

# Merrymeeting News

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The Newsletter of Friends of Merrymeeting Bay • Box 233 • Richmond Maine 04357 • [www.friendsofmerrymeetingbay.org](http://www.friendsofmerrymeetingbay.org)

## Friends of Merrymeeting Bay

Friends of Merrymeeting Bay is a 501(c)(3) non-profit organization. Our mission is to preserve, protect and improve the unique ecosystems of the Bay through:

### Education

### Conservation & Stewardship

### Research & Advocacy

### Member Events

Support comes from members' tax-deductible donations and gifts.

Merrymeeting News is published seasonally by Friends of Merrymeeting Bay (FOMB), and is sent to FOMB members and other friends of the Bay.

For more information call:  
Ed Friedman  
Chair of Steering Committee  
666-3372



Good investments for tough economic times. See page 3 for details

## Thrilled & Thankful

I'm writing this on a blustery fall day an hour after Jane Frost and I signed the conservation easement that protects approximately 14 acres of fields, woods and wetland adjacent to our house. We're thrilled! And more than a little thankful to Friends of Merrymeeting Bay (FOMB) for giving us the opportunity to protect a small but wonderful piece of land.

We put our property in a conservation easement for reasons reinforced every time we look out our kitchen window. In spring we see flocks of migrating merganser ducks bobbing about our pond. In summer there's the mallard family moved in for the season, and an American bittern with its strange gurgling call. In fall we're visited by a lone cormorant who feeds on frogs and chubs just before ice-up. In winter we watch deer walk single file from the marsh north of our house to an orchard I planted many years ago. All this wildlife visits our pond and fields because they have the cover and privacy of undeveloped land. Thankfully, the birds and beasts will continue to enjoy that protection long after we're gone.

Thirty-eight years ago, when I moved into our Greek Revival farmhouse above the pond, the landscape north of Richmond was considerably more rural than it is today. We were one of only four houses on what then was called the Pitts Center Road. There was virtually no development. A farmer whose land wrapped around ours, planted corn north and east of our house. Flocks of migrating Canada geese fed there spring and fall.

Then, beginning in the early 1980s, home building began in earnest. Farming ceased in the immediate area. By the early 1990s, cars occasionally pulled into our driveway. "Wanna sell that field over there?" more than one driver would ask. "How about that corner lot?" They were predictable questions, since roughly half our property is roadside frontage. Of course we declined.



An exuberant new easement donor enjoys first ice.

Photo: Jim Ferriss

But the questions depressed us because they pointed to what would happen to our land when we could no longer protect it. Our pond with its outflow brook to the Kennebec, the fields and all the rest appeared doomed as a natural landscape.

We discovered Friends of Merrymeeting Bay by a circuitous route. Jane is an artist and, several years ago, joined other artists invited to do landscape paintings on properties protected by the Kennebec Land Trust. She asked the trust if they would consider our property for an easement. Their volunteers were helpful, but we were out of their territory. We cast about some more, then connected with Friends of Merrymeeting Bay.

On a November day two years ago, an assortment of FOMB Conservation Committee and Board members walked the perimeter of our property: heading north and then east across a field of timothy, then down a steep wooded embankment to a stream-fed marsh and woodland pond created by beaver activity.

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*Ferris/Frost easement uplands**Photo: Ed Friedman*

## Thrilled & Thankful (Continued from page 2)

From there the group walked through woods and out to our east field where, from a ridge, one looks down upon the larger pond.

We were encouraged that Friends of Merrymeeting Bay came out to walk our boundaries, and consider it for easement protection. But we were prepared for disappointment. After all, our acreage is small. The land is two miles from the Kennebec River. Was there enough wildlife on the property to warrant protection? With these reservations running through our minds, you can image our elation when we learned that the Board had tentatively decided to consider easement protection. What followed were a series of pleasant visits by Ed Friedman whose careful documentation of our property includes extensive deed research, ground and aerial photographs and delineation of our homestead tract. It all culminated this morning, Nov. 25, when Jane and I, meeting Ed at the Richmond Town Office, signed documents to protect our land in perpetuity.

