

Testimony offered in opposition to LD 226 *An Act to Protect the Cultural Resources and Historical Heritage of Sears Island in Searsport by Extending Conservation Easement Protection*, and LD 735 *An Act to Protect Sand Dunes on Sears Island and to Establish Criteria for Legislation Regarding Land Development*

by

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Sen. Tepler, Rep. Dondera, members of the Joint Standing Committee on Environment and Natural Resources, I am Dennis Damon. I live in Trenton. Although I currently serve on the Maine Port Authority Board of Directors, the Maine State Ferry Service Advisory Board, and previously was a member of Gov. Mills' Maine Wind Port Advisory Group, the testimony I have for you is solely my own and should not be construed to be coming from them. Rather, I hope my resume provides some context for my remarks.

Additionally, I once served in this legislature as a Senator from Hancock County. In that capacity I chaired the Joint Standing Committee on Transportation, a fact particularly relevant because it was during my tenure that the Transportation Committee was instrumental in helping craft the current agreement which describes the division and uses of Sears Island.

A brief history of Sears Island as I understand it, is that in the early 1990's the island was purchased by the State of Maine during the King administration. Specifically, it was purchased by the Department of Transportation. I believe John Melrose was Commissioner. Though I know of no particular use intended for the island other than for 'transportation related' purposes specific to port development, it was strategically important for the future of the port at Searsport. The state had at that time, and continues to have, a three-port strategy naming Searsport, Eastport and Portland as vital in its mission connecting Maine with the rest of the world via maritime commerce. It is not difficult to understand the economic importance to our state of that vision.

Subsequently, when the MDOT announced any plans for development on Sears Island, property it owns, they were immediately met with objection from various factions. Recognizing those factions, often identified as 'friends' or 'concerned citizens' or similarly inclusive yet vague monikers, had their own interests for Sears Island was critical.

The state, during the Baldacci administration, worked to find a solution for the future use of Sears Island that would be acceptable to all.

This was no simple task. The size of the table was large to accommodate all interests. There were groups representing conservation, education, environment, business, marine travel, government (local, county and state), transportation and economic development included in the lengthy discussions. At long last an agreement was reached that did not specifically address what development could go on the island, but did specifically identify numerous things that could not be pursued. The unanimous "Buffer Conservation Agreement" was signed and recorded in the Waldo County Registry of Deeds. Two-thirds of the island were to be designated for conservation and education uses and one-third was to be retained for use by the MDOT. WHEW! Finally, a solution that everyone could live with.

My sense of relief and satisfaction began to erode soon after the signed agreement was announced when there were reports that some of the signatories were openly claiming that NOTHING would EVER be built on Sears Island. Imagine my disappointment and sense of betrayal. I realized for the first time that no matter what the special interest minority wanted on Sears Island, no matter what they got, it would never be enough if it was less than total control of this state-owned island.

And so, here we are today dealing with the latest proposal that will have catastrophic long-term consequences for Maine's ability to invest in and capitalize on its economic future.

As for LD 735, its provision for a super majority vote gives total control to the minority thus subjugating the basic tenant of democracy ... majority rule. It limits your role of providing for the common good.

If a legislator introduces a bill that affects an area outside their district, and it is a mistaken initiative it will be defeated when it arrives on the floor. The legislator should be adequately constrained by peer pressure and common sense, not by law.

If the five tribal governments are to part of the approval process for Sears Island there should be equal representation from local, regional and state governments. And that same standard should be considered for all development statewide not exclusively Sears Island.

As for 'red herrings' raised to distract and dissuade, it is my opinion that we currently have sufficient laws and regulations in place to adequately protect the environment should it be endangered. Again, not a law specific to Sears Island.

Therefore, men and women of the committee I urge you to vote 'ought not to pass' on the two LD's before you today.

Thank you for your time and attention. I am happy to entertain your questions.