

HENRY P. KENDALL FOUNDATION



# The Land Bond and the State of Maine: Past, Present, and Future

*Program Research Review*



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Gordon C. Clark  
Program Assistant

*Gordon Clark was asked by the Henry P. Kendall Foundation to develop background information on the history of land conservation bond issues in the State of Maine and the current status of a prospective bond that the Maine Legislature will be considering this spring. If passed, the bond will be presented to the voters of Maine in November 2004.*

## **LAND FOR MAINE'S FUTURE PROGRAM CREATION (1987)**

The Land for Maine's Future (LMF) Program dates back to the mid 1980s when Maine citizens began to voice strong support for setting aside the State's special natural areas in the public trust for all to enjoy forever. The Program was officially established in 1987 after Governor Joseph Brennan, (D, Portland) appointed a task force to study the availability of public access to public recreational lands throughout the State. The Nature Conservancy– Maine Chapter (TNC) and Maine Coast Heritage Trust (MCHT) believed that the findings of this task force and the public's interest in land conservation created an excellent opportunity to establish a land bond.<sup>1</sup> They began to consult key members of the Legislature and found a sponsor for the bond, Patrick McGowan, who was at that time a member of the Appropriations Committee in the House. McGowan, who today serves as Commissioner of the Maine Department of Conservation, recommended a \$50 million bond to the Legislature, and after much debate on funding for this untried program, it was approved at \$35 million. More than the required two-thirds of the Legislature voted in favor of putting the bond issue on the ballot.

Presented to the voters on the November 1987 ballot, the bond passed by 66 percent (more than 50 percent of the popular vote is needed to pass the bond). At that time, \$35 million was the largest non-transportation bond in the State's history. TNC and MCHT helped draft the legislation for the Program, helping to establish the following mandate: *"to acquire lands which make a substantial and lasting contribution towards assuring all of Maine citizens, present and future, the traditional Maine heritage of public access to Maine's land and water resources or continued quality and availability of natural resources important to the interests and continued heritage of Maine people."*<sup>2</sup>

The Fund is managed by a board of eleven– six private citizens, appointed by the Governor and approved by the Senate, and five commissioners from the Department of Inland Fisheries and Wildlife, Department of Conservation, Department of Marine Resources, Department of Agriculture, and the State Planning Office. All Board meetings are open to the public and the Board encourages public participation. Anyone may submit a proposal for consideration. The application process is fairly extensive and includes a pre-application option that advises potential applicants on whether or not their project is worthy of continuing with the formal application. Under the four rounds of funding using the land bond of 1999, the Board approved funding for most of the proposals that were formally submitted for consideration, although not all of the projects were funded in full. Due to limited funds, funding requests were frequently reduced by between 15 percent and 75 percent.

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<sup>1</sup> A bond issue creates a credit system that enables a state to issue bonds in the private capital markets that the state will pay back over a specified period of time. If both the state Legislature and the state's citizens approve the bond issue, then the state treasurer sells bonds in order to acquire money to use within the state for the intended purpose of the bond. Because of the interest needed to reimburse the bond houses over the specified period of time, the program requires more money than the bond issue amount.

<sup>2</sup> LMF Program website, <http://www.state.me.us/spo/lmf/>.

All proposals are scored using a system developed with public input and designed to guide the Board in selecting projects that are of state significance, capture multiple values, and benefit a wide spectrum of citizen interests and needs.<sup>3</sup> The Board places an emphasis on the vision and long-term considerations of the proposal, and asks applicants to select one of the following major features or values that their project addresses: ecology, recreation, agriculture, and open space. Proposals also include discussion of additional potential benefits.

