

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-ONE

**JOINT RESOLUTION, EXPRESSING THE SENSE OF THE
LEGISLATURE REGARDING THE USE OF PUBLIC LAND
LEASED BY THE STATE**

WHEREAS, in order to protect state park land, public lots and other real estate held by the State for conservation or recreation purposes, in November 1993 Maine voters amended the Constitution of Maine, Article IX, Section 23 to affirm that "State park land, public lots or other real estate held by the State for conservation or recreation purposes and designated by legislation implementing this section may not be reduced or its uses substantially altered except on the vote of 2/3 of all the members elected to each House", thereby requiring a vote of 2/3 of all the members elected to each House of the Legislature to approve any substantial alteration in the use of that state park land, public lots or other real estate held by the State for conservation or recreation purposes; and

WHEREAS, the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands in December 2014 leased to Central Maine Power Company, or "CMP," a right-of-way that is a 300-foot-wide, approximately one-mile-long transmission corridor across public reserved lands in West Forks Plantation and in Johnson Mountain Township; and

WHEREAS, the clearing and placement of large transmission towers and lines on a 300-foot-wide right of way bisecting constitutionally protected and unique public reserved lands for an approximately one-mile-long strip of land is a substantially different use of these public lands; and

WHEREAS, in contravention of the Constitution of Maine and the implementing statute, the Maine Revised Statutes, Title 12, section 598-A, the Legislature was not afforded an opportunity to review or approve the lease to CMP of the above-mentioned public reserved lands in West Forks Plantation and in Johnson Mountain Township, which will substantially alter designated public reserved lands; and

WHEREAS, in February 2020 the Joint Standing Committee on Agriculture, Conservation and Forestry unanimously supported L.D. 1893, as amended, in order to adopt findings that the public lands lease for the so-called New England Clean Energy Connect project constituted a substantial alteration requiring legislative approval and thus violated the Constitution of Maine, Article IX, Section 23; and

WHEREAS, following the adjournment of the 129th Legislature, the Bureau of Parks and Lands began renegotiating the above-mentioned lease and an amended and restated lease was signed on June 23, 2020; and

WHEREAS, on March 29, 2021, the Joint Standing Committee on Agriculture, Conservation and Forestry, on a vote of 12-1, sent a letter to the Commissioner of Agriculture, Conservation and Forestry and the Director of the Bureau of Parks and Lands stating that the amended and restated lease between the Bureau of Parks and Lands and CMP was renegotiated, amended and signed without any communication or outreach to the Legislature, and again

memorialized the committee's findings that any lease of public lots or other real estate designated under the Maine Revised Statutes, Title 12, section 598-A to CMP described in Public Utilities Commission Docket No. 2017-00232 constitutes a substantial alteration of the uses of such real estate under the Constitution of Maine, Article IX, Section 23 and accordingly requires the approval of the amended and restated lease by a vote of 2/3 of all the members elected to each House of the Legislature; and

WHEREAS, on May 18, 2021, the Joint Standing Committee on Agriculture, Conservation and Forestry, on a 12-1 vote, sent an additional letter to the Commissioner of Agriculture, Conservation and Forestry and the Director of the Bureau of Parks and Lands, further emphasizing the committee's finding that the above-mentioned lease and amended and restated lease constitute a substantial alteration and that the Constitution of Maine, the highest source of law on the matter, unambiguously requires that a substantial alteration of public lands requires legislative approval; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirtieth Legislature now assembled in the First Special Session, on behalf of the people we represent, express our sense in accordance with the Constitution of Maine, that the lease provided to CMP to cross the public reserved lands in West Forks Plantation and in Johnson Mountain Township constitutes a substantial alteration of those lands, requiring a 2/3 vote of all the members elected to each House of the Legislature.