

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 717

Initiated Bill 3

House of Representatives, March 2, 1995

An Act to Establish the Maine Outdoor Heritage Fund.

Transmitted to the Clerk of the House of the 117th Maine Legislature by the Secretary of State on February 27, 1995 and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 2 MRSA §6, sub-§10** is enacted to read:

6 10. Range 80. The salaries of the following state officials and employees are within salary range 80:

8 Executive Director, Maine Outdoor Heritage Fund Board.

10 **Sec. 2. 5 MRSA §942-A** is enacted to read:

12 **§942-A. Maine Outdoor Heritage Fund Board**

14 The position of Executive Director is a major policy-influencing position within the Maine Outdoor Heritage Fund Board. Notwithstanding any other provision of law, this position and its successor position are subject to this chapter.

18 **Sec. 3. 5 MRSA §12004-G, sub-§29-B** is enacted to read:

20			
22	<u>29-B.</u>	<u>Maine</u>	<u>Legislative 12 MRSA</u>
24	<u>Natural</u>	<u>Outdoor</u>	<u>Per Diem §7788</u>
26	<u>Resources</u>	<u>Heritage</u>	<u>and Travel</u>
		<u>Fund Board</u>	<u>Expenses for</u>
			<u>Appointed</u>
			<u>Members</u>

28 **Sec. 4. 8 MRSA §374, sub-§5** is enacted to read:

30 5. Wildlife lottery game. No later than January 30, 1996, the Maine State Lottery Commission, in consultation with the Maine Outdoor Heritage Fund Board, shall develop and initiate a wildlife lottery game designed to raise funds for the Maine Outdoor Heritage Fund established pursuant to Title 12, chapter 714. The Maine State Lottery Commission shall provide the net proceeds of this wildlife lottery game to the Maine Outdoor Heritage Fund annually. The Maine State Lottery Commission shall change the wildlife game ticket periodically throughout the year.

40 **Sec. 5. 8 MRSA §387, sub-§1**, as enacted by PL 1987, c. 505, §2, is amended to read:

42 **1. Appropriation.** The money in the State Lottery Fund shall may be appropriated only:

44 **A.** For the payment of prizes to the holders of winning lottery tickets or shares;

46 **B.** For the expense of the division in its operation of the lottery; and

48 **C.** For payment to the General Fund; and

2 8. Wildlife. "Wildlife" means wild organisms, including
3 vertebrate, invertebrate and plant species.

4
5 **§7782. Fund established**

6
7 There is established the Maine Outdoor Heritage Fund. The
8 fund consists of revenues received pursuant to Title 8, section
9 387 and any funds received as contributions from private and
10 public sources. The fund, to be accounted within the Department
11 of Inland Fisheries and Wildlife, must be held separate and apart
12 from all other money, funds and accounts. Eligible investment
13 earnings credited to the assets of the fund become part of the
14 assets of the fund. Any balance remaining in the fund at the end
15 of any fiscal year must be carried forward to the next fiscal
16 year.

17
18 **§7783. Purpose of fund**

19
20 The fund is for the sole purpose of maintaining, improving
21 and expanding state and local natural resource conservation
22 programs and associated compatible public uses in accordance with
23 the strategic plan provided for by section 7788, subsection 5,
24 paragraph A.

25
26 **§7784. Relation to other funding**

27
28 The fund supplements sources and levels of funding
29 appropriated and allocated by the Legislature to natural
30 resources agencies. It is the intent of this legislation that a
31 grant received from the fund not be considered a substitute for
32 funds previously appropriated or allocated to a natural resources
33 agency.

34
35 **§7785. Fund availability**

36
37 The fund must be available to natural resources agencies in
38 accordance with section 7787. Natural resources agencies may
39 contract with nongovernmental organizations and individuals for
40 the purpose of carrying out projects funded by the fund.

41
42 **§7786. Fund administration**

43
44 The Maine Outdoor Heritage Fund Board shall administer the
45 fund.