## **HISTORY SINCE CREATION**

Although the bond passed in 1987, two attempts to pass similar land bonds in 1990 and 1991 failed – once when Maine’s economy had taken a severe nosedive and all bonds on the ballot were rejected by voters, and once when another measure was appended to the bond request and exit polling indicated that it confused voters. By 1998, the original \$35 million had been committed. MCHT, TNC, and the Natural Resources Council of Maine (NRCM) decided that the land bond must not fail again and began to build support in the Legislature in order to keep expectations high for a substantial new commitment of funds. Although the Program had lost much of its visibility, many of the large land sales in northern Maine were beginning to take place. A key piece of beach front in southern Maine was also under negotiation for public ownership. In order to keep the Program running until a substantial bond could be considered in the following session, the Legislature passed a general Fund appropriation of \$3 million.

Recognizing the need to attract support in the Legislature for the bond, conservation organizations, including MCHT, TNC and NRCM helped legislators set up a bipartisan conference to promote the bond on the first day of the of the 1999 legislative session. To build outside support, they formed a diverse Coalition of around fifty associations that included the Maine Snowmobile Association, the Maine Chamber of Commerce, and the Sportsmen’s Alliance of Maine. TNC and MCHT staff remained committed to the campaign, and along with staff from Maine Audubon and NRCM, spent several days a week in Augusta meeting with members of the Legislature.

The bond issue was approved by the Legislature in June 1999. It passed the House when one Representative was reportedly called in from the bathroom to cast the deciding vote! The vote took place on the last day of the session because bonds are typically negotiated among different factions– Democrats, Republicans, the Appropriations Committee, and the Governor’s Office– before they are brought to the full Legislature. The bond issue was put on the ballot in November, and 69 percent of Maine’s voters approved it. It passed in every county and State senatorial district, and replaced the 1987 land bond as the largest non-transportation bond ever passed in the State.

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<sup>3</sup> LMF Program website, <http://www.state.me.us/spo/lmf/>.

Although MCHT and TNC contributed significant time and money to the campaign, other NGOs also contributed financially. One source estimated that the total expenditure on the 1999 campaign was around \$750,000, with an approximate ratio of \$2.50 public: \$1 legislative. Perhaps the most effective and costly— between \$300,000 and \$350,000— use of those funds was dedicated to TV ads. While there was some opposition to the 1999 bond, it was not well organized and the TV ads, capitalizing on the public’s strong interest in nature, were thought to be “trump card” in the vote. On the legislative side, the NGOs hired lobbyists from two firms, one to work with the Republicans and another to work with the Democrats.

## **LEVERAGE OF 1999 BOND**

The passage of two land bonds in Maine has established strong relationships between the LMF Program and its partner groups, which include the following (whose websites can be accessed from <http://www.state.me.us/spo/lmf/links/>):

- American Farmland Trust
- Land Trust Alliance
- Maine Audubon
- Maine Coast Heritage Trust
- Maine Department of Agriculture
- Maine Land Trust Network
- Maine Natural Areas Program
- Maine Outdoor Heritage Fund
- Parks and Reserve Lands of Maine  
Department of Conservation
- The Nature Conservancy – Maine  
Chapter
- The Trust for Public Land
- U.S. Dept. of Agriculture Farmland  
Protection Fund
- U.S. Fish & Wildlife Service Gulf of  
Maine Program
- U.S. Forest Service Forest Legacy  
Program
- Wildlife Management Area of Maine  
Department of Inland Fisheries and  
Wildlife

Probably because the program provides such tangible returns, it has won the support of outdoor enthusiasts, sportsmen, fishermen and clammers, conservationists, business people, municipal officials and citizens throughout Maine.<sup>4</sup> By requiring at least a one-third match of private funds for the public funds expended, the LMF Program has successfully leveraged more than \$50 million from other sources, including private and federal dollars.<sup>5</sup> Key funding partners have included nonprofit organizations, foundations, cooperating landowners, and federal agencies. Since 2000, the Program has secured a match of \$2.40 for every dollar expended.<sup>6</sup>

To date, the total amount of land acquired is around 139,000 acres (entirely from willing sellers), with an additional 53,500 acres protected through conservation

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<sup>4</sup> LMF Program website, <http://www.state.me.us/spo/lmf/>.

