

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1449

S. P. 553

In Senate, March 8, 1967

Referred to Committee on Natural Resources. Sent down for concurrence and ordered printed.

JERROLD B. SPEERS, Secretary

Presented by Senator Lund of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

**AN ACT Relating to Conservation of Natural and Watershed Resources in
Municipalities.**

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

Sec. 1. R. S., T. 30, § 3801, repealed and replaced. Section 3801 of Title 30 of the Revised Statutes, as amended by section 1 of chapter 203 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 3801. Devises and gifts for public parks and playgrounds

Any municipality as such, may receive, hold and manage devises, bequests or gifts for the establishment, increase or maintenance of public parks and playgrounds in such municipality, and may accept by vote of the legislative body thereof any land in such municipality to be used as a public park or playground or both combined. 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. The first sentence of section 3851 of Title 30 of the Revised Statutes, as amended by section 2 of chapter 203 of the public laws of 1965, is repealed and the following enacted in place thereof:

Municipalities may choose by ballot 3 park commissioners, to hold office 1, 2 and 3 years, respectively, and after the first year choose annually a commissioner for 3 years in place of the one whose term expires.

Sec. 3. R. S., T. 30, § 4001, repealed and replaced. Section 4001 of Title 30 of the Revised Statutes, as amended by section 3 of chapter 203 of the public laws of 1965, is repealed and the following enacted in place thereof:

§ 400I. Land taken for parks, squares, open areas, public libraries and playgrounds.

Any 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 the legislative body of the municipality, direct such municipal officers to take suitable lands for public parks, squares, 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 municipality such land is occupied by a dwelling house wherein the owner or his family reside. When land is taken under this section, the fee of such land may be taken and compensation assessed and paid accordingly. Land in any municipality so taken for a public park may by authority of a majority vote at a 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. 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, c. 229-A, additional. Title 30 of the Revised Statutes is amended by adding a new chapter 229-A, to read as follows:

CHAPTER 229-A

CONSERVATION

§ 407I. Conservation commission

Any municipality which accepts this section at its annual meeting or municipal election may establish a conservation commission for the promotion and development of the natural resources and for the protection of the watershed resources of said municipality.

Such commission shall consist of 3 members. The members of the conservation commission shall be chosen by ballot. In the first year in which a conservation commission is established, the candidate having the highest number of votes shall be elected for a term of 3 years, the candidate with the 2nd highest number of votes shall be elected for a term of 2 years, and the candidate with the 3rd highest number of votes shall be elected for a term of one year. Thereafter, one member of the commission shall be elected annually for a 3-year term.

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. Any body politic or public agency of the State of Maine conducting planning operations with respect to open areas within a municipality having a conservation commission shall notify such conservation commission in writing of all plans and planning operations at the earliest stages of such planning operations. A 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.

Such commission may accept state or federal funds, or both, to be used to carry out its purposes, and such funds may be used on a matching basis with funds raised by the municipality if the commission determines to use such funds in such manner.

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 or promote orderly urban or suburban development.

§ 4072. Open area acquired

Any municipality which has established a conservation commission as provided in section 4071 may acquire open areas, as defined in section 4071, in the same fashion that other municipal land is acquired, and such acquisition may be in fee simple or such municipality may acquire such lesser interest in open areas as the conservation commission may recommend, including the acquisition of conservation easements. Appropriate compensation shall be assessed and paid for the acquisition of such land in fee simple, or of such conservation easements. Any municipality may receive, hold and manage devises, bequests and gifts for the establishment, increase or maintenance of open areas, as defined in section 4071, including title to land in fee simple, or such conservation easements.

Sec. 5. R. S., T. 30, § 5106, sub-§ 9, amended. Subsection 9 of section 5106 of Title 30 of the Revised Statutes, as enacted by section 4 of chapter 203 of the public laws of 1965, is amended to read as follows:

9. Lands. Providing for and acquiring open areas, including marsh lands, swamps or wet lands, as defined in section ~~385+~~ 4071.