THE MAINE LEGISLATURE
132nd Legislature

3 State House Station
Augusta, Maine 04333

September 25, 2026

Senator Craig Hickman, Chair
Representative Anne-Marie Mastraccio, Chair
Government Oversight Committee
c/o Office of Program Evaluation and Government Accountability
82 State House Station
Augusta, Maine 04333-0082

Dear Senator Hickman, Representative Mastraccio, and fellow members of the Government Oversight Committee:

With former Department of Marine Resources (DMR) Commissioner Patrick Keliher now awaiting consideration by the Senate for confirmation to the Land for Maine's Future Board, we believe several unanswered questions from his time as Commissioner deserve further review.

Those questions center on the four lower Kennebec River dams, DMR's relationship with The Nature Conservancy (TNC), and what communications may have taken place while the state was making decisions that directly affected those facilities.

For that reason, we are asking the Government Oversight Committee to direct the Office of Program Evaluation and Government Accountability (OPEGA) to review the relevant records and establish a clear timeline of what occurred.

In December 2020, DMR, under Commissioner Keliher, began rulemaking to amend the Kennebec River Management Plan. The proposed amendment called for the decommissioning and removal of the Shawmut and Lockwood dams and consideration of removing the Hydro-Kennebec and Weston dams. DMR's own materials stated that the amended plan would "set forth State policy" and would be used by state natural resource agencies in federal relicensing proceedings.

During that process, Senators Brad Farrin and Scott Cyrway raised concerns directly with Commissioner Keliher about the proposal, how it was being characterized by the Department, and what it could mean for the region. Senator Farrin's records show that the letter was never answered or acknowledged.

DMR later withdrew the rulemaking after reviewing its statutory authority and identifying what Commissioner Keliher publicly described as a "process issue." While the rulemaking was withdrawn, the broader questions surrounding the Department's actions and how those decisions were reached never went away.

There are also questions about DMR's relationship with TNC during Mr. Keliher's tenure. State financial records show that DMR received funding through a memorandum of understanding with TNC for a Marine Resource Scientist II position. The work included management and

restoration of diadromous fish species and implementation of an adult Atlantic salmon stocking program.

There were longstanding professional connections as well. Tom Abello joined the Mills administration after spending more than 19 years as director of external affairs for TNC in Maine. Samantha Horn previously worked in state natural resource agencies and later served as Director of Science for TNC before Governor Mills appointed her in 2024 to lead the Maine Office of Community Affairs.

These connections do not prove that anything improper occurred. But they do make the timeline important, particularly in light of what happened next.

TNC eventually pursued the acquisition of Brookfield's four lower Kennebec dams. In September 2025, TNC and Brookfield announced an agreement covering Lockwood, Hydro-Kennebec, Shawmut, and Weston. TNC itself described that agreement as the result of a "multi-year discussion."

That raises some basic questions that we believe still need answers.

When did Mr. Keliher first become aware that TNC was interested in acquiring the lower Kennebec dams? When did the governor's office, DMR, Department of Environmental Protection (DEP), or other state officials become aware of those discussions? What communications took place between state officials, TNC, Brookfield Renewable, and others about the ownership, relicensing, or possible removal of the dams?

We also believe OPEGA should determine whether any of those discussions overlapped with DMR's work on the Kennebec River Management Plan, DEP's water quality certification process, or other state regulatory and policy decisions affecting the same facilities.

The review should also look at DMR's financial and working relationship with TNC during Mr. Keliher's tenure, including whether TNC-funded personnel or other individuals working with the organization had any role in the scientific analysis, recommendations, or policy development involving fish passage, Atlantic salmon, or the future of the lower Kennebec dams.

There is also the question of whether longstanding professional relationships between individuals in state government and TNC played any role in these discussions, and whether any relationships or potential conflicts should have been disclosed.

These are questions that can be answered through the records.

We are not asking OPEGA to start with the assumption that wrongdoing occurred. We are asking OPEGA to establish who was communicating with whom, when those communications took place, and whether they overlapped with major decisions being made by state government concerning the same dams.

These communications are particularly important now. Mr. Keliher is once again before the Senate for a position of public trust, this time as a public member of the Land for Maine's Future Board. We believe the Legislature should have as complete an understanding as possible of his

role in these matters and the circumstances surrounding the decisions made during his tenure as commissioner.

We respectfully ask the Committee to direct OPEGA to review the relevant records and establish the facts.

Thank you for your consideration.

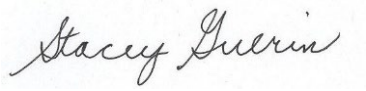
Sincerely,



Brad Farrin
State Senator



Jeff Timberlake
State Senator



Stacey Guerin
State Senator



Chad Perkins
State Representative



John Eder
State Representative



Michael Lemlin
State Representative