

Testimony in support of LD 471

Senator Dill, Representative O'Neil and members of the committee,

My name is Charlene Cummings, and I reside in Phippsburg, Me. I am here representing myself and the thousands of citizens of Maine who are the true owners of Maine's public lands. I have a personal interest in making sure the Legislature, as representatives of the people, protect these lands for future generations. My Dad, Bob Cummings, a long-time environmental reporter for the Portland papers, was instrumental in keeping these lands in the public's mind while the Court battle over our right to our lands proceeded. His first story on the public lots was in 1972 (and I am submitting this article and a handful of others as well). The case was finally decided in the state's favor in 1981, though it took a few more years to negotiate the final settlements with the various paper companies that had claimed to own these lands.

Maine's public lands have a long history of commercial exploitation. For over 100 years, paper companies treated our land as their own, though the Court found in 1981 they owned only the right to cut the existing timber in place at the time of their original leases. In an effort to ensure such a thing would never happen again, in 1993 the people of Maine overwhelmingly passed an amendment to the Maine constitution requiring a 2/3 Legislative vote to reduce the land area of or change the purpose of a state park, public lot, or other recreation or conservation land.

And yet, exploitation and misuse of our public lands has continued. In 2014, in collusion with Central Maine Power, the State of Maine signed a lease for 33 acres of our public lands in the Johnson Mountain Township and West Forks Northeast public lots. These lands were to become part of a power line project now known as New England Clean Energy Connect. This 2014 lease was granted illegally, as I pointed out last year in my testimony on LD 1893, since Title 35-A §3132 Part 13 says the State may not convey any interest in public lands for construction of a transmission line until after a certificate of public need has been obtained and the NECEC project did not obtain a certificate of public need until 2019.

Once I and others brought this to the attention of the legislature last year, the state's lease to CMP for these 33 acres of our public lands was restated, amended and signed again, while the legislature was out of session due to COVID-19, in an effort to paper over the earlier flagrant violation of our statutes and our constitution, and in order to evade this committee's vote of "Ought to Pass" for LD 1893. I am now a plaintiff in a lawsuit against the Bureau of Public Lands and CMP challenging the unconstitutional effort to evade legislative oversight for a substantial change in in public land use.

This bill, LD 471, seeks to clarify existing statutory language to ensure that all leases for quasi-permanent utility infrastructure, like railroad tracks, power lines, and other rights of way – are recognized as creating clearly significant changes to otherwise public lands. As such, Maine's constitution requires such changes be considered and approved by 2/3 votes of the Maine legislature. The bill has been written with retroactivity to correct the clearly illegal actions of CMP in seeking a lease for public lands without a certificate of public need and without such constitutional legislative review.

I would like to especially thank Senator Black for reintroducing this bill in this session. I urge you to vote LD 471 ought to pass.

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Attachments:

March 12, 1972, Maine Sunday Telegram. Public Land Sold and Given Away, by Bob Cummings.

April 9, 1972, Maine Sunday Telegram. Public Lots Saga Gets Stranger, by Bob Cummings.

April 16, 1972, Maine Sunday Telegram. Public Land: A Double Standard, by Bob Cummings.