<sup>5</sup> LMF Program website, <http://www.state.me.us/spo/lmf/>.

<sup>6</sup> LMF Program website, <http://www.state.me.us/spo/lmf/>.

easements. Acquisitions include 323 miles of shorefront land and 75 miles of former rail-trails, valuable wildlife habitat, entire islands, and working forests and farms.<sup>7</sup>

## **2004 BOND SPECIFICS**

The balance of the \$50 million from the 1999 bond was committed on January 26, 2004. Understanding the need to reinvest in the Program, in his election campaign, Governor John Baldacci pledged to support a \$100 million infusion of funds to the LMF Program. To jumpstart the legislative process, in December 2003 House Majority Leader John Richardson (D, Brunswick) proposed \$150 million to the Legislature for a new land bond issue. Although even \$100 million would be the highest bond of any kind ever in Maine, House Leader Richardson probably aimed so high in hopes that a compromise would not set the amount too low. In the past, Maine voters have demonstrated significant support for large land bonds and have become accustomed to hearing a large dollar figure associated with this bond.

On February 18 the Governor released his state bond package, which totals nearly \$120 million. Of that amount, \$60 million would be used over three years for the LMF Program, confirming speculation among Coalition members that the Governor might issue two or more land bond issues totaling \$100 million over the course of his term. Following his release of the bond package, Baldacci stated that he plans to advance an additional \$40 million LMF Program bond in the next three years.<sup>8</sup> The spending rate for this bond, however, would provide the State with roughly twice as much money available per year for land acquisition (\$20 million as opposed to the \$10 million available per year under the 1999 bond). This stipulation would be essential for the success of some of the larger deals currently under negotiation, but it will still require substantial private support to pass. Baldacci's package will move in late February or early March to the Appropriations Committee, where members will weigh the Governor's proposals against those presented by other legislators. The total potential for matching federal, local, or private funds in the Governor's package is \$115.5 million. The package also conforms to state debt control standards limiting tax-supported debt service to no more than 5 percent of state revenue.<sup>9</sup>

Regarding the reaction to Baldacci's proposal among key members of the Legislature, Democratic Speaker of the House Patrick Colwell called the package "well balanced," but was disappointed that the LMF Program piece was not higher.<sup>10</sup> Republican Minority House leader Joe Bruno, conversely, asserted that the Governor's package aimed too high and stood little chance of receiving the necessary two-thirds vote at its current amount.<sup>11</sup> Bruno's statement stemmed in part from Republican anger over a \$109 million supplemental budget that the Appropriations Committee recently approved through the support of the Democratic majority and the Governor despite Republican

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<sup>7</sup> LMF Program website, <http://www.state.me.us/spo/lmf/>. For links to complete project descriptions of all 85 LMF funded projects, go to the "LMF Project Center" link off of the right side of the LMF website.

<sup>8</sup> *Bangor Daily News*, 19 February 2004.

<sup>9</sup> *Portland Press Herald*, "Maine News from the AP Wire," 19 February 2004.

<sup>10</sup> *Portland Press Herald*, "Maine News from the AP Wire," 19 February 2004.

<sup>11</sup> *Bangor Daily News*, 19 February 2004.

opposition. The supplemental budget did not require the two-thirds legislative support that this bond package would.<sup>12</sup> Overall, the LMF effort enjoys bipartisan support, although many Republicans are supporting smaller figures, in the \$50 million range. At this point, most opposition to the bond centers on the amount the state can afford in tight financial times.

