

MAINE STATE LEGISLATURE

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CHAPTER 203

PARK AND RECREATION COMMISSION

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§ 601. Definitions

1. Memorial. As used in this chapter, "memorial" shall mean:

Any area of land, with or without buildings, improvements or other structures established for public use wholly or primarily because of its historical, archeological or scientific interest or value.

2. Park. As used in this chapter, "park" shall mean:

A. Any area of considerable extent, but not exceeding 10,000 acres, in which are combined either superlative or distinctive scenic characteristics and either a reasonably varied or extensive or exceptional opportunity for active recreation.

B. Any area not exceeding 1,000 acres, with or without distinctive characteristics but containing such natural features as afford ample opportunity for development and use as an active recreational area.

C. Any area included above within easy access of any road or highway, except extensions to road or highway right-of-ways, turn-outs, loops or other additions to roads or highways the primary purpose of which is to preserve the natural beauty of lands bordering such roads or highways or to afford temporary stopping points along such roads or highways.

D. Any strip or strips of land, with or without roads, highways or improvements required for ingress and egress to or from any of the areas above described and not exceeding in length the distance required to connect such areas

with the nearest arterial or trunk-line highway, railroad line or terminal, or other public transportation facility or way.

R.S.1954, c. 36, § 33.

§ 602. Powers

The Maine State Park and Recreation Commission, as heretofore established, and in this chapter called the commission, shall consist of 5 members, namely, the Commissioner of Inland Fisheries and Game and the Forest Commissioner, ex officio, and 3 citizen members. Not more than 2 of the citizen members shall be of the same political party. They shall be appointed by the Governor and approved by the Council for terms of 3 years. Vacancies or removals shall be filled for the unexpired term of the retiring member. For cause the Governor and Council may, upon notice and hearing, remove any member of the commission for misconduct, incompetency, neglect of duty or for any other sufficient cause. The headquarters of the commission shall be at Augusta, but the commission may meet and transact its business at any other place within the State. Each member shall be paid the sum of \$10 per diem for the time actually spent by each in transacting official business of the commission, payment to be made as provided.

The commission shall have jurisdiction, custody and control in, over and upon all state parks and memorials and national parks which are under control and management of the State, excepting Baxter State Park. It is not the intention of the Legislature to include under this chapter any national parks now existing or which may be hereafter created under national management or control. Said commission shall have and exercise the following powers and authority:

1. Acquire land; license; eminent domain. With the consent of the Governor and Council, to acquire in behalf of the State, land or any interests therein within this State, with or without improvements, by purchase or gift, and by eminent domain and with like consent to sell and convey such lands or interests therein, or lease the same, or by revocable license or agreement, or grant to any person, firm or corporation exclusive rights and privileges to the use and enjoyment of portions of such lands. Any such license, lease or agreement granted or entered into shall be canceled or revoked after due notice of intention to cancel or revoke the same by action of the commission, when the use for which said license was given shall have been abandoned, materially modified, or whenever the condi-

tions imposed in any license, lease or agreement shall have been broken. The right of eminent domain shall not be exercised to take any area or areas in any one park which singly or collectively exceed 200 acres, nor shall it be exercised to take any developed or undeveloped mill site or water power privilege in whole or in part or any land used or useful in connection therewith, or any land being utilized for any industrial enterprise.

1955, c. 37; 1963, c. 309.

2. Study and report. To study and ascertain as nearly as possible and report to the Governor and Council from time to time:

- A.** The State's actual and potential outdoor recreational park resources and facilities,
- B.** The needs of the people of this State and out-of-state visitors for such park resources and facilities,
- C.** The kinds of resources and facilities best suited to and required for such park needs,
- D.** The extent to which such park needs are being currently met whether by publicly owned or privately owned facilities,
- E.** The location and probable cost of acquisition, development and operation of parks, which if acquired, developed and operated under this chapter, could satisfy such needs, and
- F.** The several public purposes to which such parks or portions thereof might be put.

Such studies and reports shall be accompanied by other information, statistics and charts as will adequately inform the Governor and Council of the character, condition and needs of this State of park recreational resources and facilities, and may be accompanied by specific recommendations for new legislation or other action to be taken with respect to the same.

3. Parks and memorials; rules and regulations. With the consent of the Governor and Council, to set apart and publicly proclaim areas of land in this State including improvements, or other structures thereon, title to which has been acquired under this chapter as parks or memorials within the meaning of said chapter, and the commission may from time to time establish such rules and regulations as it deems necessary:

- A.** For the protection and preservation of state parks and parks under state control,

- B. For the protection and safety of the public, and
- C. For observances of the conditions and restrictions expressed in deeds of trust, or otherwise, of the parks of the State and of monuments thereon.

Before promulgating such rules and regulations, they shall submit them to the Attorney General, and if he shall certify that in his opinion they are in conformity with the law, they shall thereupon, together with section 606, be published once a week for 2 successive weeks in a newspaper published in the towns or counties of this State wherein parks are located and posted in at least 3 conspicuous places in or about said park or parks whereupon they shall take effect, and a certificate of such publication and posting shall be executed by one of the members of said commission and filed with the Secretary of State, who shall record the same.

4. Fees for services and accommodations. With the consent of the Governor and Council, the commission may:

- A. Furnish accommodations and render services to the public on state parks and parks under state control; and
- B. Charge reasonable fees for such services and accommodations.

