

Winslow, South China, and Maine
... and
95 Mineral Springs Rd.
Highland Mills, NY 10930

March 17, 2024

Senator Stacy Brenner
Representative Lori Gramlich
Committee on Environment and Natural Resources
c/o Legislative Information Office
100 State House Station
Augusta, Maine 04333

Re: LD 2266 “An Act Regarding Offshore Wind Terminals Located in Coastal Sand Dune Systems” but as major substantive rulemaking & – regardless – ONTP

Dear Senator Brenner, Representative Gramlich, and Committee Members:

I am Greg Cushman Robie. I have a reconsideration before you concern a Application for Legislative Review and our DEP’s repeal and replace alleged ‘routine technical’ rulemaking. Please recall that the Executive Orders relating to rulemaking of both the present Officeholder and the previous Governor violate our Constitution, Article III., **Distribution of Powers**. Rulemaking is a delegated Legislative Branch power, and this to agencies alone.

Without the unconstitutionality of our Office of Governor’s Office overreach of executive power regarding routine technical rulemaking redressed, Rep, Runte errs by filling LD 2266 as qualifying for routine technical classification of rulemaking. The DEP has recently completed a major substantive rulemaking process concerning costal dunes. LD 2266 is not site specific and thereby can be applied arbitrarily, capriciously, and dismissively of a major substantive rulemaking process which the Legislature, itself, apparently yet to review (the previous version of the Rule chapter is yet published by our Secretary of State). LD 2266 needs to be major substantive rulemaking, particularly in lieu of the unconstitutional Executive Orders’ overreach of legislative branch power by the executive branch power being redressed. The Governor has executive powers that allow for declaration of emergencies that are consistent with Article V. Rulemaking is the business of the People that is delegated to and by the legislative branch. It is their Constitutionally protected purposed speech as humans for this purpose: the better Ordering and Preservation and Furtherance of the Common Good of humans AND for humans AND by humans. This #PurposedSpeech is the Home Rule Power of the People. (Mayflower Compact/ Plymouth Combination – and within our covenant bond – as bedrock Common Law; also Article 1., Section 2. of our Constitution).

While the text of LD 2266 is generic, to the degree it applies to Sears Island in our Penobscot Bay, please review the following topographical map of Sears Island. Please note that the causeway to access Sears Island is subject to submersion this Century with the most current estimates of sea level rise that do not include the anticipated shut down of the AMOC between

2025 and 2095 and this shut down's impact of the sea level along the East Coast, including Maine.



Also, please note that there are extensive wetland mapped on this topographical map in the most terrain-friendly area of the island and this is true relative to its proximity to rock jetty as well.

To the degree LD 2266 as a Governor's Bill is conceived to be applicable to Sears Island, it is the very island nature of the geology that renders a terminal on Sears Island, even via an Executive Emergency declaration, less than well conceived.

For the above reasons and reasoning, LD 2266 ONTP. Please review and consider the #BeltwayOfBills testimony that is also relevant to this bill. Thank you for reviewing and

considering this testimony as the #PurposedSpeech of the People. I am more than happy to answer any questions and to be available when this bill is workshopped if this would be helpful.

=)
Greg

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