

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1548

H. P. 1128

House of Representatives, March 16, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Lucas of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Creating the Maine Appalachian Trail Authority.

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

R. S., T. 12, c. 219, additional. Title 12 of the Revised Statutes is amended by adding a new chapter 219 to read as follows:

CHAPTER 219

MAINE APPALACHIAN TRAIL AUTHORITY

§ 1751. Policy

It is declared to be the policy of the State of Maine to provide for the preservation of the natural beauty and wilderness character of the Appalachian Trail and to foster the recreational use thereof in the public interest.

§ 1752. Definitions

The following terms as used in this chapter shall have the following meanings:

1. Agreements. "Agreements" include easements, leases, cooperative agreements with agencies of the United States and of other states and with individuals and corporations, gifts and options for purchase of land or the development of rights to land.

2. Authority. "Authority" means the Maine Appalachian Trail Authority.

3. Development rights. "Development rights" means the right to construct buildings and improvements on land and the right to lease such con-

structed buildings or improvements to any person or corporation or governmental authority. The term shall not be applied to prohibit the cutting and harvesting of timber or removal of minerals as the same may enhance or not interfere with the natural beauty and wilderness character of the Appalachian Trail.

§ 1753. Authority, membership, meetings

The Maine Appalachian Trail Authority established under this chapter shall consist of 5 members, appointed by the Governor, following receipt of recommendations for membership from the Maine Appalachian Trail Club, Inc., and from the Portland Chapter of the Appalachian Mountain Club. Of the members appointed there shall be at least one representing organizations interested in the preservation of the Appalachian Trail and at least one representing owners of land underlying or abutting the Appalachian Trail, other members shall be persons interested generally in the preservation and perpetuation of the Appalachian Trail. In addition, the following persons shall be ex officio members of the authority: The Forest Commissioner, the Commissioner of Inland Fisheries and Game, the Director of the Maine State Park and Recreation Commission and the Attorney General.

The members of the authority shall elect a chairman who shall preside at all meetings of the authority when present. The authority shall meet as often as necessary at such times and places as the chairman may designate. Any 3 members shall constitute a quorum for the transaction of the business of the authority. The Forestry Department, State Park and Recreation Commission, Department of Inland Fisheries and Game and the Department of the Attorney General shall cooperate with the authority in the administration of its duties.

§ 1754. Duties

The authority shall formulate plans and proposals for preserving and perpetuating the Appalachian Trail in order that the people of the State and its visitors may be assured of the continued opportunity to enjoy the benefit of the Appalachian Trail as a place of natural interest and scenic beauty and for recreational uses consistent with its preservation and perpetuation. The duties and functions of the authority shall include but not be restricted to:

1. Examination. Examination of the Appalachian Trail in order to determine those features which would be preserved;

2. Negotiations. Negotiate tentative agreements between owners of land underlying or abutting the Appalachian Trail and the State of Maine for the preservation and perpetuation of the trail consistent with the purposes of this chapter;

3. Consultation. Consult with and seek the advice of conservation and naturalist groups in the planning and development of the Appalachian Trail consistent with the purposes of this chapter;

4. Rules and standards. Formulate rules and standards for the use, maintenance and operation of the Appalachian Trail.

§ 1755. Tentative agreements

The authority in the name of the State shall enter into tentative agreements with land owners with respect to land, interest in lands, leases, cooperative agreements, agreements on development rights consistent with the purposes of this chapter. Tentative agreements shall be entered into under such terms, and subject to such conditions and restrictions as the authority may determine.

§ 1756. Approval of the Legislature

All plans, proposals, rules and standards for the use, maintenance and operation of the Appalachian Trail and all tentative agreements shall be subject to the final approval of the 106th Legislature or the 105th Legislature at any special session thereof.

§ 1757. Appalachian Trail right-of-way

The right-of-way of the Appalachian Trail within the State of Maine, insofar as practicable shall comprise the trail depicted on the maps identified as "Nationwide Systems of Trails, Proposed Appalachian Trail, NST-AT-101-May, 1967" on file in the office of the Director of the National Park Service.

STATEMENT OF FACT

The purpose of this bill is reflected in the 1st section—policy.