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March 29, 2025

LD 531, Environment and Natural Resources, March 31, 2025, 10:00 a.m.

While I am in favor of maintaining the water level on Toddy Pond and appreciate the committee members efforts to craft a solution to the Toddy Pond dam abandonment issue, I have major reservations concerning the provisions outlined in, **LD 531, PART B, Toddy Pond Watershed Management District**, which, as written, places an undue burden on shorefront property owners.

This proposed legislation has been created out of desperation resulting from a recent petition to abandon the Toddy Pond Dam. A group of concerned citizens with very little time to act and absolutely no money want to own the Toddy Pond Dam without assuming any liability and have chosen to accomplish that feat by creating a state law and becoming a government entity. Ultimately, the State of Maine, according to this law, will force shorefront property owners to enter into an open-ended contract with this "quasi municipal" entity without their consent and absent any stated appeals process. If a shorefront owner refuses to pay the assessed amount, the State of Maine, in this legislation, grants the board of trustees of this "quasi municipal" entity the authority to add interest and late fees to the unpaid assessment as well as place a lien on the owner's property.

Laws are difficult to change once enacted. If passed as written, what precedents will be set? This group of nine individuals will be granted an astonishing amount responsibility, power, and authority over townspeople living in the four participating towns as outlined in **Sec. B-3. Powers; responsibilities**. The the only significant restriction in this bill is the stranglehold it places on shorefront property owners. Moreover, the membership of the board of trustees of this "quasi municipal" entity and voter sentiment will shift from year to year adding to a lack of continuity and uncertainty around the equitable and effective administration of this complex mandate.

Nowhere in this proposed legislation are there any guardrails around the amount of money any one individual will be required by law to pay. While the proposal gives the entity the right to raise funds by means other than taxation, it is under no obligation to do so. There is no language requiring the entity itself to acquire capital in order to assume responsibility for any of the costs involved with ownership of the dam nor for emergencies such as the repair of damages caused by extreme weather events. The only folks obligated to pay are shorefront property owners. With so many future unknowns baked into the business of dam ownership, how is it reasonable to expect shorefront property owners to enter into such an open-ended agreement?

My husband and I are not wealthy people, however we have taken advantage of real estate opportunities throughout the years and now own four properties in Penobscot. If this legislation is passed as is, will we will be assessed four times over to cover dam costs? Any resident without shorefront property would have the right at town meeting to vote against that charge, however we are stripped of that right. Whether we vote for or against, having a shorefront lot, we will be charged the entire amount. No one individual should be forced to pay this fee multiple times over while the "quasi municipal authority" and the participating towns can choose zero percent financial responsibility. I am certain we are not the only property owners in the participating towns who will be upset when faced with this situation.

I have never been at a town meeting in Penobscot where one group of tax payers has been given the right to refuse to pay their portion of any particular warrant article while consequently shifting that burden onto another set of residents who have no option to refuse. This proposed legislation will pit residents against one another and likely result in animosity between neighbors and for the dam project itself. Is this unequal treatment acceptable? Tax payers are always required to pay their fair share.

We bought our place on Toddy Pond with the understanding that the property taxes would reflect the increased value of shorefront lots. We also understood that the Bucksport Mill owned the dam and water rights on Toddy Pond and had control over the water level. We were willing to assume that risk. We never agreed to be responsible for paying to maintain the water level on Toddy Pond in order to preserve our property value nor to preserve the resulting increased tax revenue for the town.

There are over 500 property owners on Toddy Pond yet less than 30% of them pay the annual \$30 Toddy Pond Association membership fee. If property owners refuse pay the annual assessment and there are bills to pay, where will the money come from and who will be tasked with forcing those noncompliant residents to pay? Are liens the best way to foster productive community relations?

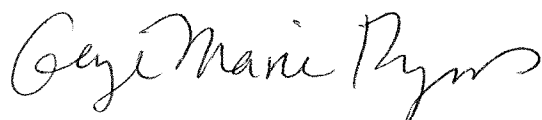
Toddy Pond is an important natural resource providing wildlife, recreational and financial benefit to the entire region. We are all stakeholders.

This bill was crafted to allow for individuals to gain ownership of the dam without having any capital or assuming liability while also appeasing town officials. Shorefront property owners are being cast as unwitting small business financiers. Shorefront property owners should not be bullied and forced by law to become the backstop for future costs relating to ownership and operation of the Toddy Pond Dam. To ensure equitable treatment for all involved, the proposed legislation must include language to shift the bulk of the financial burden away from property owners and toward placing a greater percentage of responsibility on the participating towns and the individuals trying to gain ownership of the dam.

As a child every summer after the school year ended my family moved up-to-camp to Brettuns Pond in Livermore, a tradition we now continue on Toddy Pond. I support maintaining the water level on Toddy Pond, however I cannot support **LD531** as written for it places an undue burden on shorefront property owners. The bill must be revised and amended to address the issues raised above and establish clear and reasonable limits on the amount of money any one individual will be required to pay.

Thank you all for your hard work and consideration.

Respectfully,

A handwritten signature in cursive script, reading "Gaye Marie Rogers". The ink is dark and the signature is fluid, with a long, sweeping tail on the "s" at the end.

Gaye Marie Rogers