46
47 **§7787. Expenditures from the fund; distribution**

2 The board shall make grants, applications for which must be
3 reviewed in accordance with section 7789, to natural resources
4 agencies for projects found consistent with the criteria and the
5 strategic plan adopted by the board pursuant to section 7788,
6 subsection 5, paragraph A. Except as provided in this chapter,
7 the board shall distribute annually available grant money as
8 follows:

9 1. Fisheries and wildlife; habitat conservation.
10 Thirty-five percent of the money in the fund for fisheries and
11 wildlife and habitat conservation projects;

12 2. Public lands and access; outdoor recreation sites and
13 facilities. Thirty-five percent of the money in the fund for
14 acquisition and management of public lands, parks, wildlife
15 conservation areas and public access and outdoor recreation sites
16 and facilities;

17 3. Endangered and threatened species. Fifteen percent of
18 the money in the fund for endangered and threatened species
19 conservation projects;

20 4. Natural resources law enforcement. Fifteen percent of
21 the money in the fund for natural resources law enforcement; and

22 5. Money to be carried forward. The board is authorized to
23 carry forward money in any of the percentage categories of this
24 section into a successive year in the same category in the event
25 that this carry-over better serves the strategic plan or that no
26 grant applications in a particular year adhere to the strategic
27 plan for a particular percentage category.

28 **§7788. Maine Outdoor Heritage Fund Board**

29 The board must be organized within the Department of Inland
30 Fisheries and Wildlife and shall carry out its duties in
31 accordance with this section.

32 1. Members. The board consists of 7 members. The
33 Commissioner of Conservation, the Commissioner of Inland
34 Fisheries and Wildlife and the Coordinator of the Natural Areas
35 Program are permanent members and their designees may represent
36 them at board meetings. The Governor shall appoint the remaining
37 4 citizen members subject to the review of the joint standing
38 committee of the Legislature having jurisdiction over natural
39 resource matters and confirmation by the Senate. One of these
40 members must be a representative of a state sportsman's
41 organization, one must be a representative of a state wildlife
42 conservation organization and one must work in a field related to
43 natural resources.

2 2. Terms. The Governor shall appoint citizen members to
3 staggered 4-year terms. The initial appointments must be made in
4 December 1995. The initial appointments are as follows: two
5 4-year terms; one 3-year term; and one 2-year term. Appointed
6 citizens may not serve more than 2 consecutive 4-year terms.

8 3. Chair. The Governor shall appoint a citizen member of
9 the board to serve as chair. The chair may not serve more than 2
10 consecutive 4-year terms.

12 4. Board meetings, rules and administration. The board
13 shall conduct its meetings as follows.

14 A. The board shall meet at least 3 times a year at the call
15 of the chair.

18 B. The board, acting in accordance with the Maine
19 Administrative Procedure Act, may adopt any rules necessary
20 for the conduct of its business. The board shall adopt by
21 rule, no later than May 30, 1996, a schedule for submission
22 and action on grant proposals submitted pursuant to
23 subsection 5, paragraph B.

24 C. Appointed citizen members receive compensation equal to
25 legislative per diem and travel expenses under Title 5,
26 section 12004-G, subsection 29-B, while engaged in board
27 activities.

30 D. A quorum of the board for the transaction of business is
31 4 members.

32 E. Board members are governed by the conflict of interest
33 provisions in Title 5, section 18.

36 5. Board duties. The board has the following duties.

38 A. No later than September 1996, the board, in accordance
39 with the rulemaking provisions of the Maine Administrative
40 Procedure Act and in consultation with natural resources
41 agencies, shall adopt a strategic plan for each of the
42 funding categories listed in section 7787. The board may
43 cooperate with other state or federal agencies in developing
44 the plan or carrying out other duties under this chapter.
45 The strategic plan must identify the priority areas for
46 funding for 6 years using the criteria listed in section
47 7789. The board may amend the strategic plan.

48 B. The board shall review and award annually funding
49 requests for specific projects from natural resources

2 agencies. The board may award grants only to proposals that
4 conform to the strategic plan adopted pursuant to paragraph
6 A. Grant proposals that establish a public-private
partnership are encouraged. Grant proposals must include a
stated purpose, timeline, potential outcomes, a budget and
an explanation of need.

8 C. The board shall submit an annual report to the Governor
10 and the joint standing committees of the Legislature having
12 jurisdiction over energy and natural resource matters and
14 inland fisheries and wildlife matters. In the annual
report, the board shall detail expenditures made from the
fund and the board's progress in implementing the strategic
plan. The first report must be submitted in 1996.

