

**Letter from Sen. Dill and Rep. Hickman to Dir. Cutko**

**Attachment B to Group 4 Comments on Draft Order**

**January 30, 2020**

**(In Existing Record)**

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STATE OF MAINE  
 ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
 COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

January 30, 2020

Andy Cutko, Director  
 Bureau of Parks and Lands  
 Department of Agriculture, Conservation and Forestry  
 22 State House Station  
 Augusta, ME 04333-0022

Dear Director Cutko,

As you know, the Joint Standing Committee on Agriculture, Conservation and Forestry (ACF Committee) held a public hearing on Tuesday, January 21st for LD 1893, "An Act To Require a Lease of Public Lands To Be Based on Reasonable Market Value and To Require Approval of Such Leases for Commercial Purposes."

At the public hearing it became evident that LD 1893 was introduced to address concerns relating to the lease of public lands to Central Maine Power (CMP) for a transmission line through western Maine. This legislation also raises the question of whether the lease agreement between the State and CMP required approval by two-thirds of the Legislature. Article IX, Section 23 of the Constitution of Maine states:

*State park land, public lots or other real estate held by the State for conservation or recreation purposes and designated by legislation implementing this section may not be reduced or its uses substantially altered except on the vote of 2/3 of all the members elected to each House.*

As you know, at the public hearing last week, we requested that you provide the ACF Committee with relevant documents and communications regarding the lease of public lands to CMP. Please include documents and communications, including emails and handwritten notes or notations, among or between staff in the Bureau of Parks and Lands, the Bureau of Forestry, the Office of the Commissioner, the Office of the Attorney General, the Office of the Governor, and representatives of CMP. More specifically, we are interested in any materials from January 1, 2013 through January 1, 2016 and after July 1, 2018 relating to the determination that the lease of public lands on the West Forks Plantation and Johnson Mountain Township in Somerset County by CMP did not constitute a reduction or substantial alteration of those lands and, therefore, did not require a two-thirds vote of the Legislature.

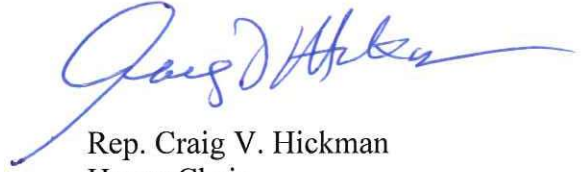
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It is our understanding that the public records search will require approximately 40 staff hours. With this in mind, we respectfully request that you complete this search by Friday, February 14<sup>th</sup>.

Sincerely,



Sen. James F. Dill  
Senate Chair



Rep. Craig V. Hickman  
House Chair

cc: Members, Joint Standing Committee on Agriculture, Conservation and Forestry  
Amanda Beal, Commissioner, Department of Agriculture, Conservation and Forestry  
Emily Horton, Department of Agriculture, Conservation and Forestry