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BY BILL SUTTER | SPECIAL TO THE PRESS HERALD

Bill Sutter of Wiscasset worked over 30 years for the State Highway Commission and the Maine Department of Transportation, serving in a number of engineering and administrative positions before retiring in 1993.

WISCASSET — On April 17, Wiscasset is holding a referendum. Readers might assume it's a routine matter in a quaint coastal village, maybe a decision about buying the road department a front-end loader. Actually, it's far more consequential.

We will decide whether to continue a lawsuit. The situation pits a small municipality against the Maine Department of Transportation. This vote comes after **MDOT masterminded a bait and switch**, leading one selectman **to conclude** that Wiscasset had been “hoodwinked.” (We were.) Briefly, **MDOT reneged on their word** not to use eminent domain, **doctored their own reports** and, worst of all, they're **telling the courts they don't have to obey local ordinances**.

During this odyssey, Wiscasset has learned, and now warns every other Maine community, that **when MDOT shows up with handshakes and promises, beware**.

First, some background. In 1973, Wiscasset village **was placed on the National Register of Historic Places**. Also, Wiscasset has a comprehensive plan and zoning ordinances. A major function of both is to protect our historic district, in compliance with state statutes.

A little more background, because federal rules also matter in this complex situation. The Code of Federal Regulations has provisions for spending federal funds on public

works projects like highways and bridges. Section 106 of the code addresses historic preservation. To make a long story short, MDOT's plan conflicts with federal Section 106 regulations and Wiscasset ordinance. That is by MDOT's design. Surprised?

Follow me. Respecting federal regulations applies only when the agency uses federal funds. Originally, MDOT slyly persuaded people in Wiscasset that the lion's share of funding for a major road project in town would be federal money. Everybody was happy.

We took the bait, then came the switch. MDOT quietly chose to turn away the federal funds, thus avoiding the Section 106 requirements. They did so without consulting elected officials in Wiscasset. Now MDOT flatly refuses to comply with town ordinances. The legal issue is whether the state must respect local laws. They say "no" – we say "yes."

It's complex, and the judge's decision could set a precedent that affects every Maine citizen.

Here's why. A bureaucracy's ability to evade federal regulations, as was done in Wiscasset, is not unique to our town or to Maine. This alarming practice is a destructive expedient, and Maine municipalities should keep their eyes peeled.

MDOT knew that Wiscasset valued Section 106 review, because our citizens place a premium on historic preservation. Not only are we on the National Register of Historic Places, but in 2015 citizens passed a local historic preservation ordinance. It's the law.

That's why MDOT deliberately told Wiscasset that the road project would be federally funded. They hoped we wouldn't notice once they got around to turning away the federal money.

Last year, a handful of folks tried to repeal the historic preservation ordinance. A sound majority of voters rejected the scheme.

MDOT has bullied and deceived us in other ways. They broke promises about eminent domain and doctored their own traffic consultant's report, removing language that predicted "severe impacts" to the historic district. We learned that other Maine towns and cities have been victims of similar treatment from MDOT. So, Wiscasset's advice to the rest of the state is to always watch the funding closely, and always be on alert for sleight of hand.

Don't forget the bigger picture. Congress is now considering the funding of public infrastructure projects with private sources. The U.S. Department of Transportation floated the idea with the National Association of Counties in early March. Obviously, such projects would likewise be exempt from many federal regulations. When unorthodox funding of public infrastructure projects is an option, we open a Pandora's box for even wider evasion of intended controls.

Make no mistake, we're all under siege. Dodging important local rules is now an optional policy weapon for transportation officials in Augusta and Washington. Unfortunately, bureaucrats are annoyed by pesky laws protecting unique places like Wiscasset. **They constantly look for shady ways of getting around them.** But the success of their subtle tricks depends entirely on citizens not taking any notice. This is a clarion call to fellow Mainers – don't be fooled.

Wiscasset's Select Board **has taken** wise legal steps to protect our town. On April 17, we vote on whether to continue our lawsuit. If "yes," we defend the rule of law in front of a judge. If "no," we wave the white flag. Either way, the outcome affects all Maine citizens.

KEY WORDS THAT SHOULD MAKE YOU ALL CRINGE:

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MDOT reneged on their word...

MDOT doctored their own reports...

MDOT...telling the courts they don't have to obey local ordinances.

"They did so without consulting elected officials in Wiscasset."

"They broke promises about eminent domain..."

"They...doctored their own traffic consultant's report."

- **Sound familiar? We have experienced all of the above over our 18 years of involvement with the MaineDOT and 2B-2!!**