

Maine: Advocates rally for safer water for tribe, Page A3



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## Today's

### Headlines

#### Sports

Scheffler is hottest player in golf who never thinks beyond the next shot

#### Local

High utility costs drive increase in RSU 1's proposed budget

Topsham webinar to focus on solar benefits

# Frustrated by electrical towers, group looks to U.S. Supreme Court for relief

Friends of Merrymeeting Bay appealed to high court after 2 Maine courts rejected their nuisance complaint about flashing lights on towers near the Chops Passage

BY JOHN TERHUNE  
*Times Record staff*

After two Maine courts dismissed a local environmental group's nuisance complaint against Central Maine Power, plaintiffs moved Friday to bring their case to the U.S. Supreme Court, according to a press release from the organization.

Along with three individuals, Richmond-based

nonprofit Friends of Merrymeeting Bay filed a petition for a writ of certiorari, the first step in appealing a case to the Supreme Court. According to the organization's Chairman Ed Friedman, the request is a last resort for Friends of Merrymeeting Bay.

"Really, this is our only next legal step that we could take," Friedman said. "Our attorney has handled a lot of cases

over the years, and he did mention this was probably the first one he has encountered that he thought had good potential for being a question worthy of U.S. Supreme Court."

Questions about federalism and the power of administrative agencies sit at the case's center, according to William Most, who represents Friends of Merrymeeting Bay.

Friedman and his group object to flashing lights and a radar system that Central Maine Power installed on two electrical towers in Bath and Woolwich near the Chops Passage around 2018. When activated, the system's 10 lights flash 60 times per minute, which creates a "strobe-like effect" visible over an area of nearly 4,000 square miles, according to court documents.

Please see **COURT** on A10

gious but, like the original omicron variant, is less severe than earlier strains of the coronavirus.

Dr. Anthony Fauci, a COVID-19 adviser to the White House, told reporters recently that while he believes there may be a rise in cases stemming from BA.2, it may not lead to a significant spike in hospitalizations, because of high levels of vaccination and prior infection immunity.

Meanwhile, wastewater testing at various Maine sewage treatment plants is showing mixed results, with increases in virus prevalence in some areas, including a big jump in Bangor last week followed by a decline Mon-



SHAWN PATRICK OUELLETTE / PORTLAND PRESS HERALD

Testing wastewater finds “people who are symptomatic as well as asymptomatic, people who are tested and not tested,” says Dr. Yolanda Brooks, assistant professor of biology at St. Joseph’s College in Standish.

day. Testing is typically conducted twice per week at most plants.

Bangor’s virus prevalence — at 1.3 million copies of the virus per liter of sewage last week

## Court

From Page A1

Administration recommending the installation of a lighting system to alert aircraft to the towers.

Plaintiffs argue allowing even non-binding recommendations from federal agencies to trump state law could sap power from state and local governments.

“If the reasoning of the Maine courts’ rulings is extended to other areas, it could impact the

state’s ability to regulate broad swathes of activity, such as food safety, traffic enforcement, and recreational fishing,” said Most, who is based in New Orleans. “That is because federal agencies make recommendations about all those topics, and under the logic of the courts’ decisions, that could prevent the state from being involved.”

A spokesperson for Central Maine Power declined to comment on the ongoing litigation but argued the light system is required by the FAA.

While Friends of Merry-

meeting Bay’s petition for a writ of certiorari could move the Woolwich dispute to Washington, fierce competition for the attention of the Supreme Court makes that result unlikely, according to according to Dmitry Bam, Provost and Professor at the University of Maine School of Law.

The Court receives a large number (I believe around 10,000 these days) of petitions every year,” Bam wrote in an email. “The Court only hears about 70 cases a year. The odds of the petition being granted are extremely small.”

samples first started being reported to Biobot and levels were at about 2 million copies per liter of sewage. But Bangor’s current COVID-19 wastewater levels are also much higher than in mid-to late-March, when levels were at about 200,000 to 300,000 copies per liter.

However, other plants are experiencing slight increases or flat levels, including Portland Water District plants in the East End and in Westbrook, Brunswick, Lewiston-Auburn and York. Decreases were recorded in Belfast, Blue Hill and Presque Isle.

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### Conceptis Sudoku Puzzle answer

4	3	2	7	6	9	1	5	8
5	7	9	1	3	8	6	4	2
6	1	8	2	5	4	7	9	3
7	6	4	8	2	5	9	3	1
9	2	5	3	1	7	4	8	6
1	8	3	9	4	6	5	2	7
2	4	1	6	9	3	8	7	5
8	9	6	5	7	2	3	1	4
3	5	7	4	8	1	2	6	9

Answer to puzzle  
from Calendar Page

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