

The 'public interest' in public regulation

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Moderator's Note

by David Platt

Recently, the Bangor Daily News carried a front page report of a poll, conducted by the Becker Organization under the paper's commission, headlined, "Mainers change views on growth, environment" The poll found, among other things, that Maine people are far less concerned about environmental protection than they were a couple of years ago. They were more concerned about the economy and, specifically, about their jobs. In the context of 1992, with a deep recession underway and a number of presidential candidates telling everyone that things could get worse, the Becker poll results probably are not that surprising. Maine people, like voters in New Hampshire and just about everyone else in the United States, are very worried about the economy and why it does not seem to be working. When a person concerned about where his or her next meal will come from is asked whether they would rather have a job or a free flowing river, the answer may not be hard to predict.

When Becker did the asking on behalf of the Bangor Daily News, Fleet Bank and some other clients, jobs won and the environment lost. If you look at the Becker poll against a longer backdrop, it gets more interesting. For 25 years in Maine, we have put the environment at or near the top of our public priority list. It was environmental concern and uproar over oil spills that stopped a series of oil development projects in Eastern Maine. For 25 years, we have been duking it out over air quality, the purity of the water in our rivers and lakes, over wetlands, forests, beaches and groundwater, dams, municipal, nuclear and toxic wastes, and over development and open space and endangered species.

In the late 1960s, Maine took the lead nationally in establishing land use controls and other permitting requirements. Maine established a system designed to prevent unwise development in both the organized and unorganized portions of the state. Maine created a system that supposedly allows for participation by government, interest groups, industry and the public. The system is still in place and it reflects a long-standing belief by policymakers that environmental protection is just as important to Maine as economic development. In fact, we are all fond of saying that a clean environment is what allows economic development to take place.

But now, as the Becker poll suggests, the picture could be changing. Nudged by the economy, the public's attitude toward environmental protection seems to growing a bit more hostile. At the same time, we have seen a few other changes: A rise in private enforcement actions, such as lawsuits under the Clean Water Act; suggestions in high places that it is time to ease environmental controls to stimulate growth; renewed efforts to relax environmental laws; and more rhetoric from politicians about the high cost of doing business in Maine.

For a quarter of a century we have operated on the premise that the public interest was served by administering a set of environmental regulations and rules designed to prevent unwise development and to manage the growth we do allow. Now, in the light of changing

circumstances, we probably ought to be asking ourselves if it is time to do things differently. The question, in short, for our four presenters: What's the public interest in public regulation?

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