

## TESTIMONY IN SUPPORT OF LD 471

Senator Dill, Representative O'Neil and distinguished members of the Agriculture, Conservation and Forestry Committee, my name is Kenneth W. Fredette, and I am here to testify in Support of LD 471 on behalf of Mainers for Local Power.

The bill before this Committee is quite simple and its' intent is clearly stated in the title: An Act to Require Legislative Approval for Certain Leases of Public Land. The title implies two major components to this bill:

First: Legislative Approval meaning 2/3 of all the members elected to each House of the Legislature; and

Second: Of certain Leases meaning any use of public reserved land for transmission lines and facilities and certain other projects.

To be clear, the reach of this proposed legislation is far reaching, however, we all know the its' applicability, if passed, would be immediate and consequential as this Legislature, the 130<sup>th</sup> Maine Legislature, would be called upon to vote ya or na on the NECEC Corridor. I am arguing that is right and just and as intended by Article IX, Section 23 of the Maine Constitution.

Why is that?

Because the Executive Branch has exceeded its authority in regards to this project, and the Bureau of Parks and Public Land has failed in its' duty to properly classify the proposed lease of public lands to Central Maine Power as "substantially altering" the use of public land. Therefore, it is up to this Legislature to properly exercise the power granted to it under the "separation of powers" doctrine of our Constitution and impose the simple requirement stated in the title of LD 471: Legislative Approval meaning 2/3 of all the members elected to each House of the Legislature.

To be clear, this Committee should be aware that over 100,000 Maine citizens signed a referendum petition, of which over 80,000 were certified by our Secretary of State, asking to give the right to the citizens of this great State to vote on this issue in November, 2021. Many of you also know that the Maine Superior Court decided yesterday in *Black v. Curio*, as follows:

*"... that public reserved lands cannot 'be reduced or [their] uses substantially altered except on the vote of 2/3 of all the members elected to each House."*

Those words in the opinion of the Judge should sound familiar to you..... As that is exactly what this bill seeks to do which is only that which is already required by our Constitution. Nonetheless, Central Maine Power and its' foreign owners seek to prohibit you, our duly elected Legislators, from having a vote on just this issue: An issue worth over three billion

dollars in future profits to CMP without so much as one vote, yes not even one vote, from those elected to this Honorable body.

What can we expect in the future: more litigation from Central Maine Power, more foreign money from Hydro Quebec – meaning the Province of Quebec, Canada – to influence the outcome of the peoples November 2021 referendum, and more cutting down of tress on our public lands to further economic interests of big multinational corporations over the right of Maine people to use designate conservation and recreation land as intended for the benefit of the public.

In closing, others have suggested that the Legislature cannot pass any **ex post facto laws**, while at the same time conceding that “.....well yes they really can, and have, but 6 years is too long...”. The issue here Honorable members of this Committee is that if CMP, the Executive or the Commission of the Bureau of Parks and Land didn’t properly follow the law and *the Maine Constitution*, then yes, the answer is yes you can and must. Finally, others have suggested that this bill, LD 471, does not go far enough for you, the Maine Legislature, to determine whether or not to give 2/3 legislative approval for a project that “substantially alters” the use of our public lands. To that I say “we trust you.” We trust those duly and properly elected in the Legislative branch of our government to “just do your job.”

Given yesterday’s judicial decision in *Black v. Cutko*, which will require further legal arguments and court filing, and the pending referendum on this issue in November 2021, I ask this Honorable Committee to move to carrying LD 471 over to the next Legislative Session in January 2022 when this issue will be ripe for your action.

Thank you and I will answer any questions the Committee may have.