## **COALITION/FUNDING**

There is much wider NGO involvement in the 2004 bond campaign than in previous years. To illustrate the varying NGO roles, one knowledgeable person described participation as a series of concentric circles. The innermost ring is a Coalition of six organizations:

<b><u>Contact Person</u></b>	<b><u>Organization</u></b>
Jeff Romano	<b>Campaign Coordinator</b> , hired by TNC- Maine, MCHT, and the Trust for Public Land- Maine (TPL). Formerly the Executive Director of the Maine Small Woodlands Association
Bruce Kidman	<b>TNC (1)</b>
Richard Knox	<b>MCHT (2)</b>
Pete Didisheim	<b>NRCM (3)</b>
Jennifer Melville	<b>TPL (4)</b>
Jennifer Burns	<b>Maine Audubon (5)</b>
Eliza Townsend	<b>Maine League of Conservation Voters (LCV) (6)</b>

These individuals sit on an informal steering committee for the campaign. Members communicate with one another daily, and meet weekly with the numerous lobbyists working in Augusta, who were hired in November largely through the financial backing provided by private donors.

The next circle is made up of NGOs who work closely with the steering committee on a wide range of tasks. These groups include the Northern Forest Alliance (Ian Burnes is working as a grassroots organizer), Sierra Club (Karen Woodsum), Forest Society of Maine (Alan Hutchinson), and Appalachian Mountain Club (Gabrielle Kissinger).

An outer circle is made up of supporting groups that now total 190 and is still growing. Included in this network are outfitters, guide shops, forest products companies, city governments, church councils, potato growers, and numerous other seemingly unlikely allies.<sup>13</sup> One participant observed that the greatest byproduct this campaign will generate is the relationships among the groups, which will continue to grow judging by the positive correspondences that have taken place between network members since the 1999 campaign.

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<sup>12</sup> *Bangor Daily News*, 19 February 2004.

<sup>13</sup> For a complete list of the Coalition members, visit <http://www.mainelandbond.org/>.

The six steering committee organizations are coordinating closely with the Baldacci administration, in particular Commissioner Patrick McGowan, Deputy Commissioner Karin Tilberg, LMF Director Tim Glidden, and Dick Davies, senior policy advisor to the Governor. Steering committee members and these key administration staff members meet weekly and communicate informally on a daily basis. The bond has bipartisan sponsorship of ten members of the Legislature. Among its key supporters are: House Majority Leader John Richardson (D, Brunswick), Speaker of the House Patrick Colwell (D, Gardiner), Senate Majority Leader Sharon Treat (D, Kennebec County), and Rep. W. Tom Sawyer, Jr. (R, Penobscot). Communication with key legislative leaders is frequent, either through steering committee members or hired lobbyists.

Mason Morfitt from TNC has been working with MCHT and TPL to plan the public fundraising as early as possible (i.e., immediately after the bond passes the Legislature—assuming that it does). The Coalition will form a Political Action Committee to determine how much money to raise for the popular campaign, an amount that will most likely be between \$500,000 and \$750,000. The timeliness of these efforts is critical because money for TV ads is needed in advance. In late spring, the Coalition plans to conduct polling to determine the messages that will resonate with voters. In addition, this spring's polling will determine where demographically the land bond's audience is weak so that outreach can be directed to those population sectors.

Given that this is a presidential election year, the Coalition is hopeful that Maine conservation voters will be out in full force, considering the questionable environmental record of President Bush. However, the heavy marketing done by the candidates will raise the price of advertising the campaign through media outlets. There is also a likelihood that the November ballot will contain a provision to establish a property tax cap, which would bring property rights advocates out in greater numbers to vote against the land bond.

## **TIMETABLE**

### **February 3**

#### **Lobby day in Augusta**

Coalition invited interested individuals who had the opportunity to come and speak with their representatives about the land bond.

### **March**

#### **Appropriations Committee public hearings/sessions**

To determine \$ amount of the bond, the steering committee will line up public hearing speakers who will represent the diversity and geographic distribution of supporters; other supporters will be at the Statehouse that day to demonstrate breadth of support. The steering committee will participate in work sessions.

### **Early April**

#### **House and Senate vote on land bond**

Legislators are pushing to end the session by mid April, and given that bonds are typically voted on at the end of the session, it will probably not come before then.

