

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
106TH LEGISLATURE

HOUSE AMENDMENT " A " to H.P. 58, L.D. 70, Bill, "AN ACT  
Relating to Fees for Forest Lands and Wild Lands Posted Against  
Trespass."

Amend said Bill by striking out all of that part designated  
"§602-A." and inserting in place thereof the following:

'§ 602-A. Lands posted against trespass

The owner of any parcel of land consisting of 500 acres or more,  
which land is taxed by any method of forest productivity, who denies  
public access to such land by notice posted conspicuously on the land,  
or by the owner or his agent, shall pay a yearly fee of \$1 per acre  
for each acre so posted to the Parks and Recreation Department. Such  
fees shall be credited to a special fund within the department which  
shall not lapse but remain a continuing carrying account and which  
shall be used by the department to procure and maintain land and  
buildings and construct and maintain buildings, for the use and  
enjoyment of the public. The department may charge reasonable fees  
for the services provided by this section to be credited to the  
special fund. Lands and buildings purchased with funds generated by  
this section shall be considered state parks and the department shall  
have the same duties and powers and be subject to the same  
restrictions with respect thereto, as is the case with other state  
parks. For purposes of this section, "parcel of land" shall mean

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any contiguous quantity of land, including interests therein, owned or controlled by, or recorded as the property of, the same person or related or affiliated group of persons; "person" shall include individuals, firms, corporations, trusts and other private entities; "public access" shall mean access by individual members of the general public for the purpose of camping, hiking, hunting, fishing, snow-shoeing and similar transient non-commercial recreational activity; "the denial of public access" shall include, for purposes of this section, not only complete denial of public access, but shall include the denial of public access, except upon payment of a fee and "vehicular traffic" shall include all motor vehicles, including snowmobiles, trail bikes and other all-terrain vehicles.

1. Exemption. An owner, who satisfactorily proves to the department that actual timber harvesting operations are occurring in the immediate proximity of areas so posted, shall not be required to pay the fees assessed by this section for those areas actually posted. The department may by regulation establish a reasonable fee to be charged for processing applications for such exemptions. No such exemption approved by the department shall extend for more than one year and such permit shall not be renewed for the same acreage within a period of 10 years from the time such exemption is granted. An owner may post its lands to deny access by vehicular traffic, but not pedestrian traffic, without liability for payment of the fees imposed by this section for the area so posted. In addition, buildings, together with a small reasonable area in the immediate proximity of such buildings, may be posted without liability for payment of the fees imposed by this section for the area so posted. Nothing in this

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section shall be construed as affecting the existing laws pertaining to littering, nuisance and the unlawful building of fires on lands of another.

Rules and regulations.

2./ The department may adopt, repeal and amend such rules and regulations, in accordance with the procedure set forth in the Administrative Code, as are necessary to properly administer this section. Such regulations may include, but shall not be limited to, the establishment of an administrative review process and the requirement that such returns or notifications be filed by landowners as the department determines are necessary or desirable for proper administration hereof. Fees payable hereunder shall be paid to the department on or before October 1st of each year, commencing with October 1, 1973, and shall become delinquent on February 1st of the next year, commencing with February 1, 1974.

Fees.

3./ Delinquent payments shall be certified as such to the office of the State Tax Assessor which shall enforce payment of such fees in accordance with, and shall have such powers as are set forth in Title 36, chapter 107, subchapter IV. Fees collected from enforcement shall be carried and used as set forth in the first paragraph of this section.'

Statement of Fact

Vast areas of the State are being bought or leased by out-of-state individuals and corporations. These lands are becoming private game preserves and the residents of the State are being denied access. Although this law will apply to lands owned by the paper industry it will not deny them the right to post lands where timber harvesting is in process. In addition, landowners will retain the right to deny access

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personally or by their agents, for the purpose of retaining a reasonable measure of control over the extent and kind of activities by the public on their property.

Proceeds will allow the Parks and Recreation Department additional funds to develop new areas for Maine citizens.

Filed by Mr. Dyar of Strong.

Reproduced and distributed under the direction of the Clerk of the House.

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