian harvesting standards set by the Legislature.

Land Conservation/Open Space

Grade : B

"I support an aggressive program of landscape-scale protection that has no precedent in our history. I want to protect and preserve with both public and private investment, millions of acres of our forestlands and waters, using all the tools available."

"...[C]ollaborative approaches to landscape-scale resource protection ...are the brightest hope for a future that is uniquely Maine. As Governor, I will personally bring efforts such as these together and help lead them under the banner of what we will call the Maine Woods Legacy Project."

"In addition, I will initiate and advocate for a new \$100 million Land for Maine's Future bond to continue the State's collaborative involvement in preserving exceptional places in northern, southern, eastern, and western Maine..."

"I will propose a state-wide natural and cultural resource inventory, to help identify important areas for special care and protection at the local level."

"I will put forward incentives for local landowners, themselves, to conserve worthy properties."

"I will propose tax incentives for gifts of land, conservation easements, and other natural resource enhancement projects."

"I will work with the governors of the Northeastern states to maximize our political strength in seeking federal conservation funds for these efforts."

"I will explore every creative option for using state policy to encourage landowners to preserve the Maine countryside while preserving our natural resource-based jobs."

The Governor's most visible environmental campaign pledge was for a \$100 million Land For Maine's Future bond. This popular program received nothing in 2004, a disappointing \$10 million in 2005, and nothing in 2006. The land bond became a pawn in a larger partisan battle, and responsibility for its very modest success in only one of the three years can be generally shared across party lines. The Governor was unable to deliver on this key promise.

Plum Creek submitted the largest-ever sub-division application to LURC: nearly 1,000 house-lots and extensive commercial development around Moosehead Lake. DOC succeeded in getting the legislature to allow an "extraordinary processing fee" for very large applications before LURC, allowing the agency to hire needed expertise to review them.

DOC has negotiated (or is negotiating) over 750,000 acres of important landscape-scale conservation, through purchases and easements using state, federal and private funds, including:

- West Branch of the Penobscot River
- Machias River and Lakes
- Downeast Lakes
- 100 Mile Wilderness/Katahdin Ironworks (see Wilderness section)
- Mount Agamenticus to the Sea
- Katahdin Lake purchase and land swap.

In ongoing management of state land, the Administration:

- Protected Bigelow Mountain Preserve from new motorized use.
- Created a DOC-led stakeholder process to determine the future of Sears Island.

Marine Resources

Grade : C+

“Beyond our vast forests, there of course are other parts of Maine’s natural heritage equally deserving of protection. Groups are hard at work to bring this about, according to the same principles of collaboration.”

Despite 5,400 miles of coastline and a fishery in crisis, Maine’s marine environment was virtually ignored in the Bowdoin speech, as were its fisherman. Despite two major reports (Pew and US Ocean Commissions) that our oceans are in urgent need of better, ecosystem-oriented management, Governor Baldacci shied away from marine resource issues. As they emerged, he set up task forces to address them (*e.g.*, Ground-fish, Aquaculture), but his appointments have tended to favor industry representatives over conservationists, thereby avoiding serious debate. Considering the importance of marine resources to Maine, his reluctance to show leadership around ocean management reform is disappointing. DMR has been improving the management of several fisheries (lobsters, eels, sea urchins), but the most in peril, ground-fish, has yet to be successfully addressed.

The plight of Maine’s marine resources requires bold, holistic attention that is concerted with other coastal states. Instead the Governor’s response has been fractured and risk-averse. This is an area where despite a qualified and respected commissioner, the Governor has demonstrated a signal lack of leadership.

To his credit, the Governor:

- Backed the designation of Casco Bay as a No Discharge Area by EPA.
- Denied, despite intensive lobbying, the request to exempt cruise ships with advanced wastewater treatment systems from No Discharge Areas.
- Continued/intensified efforts to eliminate “straight pipes” discharging into coastal waters.
- Placed a respected conservationist on DMR Advisory Committee
- Promised to open significant acreage of clam-flats to harvesting within five years.

However, the Governor has so far:

- Failed to take meaningful action to address the decline of Gulf of Maine ground-fish.
- Refused to appoint a conservationist to the New England Fisheries Management Council.
- Failed to adopt bay management practices that reduce user conflicts on the state’s waters.
- Shown lack of leadership on siting a Liquefied Natural Gas terminal on the coast, leaving industry and small communities to fight it out.

