

April 14, 2025

RE: Update on Toddy Dam Legislation & Next Steps

Dear Toddy Pond Community,

We'd like to update you on the ongoing efforts by the four-town committee (Blue Hill, Penobscot, Orland, and Surry) to preserve Toddy Dam.

Background

Since August 2024, the four-town committee has actively worked on a long-term plan for Toddy Dam. They've conducted surveys, held town meetings, and engaged extensively with stakeholders and experts. In late February, draft legislation was developed for submission to the Maine House of Representatives. It proposes an approach to dam ownership that the committee's town representatives believe best balances costs and risks among towns and waterfront property owners and, therefore, stands the best chance of adoption by voters.

Though the TPA participated in meetings and supported outreach, we were not directly involved in drafting the initial bill and have voiced concerns about its approach - particularly around inequitable risks and potential financial burdens that could be placed on lakefront owners. After careful review and feedback from our members, we advocated for and secured some improvements to better protect waterfront owners' interests. While we are continuing to consider ways to improve the bill and its implementation, the TPA board nonetheless has voted unanimously to support the amended bill as our best current option.

Currently, the bill awaits a workshop by the House Environment and Natural Resources Committee before progressing to House and Senate votes and, if signed, eventual enactment. If enacted, each town will vote this fall on whether or not to join and fund the proposed district to own and manage Toddy Dam.

Key Provisions of the Current Legislation:

- Creates a governing board of 5 town-appointed trustees and 4 lakefront owners nominated by TPA and elected by waterfront owners.
- Towns commit initially for two years but may later withdraw.
- Annual budgets split equally between participating towns and lakefront owners.
 - Town costs allocated by shoreline share: Orland 43%, Surry 27%, Penobscot 24%, Blue Hill 6%.
 - Each town votes annually to approve their share of costs. If a town opts out, its budget portion shifts entirely to lakefront owners in that town.
 - Waterfront owner costs allocated by property shoreline length (maximum 250 feet per property).

TPA Advocacy and Outcomes

As noted, TPA views the current bill as a workable compromise, but far from an ideal solution. Following member input and extensive board discussion, we worked with the four-town committee to successfully address three key concerns:

- We were able to get the towns to agree to an initial 2-year funding period for any participating town (there initially was no minimum commitment).
- To reduce the likelihood that any proposed budget places an untenable burden on lakefront owners in a given year, a \$100,000 annual budget cap was set. A $\frac{2}{3}$ majority board vote is required for any exceptions like emergency repairs. This encourages fiscal responsibility and the pursuit of external funding sources.
- All board decisions require at least one affirmative vote from both town-appointed and lakefront-elected members, ensuring fair representation in critical decisions (especially those that might over-burden lakefront owners).

We will share the updated bill text on our website as soon as it becomes available.

Public hearings are complete, but testimony can still be submitted to the Environment and Natural Resources Committee via Clerk Marianne MacMaster (ENR@legislature.com) or Representative Nina Milliken (nina.milliken@legislature.maine.gov).

Alternative Approaches Considered

Throughout this process, TPA has explored and advocated for simpler solutions like non-binding interlocal agreements or a county-based model with shared taxing authority. Town select boards have consistently indicated that these options, which would place costs solely on taxpayers, would likely fail at town meetings. Given the circumstances, the current proposed legislation remains the most workable path for gaining towns' participation in Toddy Pond's immediate preservation.

Next Steps

Passing this bill is only the beginning. The committee is hiring an engineering firm to assess dam conditions and future costs and working with legal advisors to understand associated risks. TPA will share relevant information as it becomes available. We are also developing detailed outreach materials to educate the public on the District approach, the benefits of preserving Toddy Pond, and the limitations of their personal potential financial burdens.

In parallel, our Outreach Committee is actively working to enhance member communication, provide more regular updates, and organize volunteer efforts. Your ongoing support, ideas, questions, and participation are greatly valued.

Please reach out anytime at toddymail@toddypond.org

Sincerely,
Toddy Pond Association Board