



**Testimony in Support of LD 471, “An Act to Require  
Legislative Approval for Certain Leases of Public Lands”**

**By Nick Bennett, Staff Scientist**

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Senator Dill, Representative O’Neil, and members of the Committee on Agriculture, Conservation, and Forestry:

My name is Nick Bennett, and I am the staff scientist for the Natural Resources Council of Maine (NRCM). NRCM is Maine’s largest environmental advocacy group with more than 25,000 members and supporters. I am testifying in support of LD 471.

In November 1993, more than 72% of Maine voters voted to amend the Constitution in order to protect public lands. Specifically, they passed Article IX, Section 23 of the Maine Constitution, which states:

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. The proceeds from the sale of such land must be used to purchase additional real estate in the same county for the same purposes.

In 1994, the Legislature passed several bills to implement this constitutional amendment. It classified public reserved lands as “designated lands”. 12 M.R.S. § 598-A(2-A)(D). The Legislature also passed a bill stating that “designated lands...may not be reduced or substantially altered except by a 2/3 vote of the Legislature”. 12 M.R.S § 598-A. The Legislature defined “substantially altered” as:

Changed so as to significantly alter physical characteristics in a way that frustrates the essential purposes for which that land is held by the State. The essential purposes of state parks, historic sites, public access sites, facilities for boats and the Allagash Wilderness Waterway are the protection, management and improvement of these properties for public recreation, conservation, scenic values, nature appreciation, historic preservation and interpretation, public access and related purposes. The essential purposes of public reserved and nonreserved lands are the protection, management and improvement of these properties for the multiple use objectives established in section 1847.

In turn, section 1847 states that: public reserved lands are to “be managed under the principles of multiple use to produce a sustained yield of products and services by the use of prudent business practices and the principles of sound planning and that the public reserved lands be managed to demonstrate exemplary land management practices, including silvicultural, wildlife and recreation management practices, as a demonstration of state policies governing management of forested and related types of lands.”

In short, what all of this means is that both the Maine Constitution and Maine statute require a 2/3 vote of the Legislature to approve any large scale industrial, commercial, or utility lease of public lands. In spite of this, the Bureau of Parks and Lands entered into a lease in 2014 with Central Maine Power (CMP) for a 300-foot wide, one-mile-long power line through the Johnson Mountain and West Forks Northeast public lots, both of which are “designated lands”, without asking for a 2/3 vote of the Legislature. In the permitting process for the CMP corridor, NRCM asked the Department of Environmental Protection to allow testimony on this issue so that we could demonstrate that CMP does not have a legal lease across public lands for its corridor. DEP refused to allow this testimony.

Regardless of DEP’s refusal to acknowledge the obvious, we believe that CMP does not have right, title, and interest to allow it to build its power corridor across the public lands in question because of the lack of a 2/3 vote of the Legislature to approve this lease. We believe the Bureau of Parks and Lands (BPL) erred as a matter of law by entering into its 2014 lease with CMP without consulting the Legislature. It then did so again in 2015 and 2020.

LD 471 would solve any uncertainties on this issue. First, it would make clear that any utility projects would require a 2/3 vote of the Legislature. Second, it would specifically require a 2/3 vote of the Legislature for CMP’s illegal leases. This bill is a way that the Legislature can assert its constitutional prerogative and duty to protect Maine’s public land that CMP and BPL have taken away from it.

We urge the Committee to vote “ought-to pass” on LD 471. Thank you for the opportunity to testify on this issue. I would be happy to answer any questions. Please also feel free to contact me at [nbennett@nrcm.org](mailto:nbennett@nrcm.org) or at (207) 621-2851.