Smart Growth

Grade : C+

“Sprawl—low-density development without the benefit of town centers, and with lots of strip malls and traffic jams—is a particular dilemma for Maine. We all want a close-to-home experience of nature. But as we move out from our city and town centers, we use up the very land that we have long enjoyed.”

“Between 1950 and 1990, some 510,000 acres of rural Maine land were converted to urban and suburban settings. The State Planning Office projects that, if present trends continue, by the year 2050 all of coastal Maine from Kittery to Mt. Desert will be classified as urban or suburban...”

“Yes, sprawl costs money; but perhaps more importantly, it changes the very character of Maine life. Values of community, neighborliness, and outdoor enjoyment are threatened when town centers cease to thrive, people spend too much time in their cars, and fields where kids once played are transformed into large, private backyards.”

“As Governor, I want to continue Maine’s recent progress in addressing these issues. I will direct all members of my cabinet to work hand-in-hand with the recently created Community Preservation Advisory Committee. I will charge the combined group with reforming and coordinating our growth policies, so that we may focus on building real neighborhoods and real communities.”

“I will also strengthen our regional planning agencies, so cities and towns that want to grow smarter, lower their property taxes, and preserve their community character will have all the support they need.”

“And, perhaps most important, the state will lead by example through support of Smart Growth Demonstration Projects, built by private developers with help from the Maine State Housing Authority and the Finance Authority of Maine. We will make smart growth choices available to Maine people, at a cost they can afford!”

Considering his campaign pledge, the Governor’s actions on smart growth are disappointing. Some small steps have been taken:

- SPO supported a community preservation bill and was very supportive on community sanitary districts, which will help rural towns have more compact growth.
- SPO is revamping the Growth Management Program and working to re-invent its land-use planning efforts with a report on the effectiveness of comprehensive planning. While this shows promise, real progress has yet to be made.
- The Governor has given support, including funding, to a major study on the effects of sprawl on Maine’s economy.
- He has included \$500,000 for regionalization efforts in the current budget.
- The MSHA has included anti-sprawl considerations in evaluating its projects.

However:

- Funding for the Growth Management Program and the SPO land use team has decreased.
- The Maine Downtown Center has been chronically under-funded and left out of the current budget, suggesting downtown redevelopment is not a priority.

Toxics

Grade : A–

Candidate Baldacci made no mention of toxic waste in his Bowdoin speech, yet as Governor he has worked with the environmental and public health community to find new ways to divert toxics from the waste stream. He:

- Signed an Executive Order to Promote Safer Chemicals in Consumer Products and Services, a nationally significant leadership action to reduce state use of carcinogens, persistent toxics and pesticides; and to develop safer chemicals policies and investment opportunities in green chemistry R & D.
- Supported several bills that make Maine a national leader in reducing mercury (Hg) pollution sources by: improving Hg auto switch law; phasing out Hg batteries and requiring manufacturers to pay \$5 incentive to increase thermostat recycling (both first-in-the-nation); requiring safer alternatives to most Hg uses in consumer products sold in Maine (most far-reaching bill in U.S.); requiring dentists to recycle mercury waste from work on dental fillings; and setting limits on Hg emissions (Governor's Bill).
- Supported, signed and defended – over intensive lobbying from chemical, TV, computer, paint and lumber industries respectively – nationally significant bills requiring safer alternatives to toxic brominated flame retardants in computers, TVs and furniture (second state to act) ; holding manufacturers responsible for recycling computers and TVs (first state to require producer responsibility); requiring paint manufacturers to pay for lead poisoning prevention programs (second state to do so); banning sale of arsenic-treated wood and creating right-to-know about arsenic hazards during home purchase.

On the down side, the Governor's office:

- Did not provide leadership on funds to remove toxic or flammable hazards in schools.
- Opposed a bill to fund statewide collection of household hazardous waste through a fee on paint and pesticides sales (Maine lags far behind other states on this issue.)

Water Quality

Grade : D

“State rankings often show that states with the best environmental records also have the strongest economies and best climates for economic development.”

“When economic opportunities are scarce, there are powerful pressures to relax environmental regulation and abuse natural resources. We must protect the continuing connection between the Maine environment and Maine’s economic well-being...”

“To improve environmental quality, as Governor, I will see to it that the environmental laws we have in place are properly administered and followed.”

Water quality was not a central issue in Candidate Baldacci’s Bowdoin speech, but two issues cloud his environmental record as governor. Actions related to Flagstaff Lake and the Androscoggin River undermine the credibility of his commitment to resist “powerful pressures to relax environmental regulation.”