Besides peace of mind, there are other benefits to placing one's land in a conservation easement. Doing so lowers municipal taxes on otherwise developable road frontage. Over a period of years, the amount we save will help to offset the fee a landowner pays to FOMB for overseeing the property; thus making sure that present and future owners follow terms of the easement. As to ownership, it's important to note that Jane and I still own our property. We'll continue to garden organically on the conservation land. We can cut dead trees, skate and canoe on the pond, invite friends to walk the land and post 'no hunting' signs to our heart's content.

There's another less tangible, admittedly more tenuous benefit. Everyone sells or wills their house sooner or later, and we've lamented the fact that future owners of

our little house may not value its mid-19th Century architecture we've managed to keep intact. Obviously, a land conservation easement has nothing to do with preserving architectural lines of a house. Still, we're confident that the next owner of our house, whoever that may be, will likely embrace the concept of land preservation. Such a person, we think, will be more inclined to appreciate the lines of a Greek Revival farmhouse than a buyer intent on dividing and developing the property.

Now a bit of advice: if putting your property in a conservation easement appeals to you, do it now! Don't wait for some long-off future day because that day may never arrive. Even if it does, conserving land in old age can be fraught with difficulties. Of our three potential heirs, one applauds land conservation and thanks us. Another is indifferent. A third tried to discourage our decision. We politely dismissed opposition because, after all, we own the property and were not influenced by negative arguments. Had we been ten or more years older, possibly less resolute and maybe contending with health problems, we might have been swayed. The moral: protect your land sooner rather than later.

In sum, we think we've made a great decision, and urge others with eligible property to do the same. Ask yourself: how many times in life do you have the opportunity to make a decision that's good for your neighborhood, good for yourselves and a benefit to the environment? Protecting land through a conservation easement covers all these bases. We're thrilled to have completed the process!

~Lloyd Ferriss

## Invest in the Future; Invest in FOMB!

We are watching a collapsing economy, loss of jobs, and haunted by a strong fear of what's to come. We watched in a matter of days our investments in the stock market dwindle before we could even react. As this uncertainty becomes more of our reality, we understandably find ourselves clutching our wallets a little tighter. But as times begin to get tougher for us, they are tougher too for the environment and the non profits working tirelessly to protect the areas we love and resources we utilize daily.

While we begin to spend and invest less, we cannot stop investing in the environment. A healthy environment is crucial to vital communities and the health of our families and any chance of a sustainable economy. FOMB is an investment that will always have a positive return on your money. Many of us invest for our families and heirs. What better way to say I love you to a child or grandchild than with a major donation to FOMB. Your donations fund invaluable research, vital environmental education in local schools, crucial advocacy work to keep our resources safe, and land conservation efforts that protect our resources, save our communities money, and enhance our quality of life. What better a gift to your grandchildren: 100 shares of General Motors or 100 protected acres of farmland by the Bay, 200 shares of Texaco or vibrant migratory fish populations in a healthy rivers?

FOMB does critical work in our communities to ensure protection of the resources we use and enjoy. And we have always offered a big bang for your buck. Investing in FOMB is an investment you can count on. Our natural areas provide an infinite amount of benefits that are critical to our local economy. The water bodies around you provide clean recreational opportunities and safe drinking water. Wetlands act as flood storage areas and help purify our water by absorbing harmful contaminants. Forested areas sequester carbon emissions

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## Bay Day Dazzles!

September 30<sup>th</sup> marked another successful Fall Bay Day for FOMB. Twice a year FOMB turns the Bay into a classroom for area fourth graders. FOMB believes the best way for children to learn about the environment is to touch, smell, see, and even taste the environment around them. Bay Day is inspiring and vital to our children but it would not be possible without our enthusiastic volunteers.



