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Environment and Natural Resources Committee
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**Testimony of Senator Richard Bennett
before the Joint Standing Committee on Agriculture, Conservation and Forestry**

LD 471, An Act To Require Legislative Approval for Certain Leases of Public Lands
March 18, 2021

Senator Dill, Representative O’Neil and esteemed members of the Joint Standing Committee on Agriculture, Conservation and Forestry: I am Sen. Rick Bennett from Oxford, and I have the honor of representing 13 towns in the beautiful lakes region and foothills of western Maine. I am pleased to cosponsor and to speak in favor of LD 471, *“An Act To Require Legislative Approval for Certain Leases of Public Lands.”*

Article IX, Section 23 of the Maine Constitution says, “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.”

I served on the State and Local Government Committee in 1993 when that constitutional amendment was considered, and I served on the conference committee that drafted the final language that was sent to the voters, which passed with 73% support that November. However, the amendment had a long prior history.

When Maine separated from Massachusetts in 1820, ownership of approximately seven million acres was transferred to our new state. Prior to 1890, Maine sold or gave away all but 400,000 acres of this land. The remaining 400,000 acres of public reserved lands were reserved in each of the State’s unorganized townships as approximately 1,000 acre lots, and in some cases 1,280 acre lots, and were intended to be used to encourage development, provide funds for the ministry, and for education. Because Maine didn’t develop as initially contemplated, over the years the State leased these public reserved lands to camp owners, paper companies, and timber companies, at virtually no cost. The paper companies claimed that their leases, which dated back to the 1800’s, allowed them to cut all the timber on the leased land in perpetuity at nominal rent.

An NRCM board member began to catalogue the abuses of the public lot leasing program, and in a series of articles in the Portland Press Herald in the early 1970’s, reporter Bob Cummings documented the importance of these lands, the purposes for which they were originally intended, and their highest and best use going forward. Eventually, after a decade of investigation, legislative consideration, and litigation, the public lots were returned to the State. Then, after

extensive negotiation and land swaps, the public lots were configured into the shape they now have. The purpose of the effort could not have been clearer—to preserve these jewels, like the Debsconeag Lake Wilderness Area, mountain ranges such as the Bigelow, Mahoosuc and Deboullie, hundreds of miles of remote lake shores and streams, and thousands of acres of forests—and make them available for public use and enjoyment, not for the benefit of private and corporate interests.

Since the 1993 passage of the constitutional amendment to protect these public assets from corporate encroachment, the Legislature has routinely considered numerous bills introduced to satisfy the 2/3 requirement in transferring or altering the use of state lands. LD 1789 from the 128th Legislature was one such bill. It authorized the Director of the Bureau of Parks and Lands to allow the lessee of land at Long Falls Dam Road to sublease a portion of the parcel to the Maine Huts and Trails system. LD 1527 from the 126th Legislature was another. This legislation permitted the Director of the Division of Parks and Public Lands to lease lands within the Coburn Mountain public reserved lands in Upper Enchanted Township, to the United States Government. LD 1913 from the 123rd Legislature allowed for an easement for electric transmission lines across two state-owned parcels to TransCanada Maine Wind Development, Inc.

But for CMP and the lease of Johnson Mountain Township and West Forks Plantation, the rules were changed. Under Governor LePage in 2014 and, when the lease was renegotiated under Governor Mills just last year, there was suddenly revisionism about this very straightforward constitutional mandate. Everything is different for the CMP Corridor. Our so-called business leaders and the political class seem happy to break any rule – and violate the Constitution itself – to force through this destructive and deeply unpopular project. But this bill before you has the promise to undo the illegal actions by these two governors, and it will protect our lands – and our Constitution – in the future.

This legislation will eliminate the discretion unconstitutionally asserted by two governors and make the matter clear for any future governor wishing to use the special treatment of the CMP Corridor as a precedent. It is quite stunning that such legislation is required at all. It sadly signals that we have come full circle as a state in surrendering to powerful corporate interests. At least a century ago, the companies were Maine-based enterprises, employing residents. Now we surrender our precious lands and special places to foreign companies so they may serve customers in other jurisdictions.

Thank you for your consideration, and I would be happy to answer any questions.