Flagstaff Lake:

For years, DEP commissioners refused to issue a water quality certificate that allowed a utility owner (Central Maine Power and now FPL Energy) to reduce the water level by 24 feet, destroying aquatic habitat. Against recommendations from EPA, Maine’s Attorney General, and DEP’s technical staff, the new Commissioner reversed this policy in the first year of the Baldacci administration. Abandonment of longstanding interpretations of Maine’s water quality standards has established a dangerous legal precedent.

Androscoggin River:

The same DEP Commissioner lobbied the Legislature to downgrade water quality standards on a section of the Androscoggin. Against the recommendations of DEP’s technical staff, the Commissioner issued a pollution discharge permit to International Paper (IP) that was excessively lenient, allowing more pollution and slowing efforts to clean up the river. The integrity of Maine’s licensing process has been damaged, and the legislation that the Administration encouraged is still in place. A new Commissioner later asked “for an opportunity to have a fresh start and set it right.” While the proposed permit modifications are less lenient, they will not bring the Androscoggin into compliance with the Clean Water Act.

In-Stream Rules:

Critically important DEP standards for water withdrawal from rivers, streams and lakes were allowed to languish for over a year, prompting agricultural interests and water utilities to seek exemptions through the Legislature. The Governor’s leadership will make the difference between success and failure as DEP proceeds with rulemaking.

On the plus side, Governor Baldacci supported:

- Penobscot River Restoration Project, which will open 500 miles to sea run fish (no funds were included in the budget, risking federal funds that require a state match)
- Improvement of Kennebec River water quality (removing the Fort Halifax Dam), and restoration of spawning habitat on the Sebasticook River
- Strengthening Maine’s industrial storm-water program

Wilderness

Grade : B-

“Maine is a very special place. To honor our Maine heritage, we must protect the quality of our natural resources. We must preserve access to our mountains, lakes, rivers, open spaces, and coast for all Mainers. And we must find creative ways to sustain the connection between the Maine environment and the Maine economy.”

(April 15, 2002, Bowdoin College)

“We are committed to strategic state ownership of those areas in Maine with the most critical recreational, scenic, watershed and wildlife habitat resources, along with opportunities for the tradition of backcountry wilderness.”

(*Maine Woods Legacy, November 26, 2003*)

Governor Baldacci originally spoke up for wilderness, and DOC has shown some leadership on controversies over the integrity of wilderness lands. However, although it has created a regional approach to BPL land management planning, DOC has yet to designate any areas in the management plans for back-country non-mechanized recreation. It remains to be seen if the Governor can stay strong against concerted opposition from the paper and forest products industries, and motorized access constituencies. The Administration and DOC have:

- Helped (or are helping) accomplish significant wilderness acquisitions including: 10,000 acres along the Appalachian Trail’s 100-Mile Wilderness; 6,400 acres within Machias River project; 40,000 acres in Debsconeags project; and completing Governor Baxter’s vision for Baxter Park with addition of Katahdin Lake.
- Established stakeholders’ working group to explore economic development, recreational access and conservation throughout 100-Mile Wilderness.
- Opposed the Bush Administration’s repeal of the Roadless Area Conservation Rule and has committed to protecting the Inventoried Roadless Areas (17,000 acres) in the White Mountain National Forest from logging and road-building. The Governor has yet to file a petition to the U.S. Secretary of Agriculture to make these protections permanent.

On the Allagash Wilderness Waterway (AWW), DOC has:

- Closed a portion of the Michaud Farm road and removed some unnecessary structures.
- Withdrawn a much-criticized proposal for another access point (John’s Bridge).
- Organized process to resolve controversial issues through River Driver’s Agreement (RDA).

However, on the AWW, DOC has failed to:

- Adopt required changes in the management plan.
- Implement key RDA and Memorandum of Agreement provisions, putting both at risk.
- Designate new non-motorized areas, while proposing rules to secure access for 19 snow-mobile access points.
- Conduct promised studies of long-term alternatives to dams and bridges.
- Successfully negotiate new land acquisitions in the Waterway.

Further, the Governor was unable to stop a bill undoing significant parts of the RDA, although we note that he decided ultimately not to sign it.

Appointments

Grade : B-

“I will appoint individuals to key cabinet and regulatory positions who share my commitment to public service and who are by training and temperament qualified to act as stewards of Maine’s natural heritage and traditions. I will require that these officials work together to coordinate agency actions.”

