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REASON, SCIENCE AND LAW

WHERE LePAGE'S PUBLIC FOREST PLANS FALL SHORT

Gov. Paul LePage says he's giving up on the Legislature, but there's no indication he's backing down from his effort to cut more wood from the state's public lands and set aside the revenue so rural, low-income households can afford to upgrade to lower-cost heating systems. LePage says he won't release \$6.5 million in voter-approved conservation bonds until the Legislature carries out his wishes.

The proposal has numerous problems, which only start with the lack of a transparent, science-based case for increasing the amount of wood cut from 400,000 acres of public reserved lands.

One of the most worrisome parts is that the initiative taps a specific source of revenue with a dedicated purpose in state law (paying for the management of 600,000 acres of public lands) and uses it for something unrelated.

Since LePage has lost interest in working with the Legislature, the Legislature should return the favor. Lawmakers should continue to stand firm against his proposal to divert public lands funds; require that any increased timber cut be based on a transparent, scientific rationale; and marginalize LePage on the question of voter-approved bonds by reauthorizing the \$6.5 million in almost expired bonds for the five years allowed by the Maine Constitution.

230-year history

Maine's public reserved lands have their roots in the days before Maine became a state. In 1786, Massachusetts (which then included Maine) started to reserve 1,280 acres of land in each township as "public lots" set aside for public uses — schools and local government.

In 1824 — after its split from Massachusetts — established the parcels as public trusts, governed by boards of trustees in each township, and reinforced the requirement that the land be set aside for public uses. In 1831, with the Massachusetts' legislature's permission (Maine couldn't make major public land changes under the terms of its split from Massachusetts), Maine allowed funds from the sale of the lands to flow to public schools and required the state's "Land Agent" to preserve them "from pillage and trespass."

With time, Maine's Legislature consolidated funds from the more than 400 public lots across the state covering about 400,000 acres into one, state-level account, with the money still preserved for public, township-related uses.

And in 1973, the Legislature authorized the state's Bureau of Parks and Lands to consolidate the public lots by trading them in exchange for larger, contiguous land holdings. It required that the land be set aside and managed for multiple public uses: wildlife habitat, outdoor recreation and timber harvesting. That's also the year the Legislature used the public lots account to establish the Public Reserved Lands Manage-

ment Fund — largely as it exists today — and designated it for management of Maine's public reserved lands.

Reserved land, reserved funds

LePage's timber harvesting and revenue diversion proposal, then, runs against the nearly 230-history of Maine's public lands — and the requirements established for them and their related funds in that time.

— By introducing a new purpose for the Public Reserved Lands Management Fund, it sets up another competing interest for a traditionally limited pool of money that, by law and historical precedent, must be used for the public's benefit. There's a backlog of capital improvements that should be made on Maine's public lands in order to improve their recreation value. The Bureau of Parks and Lands' current director, meanwhile, has said the lands need better logging roads. The fund must also pay for normal operations, such as foresters' salaries. And LePage's energy director has said the administration hopes to dedicate \$3.5 million from the fund to heating initiatives.

— With the pressure to produce enough revenue for competing purposes, there would inevitably be pressure to emphasize cutting trees when the legal mandate for Maine's public lands is to serve recreation and preservation purposes, too.

— And the proposal might not pass legal muster. In 1973, Maine's Supreme Judicial Court had to sign off on the public lands overhaul to ensure the changes proposed didn't violate the original terms of Maine's separation from Massachusetts and the duties associated with holding the public lands as a strictly governed public trust. The court approved because setting aside revenue derived from public lands for their management was consistent with the longstanding requirement that the lands "be held and preserved for an aggregate of public uses."

— But that "aggregate of public uses" only extends so far. In 1992, lawmakers attempted to fill a budget gap by claiming 0.9 percent of funds from all dedicated state government accounts. An attorney general's office opinion determined the Legislature couldn't skim funds from the Public Reserved Lands Management Fund. "[T]he across-the-board transfer from all accounts to the General Fund... was designed for purposes of closing a projected shortfall in the General Fund," wrote then-Deputy Attorney General Jeff Pidot. "It was not intended to be an exercise by the Legislature of the trust responsibilities over the public reserved lands."

LePage's attempt to skim money from the public lands fund when his administration says the account is flush would have to pass the same judicial standard, "a high and demanding standard of reasonableness," as Pidot wrote in 1992. We have our doubts that it would — further reason why this is the wrong policy for Maine's public lands.

eral tax credits drugmakers receive to advertise to consumers; and ending the ridiculous restriction that prevents the Medicare program from directly negotiating drug prices for its 40 million beneficiaries.

Other good ideas: Reduce the length of time a drug can remain on the market without competition and allow Americans to import lower-priced drugs.

Republican contenders who don't like these proposals should come forward with their own.

The Kansas City Star (Sept. 23)



LETTERS TO THE EDITOR

LePage circus

The circus continues as our governor has decided not to allow members of the public to provide valuable service to our state because he won't fill vacancies on multiple state boards and commissions. This is yet another example of an elected official deciding not to do his job because he wants to pick and choose which requirements of the job he is going to perform.

Maine has a long tradition of members of the public volunteering their time, energy and talents to making our state work. Without this significant contribution by so many, government will grind to a halt in many areas of service that are critical to all of us.

