

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1215

S. P. 500

In Senate, March 2, 1967

Referred to Committee on Industrial and Recreational Development. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Berry of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT to Preserve and Enhance Scenic Values in the State of Maine.

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

Sec. 1. R. S., T. 12, c. 217, additional. Title 12 of the Revised Statutes is amended by adding a new chapter 217, to read as follows:

CHAPTER 217

SCENIC PRESERVATION

§ 1701. Intent

The Legislature finds that the State of Maine possesses unique scenic resources which the State seeks to safeguard. It is the policy of the State of Maine to protect its scenic resources because of their intangible contribution to the welfare of its citizens and visitors and for their tangible contributions to the economic well-being of the State. Immediate action is needed to protect Maine's scenic countryside against the detrimental effects of the decrease in active farming, of the metropolitan development surrounding the State and of encroachments along its highways.

§ 1702. Purposes

This chapter is designed to preserve and to enhance Maine's scenic values.

§ 1703. Acquisition of rights and interests in land for scenery protection

1. Power to acquire. To further carry out the purposes set forth in section 1702, the Departments of Highways, Forestry, Parks and Recreation, Inland Fisheries and Game and Water Improvement, hereinafter in this chapter called

the "department," may acquire land and any rights and interests therein by purchase with any authorized funds, donation, devise, exchange, transfer from any other governmental agency, federal, state or local. All proposed acquisitions, exchanges and transfers of lands or rights therein shall be submitted to the Scenery Preservation Council for review of conformance to the plan prepared under section 1705. The recommendations of the Scenery Preservation Council need not be binding on the department.

2. Types of interests. The department shall determine the types of rights and interests in land to be acquired in order to fulfill the purposes of section 1702.

In the case of acquisition subject to a right of occupancy and use or reconveyance, or lease, the department shall so far as possible give priority to the former owner in selecting the grantee or lessee, as the case may be.

3. Injunction. In any case where rights and interests in land are divided between the State and private coowners, the department may begin injunction proceedings to enforce compliance in accordance with this chapter.

§ 1704. Improvement of land

To further carry out the purposes set forth in section 1702, the departments listed in section 1703, subsection 1, may improve lands held for those purposes with publicly owned and controlled rest and recreation areas which may include, among other things, sanitary facilities and other facilities reasonably necessary to accommodate the traveling public.

§ 1705. Planning provisions

The Scenery Preservation Council shall carry on a continuing comprehensive planning process to inventory and classify scenic corridors, areas and sites and analyze the scenic values and various elements thereof in keeping with the purposes of section 1702, including the general location of areas of special need and specific proposals for such new areas. The Scenic Preservation Council shall prepare and submit to the Governor for adoption, from time to time, and revise a comprehensive plan for the protection of the state's scenic resources. This plan shall become a part of the state's comprehensive master plan.

The Scenery Preservation Council shall cooperate with federal and local governments and with interested private groups and individuals in joint planning to protect and develop historic, cultural and scenic resources.

§ 1706. Scenery Preservation Council

1. Created. There is created a Scenery Preservation Council. The Scenery Preservation Council shall consist of 7 members. The Governor shall appoint its members for terms of 3 years, except that he shall appoint the first members so that the terms of 2 members shall end in one year, 2 members shall end in 2 years and 3 members in 3 years. No state employee or member of any state commission nor any federal employee or member of any federal commission shall be eligible for membership on the Scenery Preservation Council.

2. Meetings. The Scenery Preservation Council shall meet at least twice each year upon the call of the Governor.

3. **Duties.** The Scenery Preservation Council shall, in addition to other duties specified in this chapter:

A. Consider the scenery preservation plan or any part thereof before its submission to the Governor;

B. Encourage and assist in fostering public awareness, understanding and participation in the objectives and functions of scenery preservation and in stimulating public participation and interest;

C. Report biennially to the Governor and the Legislature upon the effectiveness of this chapter and make continuing recommendations regarding scenic corridors, scenic areas and scenic sites. In making such recommendations, the council shall not necessarily be confined to the limits of this chapter.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$1,000 for the fiscal year ending June 30, 1968 and the sum of \$1,000 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act.