

Testimony in support of LD 1075

Senator Dill, Rep O'Neil members of the committee

My name is Charlene Cummings, and I'm a resident of Phippsburg Maine. I am again before you representing myself and the true owners of Maine's public lands, the Maine people. I am also here as a co-plaintiff in the suit against the illegal and backdoor lease of our public lands to Central Maine Power negotiated behind closed doors and without the legislative approval required by the Maine Constitution.

I am the daughter of Bob Cummings, whose newspaper articles in the 1970s were instrumental in the recovery of these lands for the Maine people. These lands are managed in trust for the people of Maine by the Bureau of Public Lands, who has duty to protect and hold these lands in trust for current and future generations. In 1993 the Maine people passed a Constitutional amendment to say in no uncertain terms that the legislature has a duty and obligation to not reduce or substantially alter these lands without a 2/3 vote of both chambers of the Legislature. Unfortunately, the BPL has no procedures or policies to determine what the term "substantial alteration" means.

The Bureau's prior dealings with Central Maine Power have violated the Constitution and Maine statutes designed to protect our public lands. The lease signed in 2014 was prohibited by Title 35-A, section 3132, subsection 13, which requires a party seeking to build a transmission corridor to have a certificate of public need before seeking to acquire or lease public lands. And yet, the BPL chose to ignore these issues and signed a restated and amended lease in June of 2020, in an attempt to cover up their illegal actions in 2014.

The Bureau continues to contend in Court that a power corridor, with 100+ foot poles traversing a mile by 300 foot public lands, 33 acres, does not "substantially alter" those lands from the uses described in Title 12 Section 1846, which requires exemplary wood harvesting, wildlife and recreation management practices on our public lands. Any objective analysis of these claims can see that public lands would be altered and their uses frustrated by this utility corridor, which, like many other CMP leases

across the state of Maine, will not be dismantled at the end of its 25-year lease term, but will stand for generations, continuing to alter and impair the designated purposes of our public lands.

This bill, in conjunction with LD 471, will make clear to the BPL that the Legislature reclaims their constitutional right to concur with the executive branch on decisions regarding the public reserved lands and wants clearly defined rules in place to ensure these lands are managed as a public trust. The rules developed under LD 1075 need to be strongly worded to protect both human needs and meet the flora and fauna needs as well.

Any proposed rules for determining a “substantial alteration” need to take into account the surrounding land uses as well. The public lands of Johnson Township and West Forks are parts of a larger regional conservation partnership with public and private interests including the Cold Stream Forest and the Moosehead Region conservation easement, designed in part to protect the native brook trout fishery in this area. These public lands provide an important connection between these two projects.

I want to thank Representative O’Neil and the committee for your letter March 29 letter to the Department of Agriculture, Conservation and Forestry regarding this matter. I strongly urge an ought to pass vote for LD 1075. Thank you for listening.

Note: I’ve submitted maps of the conserved lands that surround the Johnson Mountain and West Forks public lots, along with my testimony from 2019.