

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1762

H.P. 1180

House of Representatives, April 22, 2025

An Act to Protect Recreational Trails by Establishing the Trails for the Future Program

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in black ink, reading "Rlt B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BLIER of Buxton.
Cosponsored by Senator STEWART of Aroostook and
Representatives: DRINKWATER of Milford, Speaker FECTION of Biddeford, MASON of
Lisbon, PLUECKER of Warren, ROBERTS of South Berwick, Senators: BALDACCI of
Penobscot, President DAUGHTRY of Cumberland, HICKMAN of Kennebec.

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

2 **Sec. 1. 5 MRSA §6201, sub-§2**, as amended by PL 2023, c. 284, §1, is further
3 amended to read:

4 **2. Cooperating entities.** "Cooperating entities" means those private nonprofit
5 organizations, municipal conservation commissions, local governments, federal agencies
6 or other bodies designated by the Land for Maine's Future Board pursuant to section 6203-E
7 or 6203-F or 6203-G.

8 **Sec. 2. 5 MRSA §6203-G** is enacted to read:

9 **§6203-G. Trails for the Future Fund**

10 **1. Fund established.** There is established the Trails for the Future Fund, referred to
11 in this section as "the fund," that is administered by the board. The fund consists of the
12 proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and
13 funds received as contributions from private and public sources for those purposes. The
14 fund must be held separate and apart from all other money, funds and accounts, except that
15 eligible investment earnings credited to the assets of the fund become part of the assets of
16 the Land for Maine's Future Trust Fund under section 6203-D. Any balance remaining in
17 the fund at the end of a fiscal year must be carried forward for the next fiscal year.

18 **2. Grants.** The board may make grants to state agencies and designated cooperating
19 entities for the purposes identified in subsection 3. Grants must be made according to rules
20 adopted by the board. Rules adopted pursuant to this subsection are routine technical rules
21 as defined in chapter 375, subchapter 2-A.

22 **3. Fund proceeds.** The proceeds of the fund may be applied and expended to acquire
23 property or interests in property that are designed to protect public access to recreational
24 trails consistent with the provisions of Title 12, section 1892-A. The board shall include
25 as a condition of an acquisition or grant made under this section the requirement that the
26 recreational trail on the acquired property may not be altered or developed in a manner that
27 precludes its existing use, including use by a snowmobile or by an all-terrain vehicle, if
28 applicable. Consistent with the provisions of Title 12, section 1892-A, covenants obtained
29 through expenditures of these funds are held by the Commissioner of Agriculture,
30 Conservation and Forestry.

31 **4. Matching funds.** For each grant made under this section, the board shall require
32 the grant recipient to provide matching funds at least equal to the amount of the grant.

33 **Sec. 3. 12 MRSA §1892-A** is enacted to read:

34 **§1892-A. Trails for the Future Program**

35 **1. Program established; administration.** The Trails for the Future Program, referred
36 to in this section as "the program," is established to protect public access to established
37 recreational trails, including snowmobile trails and all-terrain vehicle trails, through the
38 acquisition of property and the establishment of easements. The department shall
39 administer the program either directly or by contract with a suitable organization.

40 **2. Review panel.** The department shall establish a review panel to advise the
41 commissioner in the operation of the program, including, but not limited to, evaluating

1 potential properties for acquisition, evaluating applications and recommending to the
2 department applicants for participation in the program.

3 **3. Selection criteria.** The review panel under subsection 2 shall establish selection
4 criteria with which to evaluate applications for protection of recreational trails under the
5 program. The criteria must include, but are not limited to:

6 A. The interest of the owner of the property on which there is a recreational trail to
7 make the recreational trail publicly available via lease or transfer of the property to
8 advance the department's goal of preserving and increasing public access to
9 recreational trails;

10 B. The threat of conversion of a recreational trail to the extent that it would become
11 unavailable for public recreational use; and

12 C. The degree of community support for the proposed protection of a recreational trail.

13 **4. Program requirements.** An acquisition or grant made pursuant to this subsection
14 is subject to the requirement that a recreational trail on a property protected under the
15 program may not be altered or developed in a manner that precludes its existing use,
16 including use by a snowmobile or by an all-terrain vehicle, if applicable. Any change to
17 the access or layout of a recreational trail protected pursuant to this section must be
18 approved by the snowmobile club, all-terrain vehicle club or another club or group that
19 maintains the recreational trail. If no club or group is responsible for maintaining the
20 recreational trail the proposed change must be approved by the commissioner.

21 **5. Grant agreements.** The commissioner shall enter into grant agreements with state
22 agencies and designated cooperating entities, as defined in Title 5, section 6201, subsection
23 2, for the purpose of receiving grants from the Trails for the Future Fund under Title 5,
24 section 6203-G.

25 **6. Right of first refusal.** The commissioner shall retain a permanent right of first
26 refusal on any property with an established recreational trail acquired in fee or protected
27 by covenant or other less-than-fee interests under Title 5, section 6203-G. Exercise of the
28 right of first refusal must be at a price determined by an independent professional appraiser
29 based on the value of the property at the time of the exercise of the right. The commissioner
30 may assign this right to a suitable organization or a local government if, in the
31 commissioner's judgment, such an assignment is consistent with the purposes of this
32 section.

33 **7. Termination.** If the commissioner determines that the public purposes of a grant
34 made under subsection 5 are no longer served, the commissioner may, consistent with the
35 provisions of Title 33, chapter 6-A, terminate a grant agreement made under subsection 5
36 conditional on repayment of the original grant amount or an amount equal to that proportion
37 of the then-current value of the protected property that represents the ratio of the original
38 grant amount to the original fee interest value at the time of the grant. Any funds recovered
39 under this subsection must be deposited into the Trails for the Future Fund under Title 5,
40 section 6203-G and may be expended only for the purposes of this section.

41 SUMMARY

42 This bill creates the Trails for the Future Fund and the Trails for the Future Program to
43 protect public access to established recreational trails, including snowmobile trails and

1 all-terrain vehicle, or ATV, trails, through the acquisition of property and the establishment
2 of easements. The bill requires that an acquisition or grant made pursuant to the program
3 is subject to the requirement that the recreational trail on the property may not be altered
4 or developed in a manner that precludes its existing use, including use by a snowmobile or
5 by an ATV, if applicable. The bill also requires that any change to the access or layout of
6 a recreational trail protected pursuant to the program must be approved by the snowmobile
7 club, ATV club or another club or group that maintains the recreational trail. If no club or
8 group is responsible for maintaining the recreational trail the proposed changes must be
9 approved by the Commissioner of Agriculture, Conservation and Forestry.