### ***If the Bond Passes the House and Senate by 2/3 Majority***

- April-November**      **Coalition begins popular fundraising and campaign**  
TNC's Mason Morfitt will coordinate fundraising efforts with the support of key staff and volunteers from steering committee member organizations. Steering committee members will strategically ramp up the public campaign. Polling beginning in late spring will help the Coalition address its message and its demographic strengths and weaknesses.
- November 2**      **Maine citizens vote on the land bond**

### **ANALYSIS**

The LMF Program is competing within the administration for bond authority with other interests such as research/development, transportation, and education. Within the Legislature, there may be stronger opposition to the land bond in the House than in the Senate. For the bond to pass by the two-thirds majority needed, it will require the votes of every Democrat and 24-28 Republicans. In the House, the Democrats hold a stronger majority than they do in the Senate. However, House Assistant Minority Leader David Boles (R, Sanford) has reportedly issued a strong statement against all bond issues. Given his position, he may be able to garner the support of a large number of fellow Republicans in the House. The Minority Leader, Joe Bruno (R, Raymond), is not against all bonds, but will probably not support a bond as large as \$100 million. In the Senate, the Democrats hold only an 18-17 edge, but there could be enough moderate Republicans to carry the supermajority.

Overall, a number of Republicans are said to believe that the land bond is a purely partisan issue, and that the Democrats and the Governor are trying to accomplish too much. Certain Republicans have used the bond to say that their party is concerned with fiscal management while the Democrats are reckless spenders. In response, members of the Coalition have adopted a grassroots strategy to generate constituent pressure in targeted areas of borderline Republican support and to enlist the support of critical decision makers in the Legislature. In the past, most support came in coastal counties from York up to Waldo, and the strongest opposition came from the Downeast counties, from Washington north. One reason for this voting pattern is that the property rights groups that make up most of the opposition to the bond are located in northern Maine. Additionally, one could speculate that because of northern Maine's traditional economic reliance on extractive industry, citizens of that part of the State do not support land conservation measures (i.e., Maine Woods National Park) as enthusiastically.

Two Coalition members offered insight into NGO opposition to the bond. One believes that the primary organizational opposition comes from a specific environmental economics institute in northern Maine. Jon Reisman, Associate Professor of Economics and Public Policy at the University of Maine at Machias, is an outspoken critic of the LMF Program and as a property rights advocate, he believes that the land bond should be severely limited in scope. He asserts that it is unduly focused on northern Maine and that it should focus more or all of its attention on the southern part of the State. Mary Adams is becoming one of the most outspoken opponents of the Program because she believes that public land destroys private property rights (although only 6% of the land in Maine is publicly owned). She is allied with a number of small property rights groups in northern Maine, and Coalition members believe that talk of the Maine Woods National Park has led some citizens to view this bond as a step in that unappealing direction.

Another member described opposition to the land bond as a “floating crew that is hard to pin down to one or several organizations.” Although resistance has generally come from the property rights crowd mostly in northern Maine, so-called property rights rhetoric has surfaced throughout the State, with some attempts at organization evident. These are frequently connected to national groups that appear to spoon-feed their agenda to local activists. An “underground document” being circulated to town officials to attract support to oppose the land bond recently came to light. Thus far there apparently has been no press coverage of the opposition, nor have there been any “letters to the editor.”

## **CONSERVATION POTENTIAL OF A \$100 MILLION BOND**

The best way to consider the conservation potential of a large land bond is to address the Coalition’s marketing pitch for the campaign (i.e., why the bond is so important). The target audience falls into two categories: registered “swing” voters and conservation-minded voters and organizations. In reaching out to swing voters, previous polling has demonstrated the salience of three issues: loss of access, protecting farmland, and sustainable forests. Access is a serious issue in Maine, a State where public access to privately owned lands had long been taken for granted. However, new residents have increasingly posted lands and many areas traditionally open to the public are now off limits. While this is particularly evident in southern and coastal Maine, the trend has spread to western and even northern Maine. In the north, the threat has escalated due to massive land sales and the introduction into the Maine forest of a new breed of large-scale landowner, those whose commitment to land ownership here is measured in seven to ten years rather than many decades as had been the tradition. As in southern and coastal Maine, new owners bring a different understanding of public responsibility and respect for traditional access.