All fees received under this subsection shall accrue to the General Fund.

1961, c. 269.

5. Police supervision. To exercise police supervision over all state parks and memorials. The agents or representatives of the State Park and Recreation Commission designated for that purpose by said commission are authorized and empowered to arrest with or without warrant any person within the State who is committing, or to detain until a warrant has been obtained, any person within the State who has been seen by said agents or representatives committing any offense against the state laws, or any violation of any rule or regulation of the State Park and Recreation Commission within a state park or memorial, but no dwelling house shall be searched for the purpose of such arrest without a warrant, and then only in the daytime, and no sealed railroad car shall be entered for the purpose of such arrest without such warrant.

1963, c. 4, § 2.

6. Control of fires. With approval of the Governor and Council, to establish and maintain adequate provisions for the prevention, suppression and control of fires within said park areas.

7. Lease and agreements with United States. With the consent of the Governor and Council, to negotiate and execute any lease or other agreement for the administration, maintenance, supervision, use and development of state parks, within the meaning of this chapter, acquired and owned by the Government of the United States, upon such terms and conditions as may be deemed advantageous to the people of this State and consistent with said chapter; and with like consent, to accept on behalf of the State, deeds of gift or other conveyances to lands or interests therein suitable for administration, maintenance, supervision, use and development as state parks or memorials under this chapter. Such lands or interest therein, when so acquired, whether title thereto be in the United States or otherwise, shall be and remain subject to administration, maintenance, supervision, use and development by said commission under this chapter during the terms of any such lease or agreement. With respect to lands or interest therein, included in any park or parks acquired and owned by the Government of the United States and administered under this chapter the State of Maine shall retain concurrent jurisdiction with the United States in and over all such lands. Any civil and criminal process issuing under the authority of this State may be executed on said lands in the same manner and to the same effect as if the same were privately owned, and exclusive jurisdiction in and to said lands shall revert to the State of Maine when said lands shall cease to be owned by the United States. Such lands owned by the United States shall be exempt from all taxes and assessments so long as the same shall be the property of the United States.

8. Cooperate with federal agencies. To cooperate with federal agencies in the planning, development, maintenance and use of recreational areas; to assist state, county and municipal agencies in the study and planning of their recreational areas and programs.

1955, c. 483.

9. Federal funds. To accept and receive funds from the Federal Government for all purposes relating to parks and recreational areas. The Treasurer of State shall be the appropriate fiscal officer to receive such federal funds, subject to the approval of the Governor and Council, and the State Controller shall authorize expenditures therefrom as approved by the commission and the Governor and Council.

1963, c. 44.

10. Employees. To fix the duties of and to employ permanently or part time such employees and other personnel, subject to the Personnel Law, as the commission may from time to time deem necessary in the discharge of its duties under this chapter; and to accept gifts and bequests of money or other personal property to be used in advancing the recreational and conservation interests in state parks.

11. Seal. To have and use an official seal which shall be in custody of the secretary of said commission.

12. Eminent domain. When land is taken by eminent domain, the proceedings for such purpose shall be in accordance with Title 35, chapter 263.

R.S.1954, c. 36, § 34; 1955, cc. 37, 483; 1961, c. 269; 1963, c. 4, §§ 1, 2; cc. 44, 309.

§ 603. Surveys

The commission, its authorized agents and employees may enter upon any lands, waters and premises in the State for the purpose of making surveys and examinations as it may deem necessary or convenient in the discharge of its duties under this chapter, and such entry shall not be deemed a trespass.

1955, c. 40.

§ 604. Restrictions

The powers and duties of the commission as set forth in this chapter shall not be so construed as to interfere or conflict in any way with the powers and duties of the United States and its national park areas under national control, Baxter State Park, Department of Inland Fisheries and Game or the Forestry Department and their duly appointed wardens, and the enforcement of the inland fisheries and game and forestry laws in respect to state parks or to the State generally.

R.S.1954, c. 36, § 35.

§ 605. Allocation of funds

All moneys received by the commission shall be deposited with the Treasurer of State to be credited to the General Fund.

R.S.1954, c. 36, § 36; 1959, c. 314.

§ 606. Violation of rules and regulations

Whoever violates any of the rules and regulations, or any notices posted by said commission in conformity with this chapter or willfully mutilates, defaces or destroys any monument or marker lawfully erected within the borders of said parks shall be punished by a fine of not more than \$50 and costs or by imprisonment for not more than 30 days, or by both.

R.S.1954, c. 36, § 37.

§ 607. Jurisdiction

The District Court and the Superior Court shall have concurrent jurisdiction in all prosecutions under any provision of this chapter. Any person arrested as a violator of said chapter may be taken before the District Court in the division where the offense was committed, or in any adjoining division. Jurisdiction in such cases is granted to the District Court to be exercised in the same manner as if the offense had been committed in that division.

R.S.1954, c. 36, § 38; 1963, c. 402, § 69.

§ 608. Real estate subject to flowage

All real estate acquired under this chapter shall be and remain subject to flowage under the Mill Act, so called, or under any special charter heretofore or hereafter granted by this State, notwithstanding title thereto may be in the State.

R.S.1954, c. 36, § 39.