

James Paterson
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Thank you for allowing me the opportunity to testify.

My name is James Paterson, I am a resident of Hancock, and have been using the waters of the coast of Maine, one way or another, for more than 60 years.

I do not think it is necessary to have an especially critical view of the current system in order to support LD 1211. For most of the many decades that the current system has been in place, it may have been adequate as a way to face most of the challenges that involved Marine Resources. In an environment when the vast majority of waterfront use was done by independent owner operators or small to mid size local or even regional companies, the system of regulations being centered in Augusta, with a specific rules based permit process run by dedicated professionals, may have been more than adequate. However the last several years have seen rapid and increasingly radical changes in the nature of those wishing to use the waters of Maine. The most significant recent entities seeking to access the rich and unspoiled waters of the coast of Maine are large corporate entities, foreign and frequently multinational, with full time staff that includes lawyers, regulatory affairs experts, and PR professionals. When they do not deem that sufficient, they engage outside teams of local lawyers, local lobbyists, and local PR professionals. As a standard business practice, they have an ongoing review of countries, states, and municipalities to identify optimal combinations of desirable locations with the friendliest or weakest regulatory processes at national, state and local municipal level. And in the case of Maine, the very strength of the current rules based permit system, designed to provide fair and objective rulings based decisions, based on very specific and relatively straightforward criteria, makes it particularly vulnerable to large corporate interests seeking to navigate such a straightforward system. One need not be critical of the historical performance of the current system and the professionals managing it, to recognize that it may not be adequate going forward in light of the size and sophistication of the entities seeking to utilize the coast of Maine.

The recent case of the proposed Bar Harbor Cruise Ship Terminal is instructive regarding the vulnerability of the system, and also highlights the needs that LD1211 intends to address. As you know, with significant involvement and support from the Cruise ship industry from inception to design, a half mile Cruise Ship Pier was proposed for Bar Harbor. The fact that Bar Harbor has less than 5% of the coastline of the Bay, and technically controls less than 10% of the waters of the Bay, were both irrelevant to the process as they are not contained in the decision criteria for the permit process. The fact that there are eight other towns who utilize the Bay on a daily basis for fishing and aquaculture and rely the health and unspoiled nature of the Bay for seasonal and tourist business, was irrelevant to the process since these towns could not participate in the Bar Harbor specific votes given its control of the relevant portion of the Bay. One need not be a scientist to realize that water flows, and a map of water jurisdiction, created in the 1800s, may not accurately reflect our current understanding of how the ocean and the Bay function and the interconnected nature of the region's most important natural resource. The cruise ship interests accurately realized that they had a construction project that needed permits out of Augusta, and, if necessary, the votes of one single town that was already somewhat conflicted due to the significant annual per person revenue paid to the Town. The fact that other towns had no say in the matter makes no sense. And it accurately reflects exactly the sort of issue that LD 1211 would help address, and where the current process is inadequate. The fact that the water currents associated with 10 ft tides move back and forth throughout the Bay in their tidal cycle, through the eight towns around the Bay, is irrelevant to the current process. The waters of the Bay do not respect municipal boundaries. The dozen or so summer communities around the Bay do not respect municipal boundaries in terms of their use and enjoyment of the Bay. Fish do not respect municipal boundaries. Nor do fishermen. Bar Harbor lobstermen fish in

Hancock. Sorrento Lobstermen have traps in Lamoine. Hancock Lobstermen have traps in Gouldsboro. The permit specific process in Augusta and the early 19th century municipal jurisdictions of the waters do not accurately reflect or address the shared usage of this natural resource. LD1211 is a significant step towards making the regulatory and permitting process more consistent with how people actually use and share the waters of the coast of Maine.

This is but one example. Another equally important one is the recent arrival of large deeply funded Norwegian companies seeking to utilize the clean and unspoiled waters of Maine, in some cases for projects that they would not be permitted to do in their own country due to the scale of the project. Both examples illustrate the fact that large international industrial interests are seeking access to the coast of Maine, in the first case for industrial tourism, and in the second for industrial scale fish farming (see American Aquafarms' proposal for what they have termed "the largest Finfish operation in the world"). The regulatory and permitting process needs to reflect the entrance of these new kinds of major industrial uses and participants. The current process does not. LD1211 would be a very good start.

For everyone who is trying to understand the nature and impact of this Bill, I have an important revelation. This is not a liberal Bill. This may come as surprise to those who have an early inclination to oppose it based on the party affiliation of many of the Bill's supporters. This may even come as a surprise to some of its supporters and sponsors, who are generally most comfortable when associated with liberal legislation. Liberals, we are often reminded by the media, tend to be in favor of big government, and have faith in the concentration of power in government and agencies acting on behalf of the public good. This Bill decentralizes power from the State and Agencies, and shares it with localities and coastal regions effected by radically new waterfront uses.

The Norwegian Aquaculture Industry, along with the international Cruise Ship Industry have been pleased to identify Maine and learn that all that is required for major industrial scale projects is a couple of permits in Augusta, and maybe, if absolutely necessary, a majority vote in a single small town, which is very vulnerable to rosy promises of good jobs. These industrial interests can completely dominate and overwhelm the permit process. They can supply their own "independent" scientific research (see Norwegian Salmon Industry. Also see Tobacco companies). They pay for and conduct their own "independent" polls (see Bar Harbor Cruise Ships.) They can conduct their own economic impact studies (see Norwegians, Cruise Ships). They can hire teams of lawyers, lobbyists and consultants, in addition to their full time professionals. They can build a full time PR firm (see Cruise Maine) resident in the State. The permitting agencies have only a handful of staff. And no matter how professional and well meaning the staff, they are precluded by the nature of the rules process from taking into account many of the effected parties. How are the fisherman, small towns, and other impacted communities expected to fight back, or even gain a seat at the table? They are barely aware of the permitting process in Augusta. They have no budget for lawyers or consultants. They dont conduct polls or scientific studies or economic impact studies They frequently have full time jobs. This is not a fair fight. LD1211 gives fishermen and effected communities a seat at the table. It would help involve effected fishermen, towns, and other effected parties in the process.

Maine has an international reputation for the clean and unspoiled nature of its waters, which virtually everyone would like to preserve. Maine, and more particularly the Lobster Industry has an international reputation and serves as a model for how light and cooperative self regulation can be effective. The success of the self regulation is widely believed to be due to the fact that it includes and is functionally run by those most effected, and with long term local and multigenerational interest at stake. This Bill would be a move closer to the kind of relatively light and cooperative self regulation found in the Lobster Industry. The movement of power towards more local and regional involvement, and with greater participation of effected local parties

is a conservative principle and objective.

The coastal waters of Maine are facing potential industrial scale uses that have never before been seen, financed by deeply funded overseas interests with no local long term stake in the consequences of their actions. The current regulatory and municipal structure is ill equipped to deal with the issues involved, and by very nature fail to involve the stakeholders, from fishermen to residents, to towns and local businesses. Include those who have the most at stake, those who live and work the coastal waters of Maine. Pass LD1211. For yourself. For your children.

Many thanks for your time.