When this latest stunt of not filling vacancies is viewed alongside all the other recent bizarre actions of the governor when dealing with the Legislature, one can quickly see the office of the governor has been removed from being a part of solving many of the problems of our state. In a sense, one could easily make the point that the governor has self imposed an impeachment of himself and, in so doing, has seriously damaged a basic principle of good government.

There are many who believe the governor's multiple violations of the principles of effective and efficient government warrant removing him from office through formal impeachment proceedings. Maybe this isn't really necessary because LePage has already impeached himself and moved the office of the governor to the back row of state leadership.

Paul Krohne
Belfast

Begin impeachment

The Maine House of Representatives must begin hearings to draw up articles of impeachment against Gov. Paul LePage, who has publicly declared he is not going to govern. He has delegated his chief of staff, John McGough, to deal with legislation beginning in January. "And if they need me, they can talk to John, my chief of staff, and I will give him the power to do legislating because we have no power there. It's that simple," he said.

The governor is correct, he has no power "there" — i.e. the Legislature — because he has willingly abdicated his governorship by not participating in the budget process; not acting on bills that, much to his displeasure, eventually became law; and by stating he

will not nominate individuals to commissions and boards. He has arrogantly refused to participate in the partnership between the Legislature and the executive branch but will delegate that responsibility to an individual who was not elected by the people.

Several legislators began to talk about impeachment when the governor threatened to withhold public funds for the Good Will-Hinckley school unless the board fired Mark Eves, a flagrant abuse of power and misuse of public funds. The governor was instrumental in seeing to it that the president of the Maine Community College System was fired — another instance of the abuse of power.

Because Maine does not have a recall process, I urge members of the Maine Legislature to begin impeachment proceedings before our state government will no longer be able to function for its citizens.

Mark D. Roth
Bangor

WRITE TO US

Letters must be 250 words or fewer and include a full name, town of residence and daytime phone number. OpEds may be 700 words. Letters may be edited or rejected for clarity, taste, libel and space. If a letter or OpEd is published, submissions by the same writer will not be considered for 60 days.

Letters may be sent to letters@bangordailynews.com. OpEds may be sent to OpEd@bangordailynews.com or P.O. Box 1329, Bangor, ME 04402-1329.

Tom Lynn, hero

On Sept. 15, the obituary of Tom Lynn appeared in the BDN. Some may not have given it a glance. Tom quietly fought on the battlefield of life, not in a distant land but right here in Maine.

Tom was one of the foremost experts on crisis intervention in our state. Tom once told me that with medical emergencies you speed up the pace. With psychiatric emergencies you slow it down, in order to treat effectively.

Wisdom was one of Tom's many virtues. Tom was a teacher, a mentor, a colleague, a friend and beloved by all. Tom was as gentle and warm as summer rain. In an age of shouting voices and rage, Tom was soft spoken and calm. His manner and gentle words soothed people into calmness.

Most importantly, Tom was a loving father, grandfather, uncle, child, brother and brother-in-law, cousin, friend

to all who met him and who were helped by him, which includes me. While Tom was battling the illness that ended his life, he was the director of Adult, Family and Child Services at Community Health and Counseling Services. Tom spent his career helping children, adults and the elderly with wisdom and love. Tom served the people of Maine for 25 years.

How many hearts did Tom's heart heal? My guesstimate is many, many tens of thousands over those inspiring 25 years. Because of the life Tom lived and the contributions he made, in my opinion Tom was an authentic American hero.

Joe Pickering Jr.
Former executive director
Community Health and
Counseling Services
Bangor

Indigent defense

The financial requirements to qualify for the services of a public defender in Maine are so restrictive that a household subsisting on food stamps may be forced to hire their own private attorney if charged with an alleged crime. The landmark case, *Gideon v. Wainwright*, resulted in the government being required to provide legal defense to those who cannot afford it.

The Maine Commission on Indigent Legal Services continues to fail our poorest citizens in their duty outlined by the Constitution and mandated by the Supreme Court. A family that cannot afford to feed themselves is hardly in a position to hire an expensive legal adviser who may cost upwards of \$400 per hour. The moral imperative to provide legal assistance does not stop there, however.

The New York Times reported in 2012 that more than 90 percent of criminal cases don't ever reach a jury in the United States. Our citizens are surrendering their constitutional rights in the face of a crumbling criminal justice system. This is why that moral mandate we have as citizens extends to ensuring competent legal defense and not simply fabricating another way to mass incarcerate the impoverished.

I call on our state Legislature to fulfill their duty in upholding the Constitution, momentarily forget their partisan strife and perform a service that will actually benefit the people of Maine. I dearly hope one of our public servants will choose to champion this cause and work across the aisles to do so.

Matthew Raymond
Augusta

OTHER VOICES

DRUG PRICING ON THE FRONT BURNER

Pharmaceutical CEO Martin Shkreli is taking a lap as the Internet's most vilified personality, but his rude tweets and callous business decisions are serving a useful purpose. Sky-high drug costs are now a front-and-center political issue.

Shkreli's company, Turing Pharmaceuticals, increased the price of a drug that treats infections from \$13.50 to \$750 for a single tablet.

Good ideas from Sen. Bernie Sanders, Hillary Clinton and others include: Eliminating the fed-

DOONESBURY



GARRY TRUDEAU