16 D. Responsibility for administration of the board lies with
18 the chair. The board shall hire an executive director no
20 later than February 1996. The executive director may hire
22 an additional staff person, if the board determines it
24 necessary. The executive director shall direct the daily
operations of the board. Staff positions may be part-time.
26 The executive director position is unclassified and the
executive director serves at the pleasure of the board. The
28 board shall prepare and adopt an annual budget to be
included with the report required under paragraph C. The
30 board may obtain the services of consultants as necessary to
carry out its duties under this chapter. The board may
32 spend money to cover administrative costs. The board shall
endeavor to keep the level of administrative expenses as low
34 as practicable and include, in its annual report, discussion
of efforts to minimize administrative expenses. State
natural resources agencies shall provide staff support and
assistance as determined necessary by the board.

36 **§7789. Fund distribution criteria for strategic plan and grants**

38 In developing the strategic plan provided for by section
40 7788, subsection 5, paragraph A and reviewing and awarding grant
proposals submitted pursuant to section 7788, subsection 5,
paragraph B, the board shall consider whether a project involves:

42 **1. Fisheries and wildlife and habitat conservation.** For
44 the category of fisheries and wildlife and habitat conservation:

46 A. A species or species group adversely affected due to
lack of management or habitat loss;

48 B. A species or species group that is adversely affected
50 due to unusual vulnerability to man-made disturbances and
requirements for a special or limited habitat type;

2 C. Measurable benefits vital to the future welfare of a
3 species or species group; and

4

5 D. Available matching funds;

6

7 2. Acquisition and management of public lands, parks,
8 wildlife conservation areas, and public access and outdoor
9 recreation sites and facilities. For the category of acquisition
10 and management of public lands, parks, wildlife conservation
11 areas, and public access and outdoor recreation sites and
12 facilities:

13 A. Public recreation opportunities of statewide or regional
14 significance;

15

16 B. Fish or wildlife habitat of statewide or regional
17 significance;

18

19 C. Habitat of a threatened or endangered species listed
20 under state or federal law;

21

22 D. Rare or exemplary natural communities or ecosystems as
23 determined by the State's Natural Areas Program database;

24

25 E. Lands or areas providing for public recreation
26 opportunities of statewide or regional significance;

27

28 F. Rare or exemplary geological features;

29

30 G. Areas with proximity to lands dedicated to conservation
31 purposes or public recreation or with access to lands or
32 waters with significant natural resource values; and

33

34 H. Available matching funds;

35

36 3. Conservation of endangered and threatened species and
37 their habitats. For the category of conservation of endangered
38 and threatened species and their habitats:

39

40 A. A species or species group listed as endangered or
41 threatened under state or federal law;

42

43 B. The habitat of one or more species or groups under
44 paragraph A;

45

46 C. A species or species group not listed as threatened or
47 endangered but, based on the best available scientific
48 information, potentially warranting listing in the near
49 future;

50

- 2 D. A species, group of species, natural community or
4 ecosystem that has been documented as being in decline or
 recognized as being at risk of extirpation from the State;
- 6 E. Any species, group of species, natural community or
8 ecosystem thought in the best professional judgment of
 biologists to be in decline or in danger of extirpation from
10 the State but whose status is undetermined; and
- 12 F. Available matching funds; and
- 14 4. Natural resources law enforcement. For the category of
 game wardens and other conservation law enforcement:
- 16 A. A species or species group adversely affected due to
 lack of management or habitat loss;
- 18 B. Public health or safety concerns of statewide or
20 regional significance;
- 22 C. Environmental education for the public or law
24 enforcement personnel;
- 26 D. Cross-training between natural resources state agencies;
 and
- 28 E. Available matching funds.

30 The criteria in this section are not listed in order of
32 priority. A grant applicant must indicate in the proposal the
 subsection under which the board should evaluate the proposals.

34
36

STATEMENT OF FACT

38 This bill creates the Maine Outdoor Heritage Fund, funded by
40 a new wildlife lottery game, to support fisheries and wildlife;
42 acquisition and management of public lands, parks and public
 access areas; endangered and threatened species conservation
 projects; and natural resources law enforcement. The bill also
 establishes the Maine Outdoor Heritage Fund Board to administer
 the fund.