**Watershed modeling. If only the rest of school was this much fun!**

*Photo: Ed Friedman*

### Thanks to:

**Chaperones-** Joan Llorente, Milo Stanley, Dick Nickerson, Ruth Gabey, Theresa Torrent-Ellis, Mary Beth Sullivan, David Barber, Petey Ambrose, Dana Cary, Ann Hartzler, Tom Walling, Betsy Steen, Steve Musica, Bill Briggs, Fritz Kempner, and Debbie Seybold.

**Guides-** Lee Cranmer, Bill Burgess, Jay Robbins, Tom Weddle, Steve Eagles, Kent Cooper, Kerry Hardy, Ryan Dougherty, Tom Hoerth, Will Broussard, Jason Bartlett, Margot Chabot, Ann Spears, Paul Dumdey, Kathleen McGee, Abby Drew, Judy Chute, Jack Witham, Jason Valliere, Andy Cutko and Ed Friedman.

**Chaperone Coordinator-** Dana Pratt.

Thanks to Wild Oats Bakery for a delightful lunch!

## Autumn Brings to a Close Water Quality Testing for 2008

October concluded the 2008 water quality monitoring year. This year we tested 26 sites and were able to use our data for an upgrade proposal of Class C to B on the lower portion of the Androscoggin River. Our volunteer monitoring program is crucial to examining the health of the Bay but it could not be possible without our dedicated volunteers braving high flows, cold water, and unfavorable weather. We will be spending the next few months compiling and evaluating the data. Keep your eyes open for them on the web this winter!

Special thanks goes to our Water Quality Coordinators, Bill Milam and Kermit Smyth; Ruth Innes for conducting our coliform bacteria analyses; our volunteer monitors: Ed Benedikt, Allegra Boyd, Kermit Smyth, Margaret Soulman, Ed Friedman, Helen Watts, Bert Singer, David Wall, Tom Walling, Nancy Murphy, Judith Hunnewell, Dick Nickerson, Kathleen McGee, Kathie Duncan, Pippa Stanley, Dave Hedrick, Jim Thibideau, Don and Nancy Taylor, Craig Denis, Steve Eagles, Dave Whittlesey, Bill Briggs, Melinda & Ken Emerson, Chris Leo and Dave Parsons. We would also like to thank Peter Milholland and Mike Doan of Friends of Casco Bay for training assistance and John Lichter and Bowdoin College for lab use.

# Coyote ~ America's Song Dog Returns to Maine

Who is this singing ... yipping, yapping, and howling ... in the varied landscapes of Maine, and in your backyard? Coyote! Yes, we can now celebrate the return of this wild canine to the diverse watersheds of Maine.

But who is coyote, and why celebrate coyote's return? For centuries Native Americans of the Southwest and Mexico called him "Old Man", and for good reason. Coyote has roamed this North American continent, and only this North American continent, for at least a half a million years. Coyote survived time and again when many others succumbed to extinction.

Myriads of Native American myths were passed on from generation to generation with coyote chosen as lead character in all their stories. No wonder, since they recognized and respected coyote's intelligence, adaptability, cunning, curiosity and humor in an ever changing world. The ancient Aztecs gave coyote his name, "coyotl", meaning "God's Dog".

But this relationship between the community of man and wild canine was soon to end when the Europeans arrived in North America. Frank Dobie in his classic book, "Voice of the Coyote", wrote "The English-Americans have never taught coyote any language but that of lead, steel, and strychnine." But coyote was not alone in his experience. Many of our native wildlife were either pushed to the edge of extinction, or their populations were destroyed – the wolf being one of them. But not so coyote.

Federally supported "predator control" was initiated early in the 20<sup>th</sup> century, and amazingly has been institutionalized and continues to this day. So your tax dollars and mine support the slaughter of near 85,000 coyotes each year. The tragedy is that most Americans have no knowledge of this "war" on our native wildlife.

Although coyote was and is the major focus of "predator control", coyote has survived, and beat the odds once more ... and then went on to do something amazing. Coyote is like the middle child in the wild canine family: wolf being the larger, older brother and fox being the smaller, younger sister. For centuries coyote lived with wolf, but very cautiously. It was important for coyote to stay outside wolf territory and "live on the edges" if coyote wanted to survive. Living in the deserts of Mexico and Southwest states of the US also gave coyote the vantage point of seeing if wolf was coming. If caught by wolves, coyote would find death for certain.