Some of Governor Baldacci’s appointments have been outstanding, others less so.

At DEP, Commissioner Dawn Gallagher turned out to be a disappointment. She resigned in 2005, after revelations of improper actions in relation to permitting and enforcement. DEP has suffered from low morale and significant turnover of qualified, senior staff. Although rather late, the Governor’s promotion of Deputy Commissioner David Littell is a serious effort to restore confidence in and morale within DEP. Mr. Littell has demonstrated competence and integrity, and has a reputation for fairness and arriving at well-reasoned conclusions.

At DOC, the appointments of Patrick McGowan (Commissioner) and Karin Tilberg (Deputy Commissioner) demonstrate the Governor’s commitment to forest conservation and sustainability, as does Alec Giffen’s (MFS). All three are well versed in the technical and legal aspects of the natural resources under their jurisdiction. Tilberg was a particularly bold choice given her history as a prominent conservation advocate.

At DMR, Commissioner George LaPointe was reappointed; he has aimed at balancing industry needs with conservation management. While the state of Maine’s ground-fisheries continues to decline, he is a problem-solver on behalf of both resource and harvesters.

At DIFW, Commissioner Dan Martin has shown little leadership in putting forward a vision for the Department, even suggesting that outside groups like Maine Audubon and Sportsman’s Alliance of Maine should underwrite its strategic planning. In fairness, the Governor worked with conservation groups to find a candidate with a wildlife conservation background, but he withdrew.

At the new Office of Energy Independence & Security, Governor Baldacci appointed Beth Nagusky as its director. The Administration’s high score on energy and clean air issues owes much to her leadership.

Some committed conservationists have been placed on the natural resource citizen boards: DMR Advisory Committee, IFW Advisory Committee, BEP. The BEP is a stronger board now than when Governor Baldacci took office. However we are concerned by the nomination to the BEP of a former legislator whose last MLCV score was 10.

General Administration

Grade : C

“To improve environmental quality, as Governor, I will see to it that the environmental laws we have in place are properly administered and followed...”

“Working together, we will protect and enhance the Maine way of life, and in so doing, leave Maine, and the world, a better place.”

Governor Baldacci has been readily accessible during his term in office. He has consulted with environmental groups and sought recommendations for appointments to state agencies and citizen boards. The results have been mixed, but he can be credited for listening, even if he does not always agree in the end. Regular meetings between his natural resources cabinet and the environmental community when the Legislature is in session have proved a useful tool for keeping both sides talking and problem-solving.

But the Administration’s environmental program lacks leadership in many areas, frequently suffers from extreme caution, and too often has no proactive agenda or holistic vision for stewarding Maine’s natural resources. Instead of bold approaches toward his environmental campaign goals, the Governor’s efforts are too often fractured and reactive.

Task forces or working groups have been successful when they include the right parties, have a timetable, and stick to it, *e.g.* the sand dune task force. Others, *e.g.* ground-fish task force and bay management steering committee, lacked important players (marine conservation representatives), or were too open-ended (*viz.* AWW).

The Governor sometimes appears unable to create a successful strategy for achieving his legislative agenda. His office lacks discipline in setting and maintaining priorities. Despite his proven commitment to climate change action, he signed a bill touted nationally by conservatives as a way to undercut action to reduce greenhouse gases. Although DOC was a leader on Katahdin Lake, early failure to engage stakeholders severely hampered the process.

The Administration has a pattern of failing to take a clear position and stick with it. Partly this reflects problems in inter-agency coordination (*e.g.* mixed signals over minimal water quality standards on the Androscoggin.) Partly, the Governor seems easily influenced by charges that environmental efforts will harm the economy (*e.g.* DEP water withdrawal rules). Governor Baldacci later reversed himself on both issues, but it is difficult to be confident that the situation will not change again under industry pressure. Equally troubling is the political vacuum caused by this vacillation. Delay on the water withdrawal rules allowed various interests to lobby for exemptions. Cruise ships came close to being exempted from Casco Bay’s No Discharge Area because the Governor failed to engage in a timely fashion.

The Governor stated in his campaign speech that “economic development need not come at the expense of our environment. Rather, the two will go hand in hand”—but his actions have frequently belied his words. The C grade—not itself a measure of environmental success—reflects a level of disappointment at what might have been, and a frustration that some results might have been better if situations had been managed differently.

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