

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1063**

H. P. 787

House of Representatives, February 23, 1971

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lund of Augusta.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Relating to Acceptance of Gifts and Purchases of State Lands.**

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

**Sec. 1. R. S., T. 12, § 512, amended.** The first sentence of section 512 of Title 12 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

The commissioner may, with the advice and consent of the Governor and Council, purchase, when funds are available from bequests or trusts other than bequests made or inter vivos trusts created by the late Percival Proctor Baxter, or accept on the part of the State gifts of parcels or tracts of land to the State, or may purchase land in the name of the State for state forest purposes and may also designate and set aside such lands or portions thereof as natural areas.

**Sec. 2. R. S., T. 12, § 512, amended.** Section 512 of Title 12 of the Revised Statutes, as amended, is further amended by adding at the end the following paragraphs:

“Natural areas” means limited areas of land which have retained their wilderness character, although not necessarily completely natural and undisturbed, or have rare or vanishing species of plant or animal life or similar features of interest which are worthy of preservation for the use of present and future residents of the State, and may include unique ecological, geological, scenic and contemplative recreational areas on state lands.

Natural areas held by the State shall include and be designated as one or more of the following three types, and the location of each shall be described in the designation:

Type 1. Semiwilderness areas which by their size or location are in effect

untouched by urban civilization, and can therefor offer the experience of solitude and self-reliance. Whereas lands at the higher elevations are important for protection of watersheds, are ecologically vulnerable if unwisely altered by human interference, and often may be uneconomic for logging or construction, it is hereby found that such lands generally may be suitable for this classification.

Type 2. Units of importance for all the natural sciences, especially ecology, and with outstanding value for education and research and for the appreciation of natural processes. Preservation in the desired condition shall be the prevailing purpose of such holdings. Visitation shall be regulated so as to ensure this preservation on a permanent basis.

Type 3. Areas which are not of ecological or semiwilderness stature, but which have the appearance of being in an untouched natural state, or which are capable of attaining that appearance if held and managed for this purpose. These areas, to be designated, shall normally contain at least 100 acres.

On natural areas of Type 1, 2 or 3 all land uses and practices shall be subject to regulations of the department to carry out the purposes of this legislation to manage or maintain the areas for the preservation of their natural condition. Areas designated under these classifications can be removed from such designation only by approval of the commissioner, with the advice and consent of the Governor and Council, following public notice and hearing.

#### STATEMENT OF FACT

The purpose of section 1 is to spell out authority to purchase land which is only implied in the 2nd paragraph, 3rd sentence of Title 12, section 512. Adequate safeguards for controlling amount and timing of purchases are provided by the appropriation process and advice and consent of the Governor and Council.

Section 2 establishes natural areas as a publicly recognized use of a restricted nature.

First paragraph of section 2 refers to "limited areas of land" purposely does not spell out acreage limitations for reasons that a very small area of unique quality may be as desirable as 100 acres of more common characteristics.

Third paragraph, this class may serve as a basis for set-aside of portions of the Appalachian Trail for example.

Fourth paragraph, this class is of most urgent need. Concern is expressed for identifying and protecting outstanding examples of forest types which may soon be unavailable. The Society of American Foresters Natural Areas Committee has initiated this action, and several college biology departments have expressed interest.

Fifth paragraph, last sentence may be deleted if thought advisable. It may raise more questions than it answers at this time.

It is hoped that public recognition of these classes of natural areas will encourage donations of forest land for these as well as existing state forest purposes.