With the extinction of the wolf in the lower 48 states, the clearcutting of our virgin forests, and the constant scourge of "predator control", coyote got to thinking: "Let's go trekking." So with the change of his habitat, coyote changed

his habits. Coyote started trekking ... from the Southwest he trotted to Alaska and Canada, and on to the northern Great Lakes states, and into Ontario and Quebec. There in eastern Canada coyote met with the "remnants" of the Eastern Canadian wolf population. Behavior of

these wolves toward coyotes was different, as these wolves have suffered severe persecution through intensive hunting and trapping ... thus breaking down their complex social structure. Much research has been completed and is ongoing as well, regarding the offspring of coyotes who mated with these wolves. We know that many of our coyotes in the east have varying degrees of wolf genes ... but they remain coyotes in appearance and behavior.

Sometime in the 1960s to 1970 coyotes returned to Maine and have settled in very well ... from Houlton to Kittery you can hear their song. Yes they have returned. Archeological

research has shown that coyotes lived in the East 30 thousand years ago. What caused coyote to leave the East? We do not know.

And so what is coyote thinking up next for Maine? To start, this amazing journey of the coyote back to the East can be seen as part of Nature's Great Design. For over a century our Maine forests and fields have been without a large canine carnivore. Coyotes are carnivores ~ they need to kill another animal in order to survive. By doing so, they initiate the system of predation, which works for the health of all species, and drives the entire ecological system. Much research is being carried out around the world regarding the value of carnivores and their

positive effect on biodiversity.

Coyotes, unlike wolves, have found ways to live among us. They live in our forests, our backyards, our farms and our cities. Their long history of living on the edge with wolves has enabled them to live along side of us ... often unnoticed. When we recognize that not only our forests, but also our backyards, farms and cities are complex ecosystems of their own, then we can begin to understand the vital role coyote is playing as he lives among us.

So coyote is asking us to reconsider our relationship with him and to feel comfortable having "wildness" in settled places. Dell Hymes in his "Fivefold Fanfare for Coyote" writes:

***"...Never will he go from this land,  
Here always, as long as the land is,  
That is how Coyote is in this land..."***

~Geri Vistein, Conservation Biologist with Coyote Project  
For more info: [www.projectcoyote.org](http://www.projectcoyote.org)



Photo: Ed Friedman

# Maine Law Court Says No to Democracy

On the heels of their decision voiding the rights of over 4,000 voters who signed a petition to put Independent US Senate candidate Herb Hoffman on the ballot, Maine's highest court recently decided in FOMB's appeal case, the right to appeal a state agency decision exists in name only.

In the Hoffman case, the Maine Supreme Judicial Court decided while only three signatures of the over 4,100 Hoffman collected were called into question, all must be thrown out. This decision reversed that of the Secretary of State, Superior Court and their own long standing precedent, and denied over 4,000 voters the fundamental right to have their voices heard.

The FOMB appeal began with the Board of Environmental Protection's rejection of fish passage petitions filed to modify water quality certifications for dams on the Kennebec and Androscoggin Rivers and against the rebuilding of a dam on Messalonskee Stream which the Board allowed to proceed, contrary to law and common sense, with no fish passage provisions.

The Kennebec [where there are ongoing efforts in place to improve fish passage] petition was accepted by the BEP and allowed to go forward to a full adjudicatory hearing, the [second] Androscoggin [where of 17 dams only the lower three have fish passage] petition was rejected and on the Messalonskee, a dam absent for years, was actually rebuilt without proper licensing while the petition was denied.

Maine statute and DEP Rules explicitly say any person aggrieved by "any" Board decision may appeal to Superior Court in accordance with the Maine Administrative Procedures Act ("APA") [38 M.R.S.A. § 346(1) (2001 & Supp. 2007)], The APA Rules of procedure say an appeal may be had when "review of final agency action would not provide an adequate remedy," [5 M.R.S.A. § 11001(1) (2002)]. The DEP Rules lay out about eight permissible reasons for appeals including decisions that are "arbitrary and capricious."

