

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1207

H. P. 897

House of Representatives, February 11, 1965

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Lund of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Authorizing Municipalities to Establish Park and Conservation Commissions.

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

Sec. 1. R. S., T. 30, § 3801, amended. Section 3801 of Title 30 of the Revised Statutes is amended to read as follows:

‘§ 3801. Devises and gifts for open areas, public park and playgrounds

Any ~~town~~ **municipality**, as such, may receive, hold and manage devises, bequests or gifts for the establishment, increase or maintenance of public parks and playgrounds **and open areas, including marsh lands, swamps, and other wet lands**, in such ~~town~~ **municipality**, and may accept by vote of the ~~legal voters~~ **legislative body** thereof any land in such ~~town~~ **municipality** to be used as a public park or playground or both combined, **or maintained as an open area and as marsh land, swamp or wet land, as defined in section 3851**. When any plantation is incorporated into a town, such gifts and the proceeds thereof fully vest in such town.

Sec. 2. R. S., T. 30, § 3851, amended. Section 3851 of Title 30 of the Revised Statutes is amended to read as follows:

‘§ 3851. Park an conservation commissions

~~Cities and towns~~ **Municipalities** may **establish park and conservation commissions** and choose by ballot ~~3~~ **5** park **and conservation** commissioners, to hold office ~~1, 2 and 3~~ **2, 3, 4 and 5** years, respectively, and after the first year choose annually a commissioner for ~~3~~ **5** years in place of the one whose term expires. ~~They;~~ **such commission** shall have the care and superintendence of the public

parcs and direct the expenditure of all moneys appropriated for the improvement of the same. Such commission shall conduct research, in conjunction with the planning board, if any, into the local land areas and shall seek to coordinate the activities of conservation bodies organized for similar purposes and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary. It shall keep an index of all open areas, publicly or privately owned, within the municipality, including open marsh lands, swamps and other wet lands, for the purpose of obtaining information pertinent to proper utilization, protection, development or use of such open areas and may recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State of Maine a program for the better utilization, protection, development or use of such areas, which may include the acquisition of conservation easements. Any body politic or public agency of the State of Maine conducting planning operations with respect to open areas within a municipality having a park and conservation commission shall notify such park and conservation commission of all plans and planning operations at least 30 days prior to the implementation of any action thereunder. A Park and Conservation Commission may acquire land in the name of the municipality for any of the purposes set forth in this section. It shall keep records of its meetings and activities and shall make an annual report to the municipality to be published as part of the annual municipal report.

As used in this section "open areas" means any space or area the preservation or restriction of the use of which would maintain or enhance the conservation of natural or scenic resources, protect natural streams or water supplies, promote conservation of swamps, wet lands, beaches or tidal marshes, enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open areas or open spaces, affect or enhance public recreation opportunities, preserve historic sites, implement the plan of development adopted by the planning commission of any municipality, promote orderly urban or suburban development.

Nothing in this law shall be construed to require a municipality which has heretofore constituted a park commission under prior law to establish a park and conservation commission, and any such park commission heretofore established may continue to operate as originally established, until such time as the municipality may choose to establish a park and conservation commission.'

Sec. 3. R. S., T. 30, § 4001, amended. Section 4001 of Title 30 of the Revised Statutes is amended to read as follows:

‘§ 4001. Land taken for parks, squares, open areas, public libraries and playgrounds

Any ~~city or town~~ municipality, upon petition in writing signed by at least 30 of its taxpaying citizens, directed to the municipal officers, describing the land to be taken, as hereinafter provided, and the names of the owners thereof so far as they are known, may, at a meeting of ~~such town or the city government~~ the legislative body of the municipality, direct such municipal officers to take suitable lands for public parks, squares, open areas, including marsh lands, swamps or wet lands, as defined in section 3851, playgrounds, buildings for municipal

purposes or a public library building. Thereupon such officers may take such land for such purposes, but not without consent of the owner, if at the time of filing such petition with such officers or in the office of the clerk of such ~~town or city~~ **municipality** such land is occupied by a dwelling house wherein the owner or his family reside. When land is taken under this section ~~for a public park~~, the fee of such land may be taken and compensation assessed and paid accordingly. Land in any ~~town~~ **municipality** so taken for a public park may by authority of a majority vote at a ~~town~~ **meeting of the legislative body of the municipality** be transferred and conveyed to the Federal Government so as to become a part of a national park. ~~Nothing herein shall be held to deprive the former landowners from proceeding to restrain the use of such land for other than public park purposes.~~ **Land taken for the purposes hereinbefore described shall not be used for purposes other than those for which originally taken.'**

Sec. 4. R. S., T. 30, § 5106, sub-§ 9, additional. Section 5106 of Title 30 of the Revised Statutes is amended by adding a new subsection 9, to read as follows:

'9. Lands. Providing for and acquiring open areas, including marsh lands, swamps or wet lands, as defined in section 3851.'