

This November 2, there will be a referendum on the ballot that will ask Maine voters, “*Do you want to ban the construction of high-impact electric transmission lines in the Upper Kennebec Region and to require the Legislature to approve all other such projects anywhere in Maine, both retroactively to 2020, and to require the Legislature, retroactively to 2014, to approve by a two-thirds vote such projects using public land?*”

According to *Ballotpedia*, “In 1993, voters approved Question 5, a constitutional amendment to require a two-thirds vote of the legislature to reduce or substantially change the uses of state park, conservation, or recreation land. The NECEC or New England Clean Energy Connect corridor was designed to cut a 150-foot wide, one-mile long corridor across the two parcels, West Forks Plantation and Johnson Mountain Township that are considered Public Reserved Land. In 2014, the Bureau of Parks and Lands (BPL) and Central Maine Power Company (CMP) entered into a lease agreement for portions of the two parcels. BPL Director Andy Cutko argued that while the substantial changes required a two-thirds legislative vote, the department was responsible for determining whether a substantial change would occur.”

In June 2020, Sen. Russell Black (R-Franklin), along with 18 other individuals and entities, filed a legal complaint against BPL Director Andy Cutko and CMP in the Kennebec County Superior Court. In *Black v. Cutko*, plaintiffs argued that the Maine Constitution required a two-thirds legislative vote before the New England Clean Energy Connect (NECEC) could bisect the two parcels, West Forks Plantation and Johnson Mountain Township. The NECEC is designed to cut a 150-foot wide, one-mile long corridor across the two parcels.

The original lease for \$1400 a year was signed in 2014 under the Paul LePage administration and a new lease was signed last year under Gov. Janet Mills, which increased the annual fee to \$65,000, along with a provision that CMP be allowed to transfer the lease to NECEC Transmission. The 0.9-mile lease through the public reserved lands granting CMP a 25-year right to the land was never brought before the legislature.

On March 17, 2021, Judge Michaela Murphy of the Kennebec County Superior Court ordered BPL to conduct a formal assessment to determine whether substantial changes would occur to the land's uses due to the lease agreement. Should the BPL determine that substantial changes would occur, a two-thirds vote of both the House and Senate would be required to approve the lease.

On July 19, 2021, the Maine State Legislature passed a resolution, Senate Proclamation 594 (SP 594), declaring that the BPL-CMP lease agreement violated Question 5, a constitutional amendment. SP 594 stated that "the lease provided to CMP to cross the public reserved lands in West Forks Plantation and in Johnson Mountain Township constitutes a substantial alteration of those lands, requiring a 2/3 vote of all the members elected to each House of the Legislature."

Superior Court Justice Michela Murphy ruled on August 10, 2021, that state public land officials failed to make a required finding in 1993, that the lease would result in no reduction or substantial alteration to the public lands being leased so the agreement was not valid. Environmental groups object to the state's lease to CMP of a 33-acre tract of publicly-owned land in West Forks and Johnson Mountain that is one mile long and 300 feet wide. Although the

corridor initially will be 150 feet wide, CMP's permit allows for up to 300 feet wide for future expansion as wide as the Massachusetts turnpike. The humming 100-foot plus transmission line poles with blinking lights will tower over the forest canopy. NECEC will reap billions in profits with its extension cord to Massachusetts, very little of which will be allocated to Maine.

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