Appellants FOMB, Ed Friedman and Doug Watts sought independent review by Superior Court of the BEP orders. We asserted the Board's decisions were unsupported by substantial evidence on the whole record, a ground for reversal set forth in 5 M.R.S.A. § 11007 (4)(C)(5); were arbitrary, capricious and characterized by abuse of discretion, a ground for reversal found in 5 M.R.S.A. § 11007(4)(C)(6) and violated statutory provisions of the Clean Water Act and the Board's enabling statute, a ground for reversal found in 5 M.R.S.A. § 11007(4)(C)(1.)

In all cases the lower courts determined they did not have jurisdiction because the BEP's multi-page Findings of Fact" were not "Final Orders" [though for all intents and facts, they fit the definition]. At one BEP hearing our mouths dropped as the Assistant Attorney General staffing the Board specifically instructed the DEP Hydro Coordinator to not title the findings "Final Orders" in order that our chances of successful appeal would be minimized. We confidently felt

any judge would see the transparency of this ruse but Superior Court judges swallowed hook line and sinker.

Our appeal to the Law Court protecting the fundamental right of appeal was supported in an amicus brief filed by Forest Ecology Network, Penobscot Bay Watch, Peace Action Maine and Friends of Sebago Lake. The Court agreed with us on the matter of jurisdiction articulating that because the definition of a final order was met in all cases, the BEP orders were, in fact, "final", no matter what the Board chose to call them.

Instead of simply remanding the case back to Superior Court for a review on the merits, as they should have done, the Court began plowing new ground by going on about how despite all of the specific language allowing appeals, the Board had the discretionary *option* to act as evidenced by use the word "*may*" instead of "*shall*." The Court ignored our arguments and citations addressing this contradiction and offered no analysis on this point or on much else.

5 M.R.S.A. § 11007(4)(C)(6) (2002), which sets forth the manner and scope of judicial review of administrative actions, provides that a court can "reverse or modify the decision if the administrative findings, conclusions, inferences or decisions are characterized ... by abuse of discretion." This provision would make no sense if an agency decision that is discretionary cannot be appealed. Tellingly, while the federal APA at 5 U.S.C. § 701(a)(2) provides that judicial review provisions do not apply to agency action that "is committed to agency discretion by law," there are no such provisions in the Maine APA. This is important. Citizen boards and department commissioners are all political appointees nominated by the Governor's office or executive branch. While many are approved by legislative committees, the process is still highly political. In order for balance of power or "checks and balances," fundamental tenants of our democracy, to work, there needs to be the readily available option of independent review. Typically this comes from the judicial branch of government [often not as seemingly independent as we'd like, but the best we've got].

As attorney Dave Nicholas wrote in our brief to the Supreme Court: "another commentator on administrative law noted in a seminal article on review of agency action, subjecting the Executive to the rule of law was on the minds of this Nation's founders:

*... 'Arbitrary government' had been among the evils listed . . . in the Declaration of Independence. Americans did not strike the fetters of English arbitrariness in order to convert to homemade shackles. '[A]bhorrence of caprice' . . . remains a 'fundamental value' . . . Vast powers are not delegated to make possible oppression. In a democratic system abuse of power is intolerable; it carries the seed of corruption and a threat to the entire democratic fabric.*

Berger, Administrative Arbitrariness and Judicial Review, 65 Col. L. Rev. 55, 55-56 (1965)."

## SOS: Save our Salmon=Save our Selves=Save our Souls: There is No Difference

The majestic Atlantic salmon, Latin name *Salmo salar* meaning “the leaper”, is an iconic fish here in Maine. But this legendary fish is experiencing a devastating fate. Historically Atlantic salmon ranged throughout the northern Atlantic Ocean from Connecticut to Quebec. However, for the past thirty years the species populations have been suffering a ruinous decline resulting in a loss of over 90% here in Maine. This year 17 Atlantic salmon returned to the Androscoggin River and 22 to the Kennebec River.