Representing about 10% of the LMF Program, the protection of farmland is seen as an issue about which Maine voters feel strongly. As well, voters seem to identify “sustainable forestry” with a more benevolent approach to nature, so the Coalition will emphasize how the bond would advance this practice. This is relevant because several

high profile landscape scale sustainable forestry conservation easements have been supported with LMF funds in recent years.

While polling this spring will inform messaging, one could speculate that the themes (and their content) that will emerge from the Coalition's pitch to voters and organizations that favor land conservation will be more complex. The access piece would address changes in land ownership, fragmentation of the landscape, and the specific development of high value ecological areas, such as those abutting streams, rivers, and lakes. Sprawl would be another piece of this marketing platform, especially in areas along I-95. The pitch would assert that it is not too late to save Maine from the fate of the areas outlying Boston, but that it might be too late in five years. In addition, south coastal Maine, the area of greatest development, also contains the highest biodiversity of any region of the State. The LMF Program would not just focus on northern Maine, but would protect critical areas in the southern part of the State as well. Over the next five years, the Program would continue to protect a wide diversity of land types, as reflected in the 85 projects described on the LMF website. In addition, the LMF Program represents the only way for the State to access federal money for land conservation, and those funds have been critical to the success of the Program so far.

## **CONTACT PEOPLE**

<b>Emily Bateson</b>	Director A Network for Eastern Wilderness	(617) 926-8563 <a href="mailto:embateson@aol.com">embateson@aol.com</a>
<b>Jennifer Burns</b>	Staff Attorney Maine Audubon	(207) 781-2330 <a href="mailto:jburns@maineaudubon.org">jburns@maineaudubon.org</a>
<b>Pete Didisheim</b>	Advocacy Director Natural Resources Council of Maine	(207) 622-3101 x213 <a href="mailto:pdidisheim@nrcm.org">pdidisheim@nrcm.org</a>
<b>Tim Glidden</b>	Director Land for Maine's Future Program	(207) 287-1487 <a href="mailto:tim.glidden@maine.gov">tim.glidden@maine.gov</a>
<b>Cathy Johnson</b>	North Woods Project Director Natural Resources Council of Maine	(207) 622-3101 x209 <a href="mailto:cjohnson@nrcm.org">cjohnson@nrcm.org</a>
<b>Bruce Kidman</b>	Director of Communications and Government Relations The Nature Conservancy- Maine	(207) 729-5181 x204 <a href="mailto:bkidman@tnc.org">bkidman@tnc.org</a>
<b>Richard Knox</b>	Director of Communications and Public Policy Maine Coast Heritage Trust	(207) 729-7366 <a href="mailto:rknox@mcht.org">rknox@mcht.org</a>
<b>Jennifer Melville</b>	Project Manager	(207) 772-7424 x2

	Trust for Public Land- Maine	<a href="mailto:jennifer.melville@tpl.org">jennifer.melville@tpl.org</a>
<b>Mason Morfitt</b>	The Nature Conservancy	(207) 729-5181 <a href="mailto:mmorfitt@tnc.org">mmorfitt@tnc.org</a>
<b>Jeff Romano</b>	Coalition Coordinator Maine Land Bond Coalition	(207) 729-5182 x218 <a href="mailto:jromano@tnc.org">jromano@tnc.org</a>
<b>Karin Tilberg</b>	Deputy Commissioner Maine Department of Conservation	(207) 287-4900 <a href="mailto:karin.tilberg@maine.gov">karin.tilberg@maine.gov</a>
<b>Eliza Townsend</b>	Executive Director Maine League of Conservation Voters	(207) 373-1200 <a href="mailto:mlcv@suscom-maine.net">mlcv@suscom-maine.net</a>