This is a species that needs attention now. Many citizens and businesses of Maine feel that the numbers of salmon are so minimal that they are not worth saving. The Endangered Species Act [ESA] was established to protect every organism from extinction. There is no standard saying that if a population is “too low” then we should not bother. The ESA says actually the opposite; if a species is in danger of extinction we should do everything possible to attempt restoration of their populations. The ESA prevents us from just giving up.

There are numerous concerns about what might happen when the salmon are listed. Some businesses [often larger ones with vested interests like dam and mill owners] are instilling fear into citizens that our economy will collapse, businesses will move out of state and our infrastructure will go neglected. These are irrational fears. Economies do not collapse because a species is listed as endangered, businesses do not just move out of state to avoid endangered species, and Maine DOT will not stop fixing our roads because the permitting process will be too lengthy.

Maine already holds dozens of endangered species and we never hear horror stories about living with them. Atlantic salmon being listed as endangered on our major rivers will be a step in the right direction for our state. Finally, attention will be brought to faulty fish passages that are preventing all diadromous fish from passing freely through these barriers. Without access to spawning and nursery habitat for many of these critical forage species, the Gulf of Maine fishery is doomed to fail. More attention will be brought to the pollution entering our rivers. We have worked hard to clean the rivers in Maine but many still remain polluted. An endangered listing of salmon on the Androscoggin, Kennebec and Penobscot rivers will prevent our state from ignoring some of our serious and persistent environmental issues.



"And then there were none"

Photo: Doug Watts

When our elected officials and businesses advocate against the preservation of iconic species like Atlantic salmon we need to question their motives. Why should we turn our heads and let salmon die with the stories of our forefathers. I grew up hearing epic stories from my grandfather about salmon fishing the profound rivers of Maine. I hope to be able to tell my own stories of salmon fishing in Maine to my grandchildren. I hope they will one day laugh at my stories of this species facing extinction. Most importantly, I hope I will not have to tell my grandchildren stories of species they will never be able to fish for here in Maine and tell them we just turned our heads and let them die.

Public hearings were held November 5<sup>th</sup> in Augusta and November 6<sup>th</sup> in Brewer on a proposed designation of Critical Habitat and expansion of the endangered status to include those salmon in the Kennebec, Penobscot and Androscoggin Rivers. Public comments for the endangered species listing were due on December 2<sup>nd</sup> and Critical Habitat December 4<sup>th</sup>. A final decision on both issues is under court order to occur by May 2009. The proposals have come about thanks in part to a 2005 ESA petition submitted by FOMB, Doug and Tim Watts and the Maine Toxics Action Coalition and to a 2008 lawsuit filed by FOMB, Doug Watts and the Center for Biological Diversity.

~Misty Gorski

Friends of Merrymeeting Bay · Box 233 · Richmond, Maine 04357

**Membership Levels**

- \$1,000+ Sturgeon
- \$750 American Eel
- \$500 Wild Salmon
- \$250 Striped Bass
- \$100 Shad
- \$50 Alewife
- \$20 Smelt
- Other

Name \_\_\_\_\_

RR# or Street Address \_\_\_\_\_

Town/State/Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email \_\_\_\_\_

- Renewal
- New Member
- Send me information about volunteer opportunities.

\$7 Enclosed for a copy of *Conservation Options: A Guide for Maine Land Owners* [\$5 for book, \$2 for postage].

**Friends of Merrymeeting Bay**

**Steering Committee**

- Ed Friedman, Chair (Bowdoinham)
- Nate Gray, Acting Secretary (Freeport)
- Steve Musica (Richmond)
- Pippa Stanley (Richmond)
- Vance Stephenson, Treasurer (Wilmington, NC)
- Tom Walling (Bowdoinham)
- David Whittlesey (Bowdoinham)

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- Bill Milam 443-9738
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**Executive Coordinator**

Misty Gorski 582-5608 email: fomb@gwi.net

Thanks to Misty Gorski for design and layout of this newsletter edition.

*Invest in the Future... Continued from page 3*

that are linked to global warming and provide habitat for wildlife species. Open space provides farm land for local farmers to produce foods that will feed our families. Safe fish passage ensures that numerous fish species critical to Maine's fishing industry will continue to thrive in our waters. Without these resources located in our back yards we would be paying significant amounts to account for their losses. Not only do we have to pay for clean water but the transportation and production of a resource that is present at no cost to us right now. If we lose populations of our native fish we also lose jobs associated with this industry including tourism, whether for recreational fishing or people drawn to visiting fishing communities and active wharfs. Food from away brings higher transport costs, increased flooding from wetland loss means higher insurance rates, contaminants translate to increased health care costs and loss of productivity at work and school. Threats to our environment are threats to our livelihood now. Action can't wait for the economy to bounce back.

The protection of our environment protects our quality of life, our jobs, and the uniqueness of our communities. Right now FOMB is in the midst of our Annual Appeal, a time where we ask our dedicated members to give an extra end of the year donation to further our work in the Bay area. We hope our members and other environmental enthusiasts, like you, will pull together during these trying times to support work essential to this area we love. What we do now will impact the future of our area and the life we want to leave our children. Isn't preservation of a unique resource an inheritance worth leaving for your children?

~Misty Gorski

**Condolences**

Three long-time wonderful supporters of FOMB have died in the last couple of months. Kay Evans of Bowdoinham and Macky Bennett of Brunswick each too young, lost their battles with cancer while Dot Prout of Bowdoinham at 94 succumbed to pneumonia. Our loving thoughts go out to their families and friends. Their full obituaries may be found on the Times Record web site.



**Bay Day goyotaku mural: The kids get it!**

Photo: Ed Friedman



**Friends of Merrymeeting Bay**  
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*Maine Law Court... Continued from page 5*

Not to make “too fine a point of it”; our work at FOMB is holistic and affects far more than the ecology of Merrymeeting Bay. Democracy is found and sustained in all manner of ways. As we seek to balance our burdened eco-system, we find we also are educated to the reality of true democratic principles. Even if one is not so inclined to, as one Senator stated sadly in a committee hearing, “support the lowly eel”, the work we do has found its way into very important, basic democratic rights. As we continue our legal work we find that protecting the species for whom we are fighting leads us right back to our front door... protecting our most closely held beliefs in a democratic system.

~ Ed Friedman & Kathleen McGee

## Notice— Proposed By-Law Change

**Notice of proposed By-Law Amendments to be presented at the January FOMB Annual Meeting as recommended by the Steering Committee [SC].**

1. Article. III-A: Reduce SC size from 11 to 9.
2. Article III-F: Reduce SC quorum from 6 to 5.

Discussion: 1. Over the past several years the SC has remained around 9 members. The SC feels strongly that a committee of 9 members would promote a strong, productive and more practical SC for FOMB. 2. Current recommendations (Maine Association of Non-Profits) of Board size for a group like FOMB range from 9-12 members. The FOMB Steering Committee proposes amending the by-laws to reduce the number of Committee members from 11 to 9 and the number constituting a quorum from 6 to 5. This change will be addressed and voted on at the Annual Meeting January 8<sup>th</sup>.

## Give Green this Holiday Season!

If you are shopping for the holidays consider giving some business to F.W. Horch Sustainable Goods & Supplies at 56 Maine St. in Brunswick. Mention our name, and from November 23-December 24, Horch will donate 10% of all profits from your purchases to Friends of Merrymeeting Bay. Consider shopping locally, purchasing some energy/cost-saving devices and supporting FOMB all at the same time! Good for store, phone and internet sales. And the environment!

Giving Green landing page: <http://www.FWHorch.com/givinggreen/?group=3>

Home page: <http://www.FWHorch.com/?group=3~>

Holiday Hours: 7 days a week between November 23 and December 24