

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1493

H. P. 1160

House of Representatives, March 14, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Briggs of Caribou.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Establishing a State Register of Natural Areas.

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

Sec. 1. R. S., T. 5, c. 312, additional. Title 5 of the Revised Statutes is amended by adding a new chapter 312 to read as follows:

CHAPTER 312

STATE REGISTER OF NATURAL AREAS

§ 3310. Title

This chapter shall be known and may be cited as the "Act for a State Register of Natural Areas."

§ 3311. Findings; declaration of purpose

The Legislature finds that the State of Maine has an overriding interest in the optimum development and preservation of certain land and water areas of the State. It is hereby found and determined that sites or areas of unusual natural, scenic, scientific or historical significance are areas of such overriding state interest. It shall be the policy of the State to encourage the preservation and utilization of these areas through land use planning, regulation and protective acquisition or management as appropriate, commensurate with controlled economic growth and development. These areas of unusual natural, scenic, scientific or historical interest should be inventoried to facilitate their preservation for present and future generations. This task has been begun by certain state agencies, as well as private groups. The Legislature directs that a state-wide inventory and an official, authoritative listing of such natural,

scenic, scientific and historical areas of overriding state interest be made by the State Planning Office as part of its overall responsibility for comprehensive state-wide planning and coordination of the planning and conservation efforts of state and local agencies. The official listing shall be known as the "Register of Natural Areas" and may be referred to as the "register."

A Natural Areas Advisory Board shall be created to advise the State Planning Office in the identification of areas to be included in the register and to coordinate the use and enhance the conservation of all designated natural areas included in said register.

§ 3312. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings:

1. Advisory board. "Advisory board" shall mean the Maine Natural Areas Advisory Board hereinafter created.
2. Natural areas. As used in this Act "natural areas" mean areas containing or potentially containing plant and animal life or geological features worthy of preservation in their natural condition, or other natural features of significant scenic, scientific or historical value.
3. Register of Natural Areas. "Register of Natural Areas" means the official record and inventory of natural areas established and maintained by the State Planning Office.

§ 3313. Maine Natural Areas Advisory Board

There is hereby created a Maine Natural Areas Advisory Board to advise and assist the State Planning Office in the establishment and maintenance of the Register of Natural Areas. The Maine Natural Areas Advisory Board, hereinafter in this chapter referred to as the board, shall be convened by the State Planning Office and shall consist of 12 members, 9 of whom shall be permanent members.

1. Permanent members. The 9 permanent members of the board shall be the appointed designees or officers of the following state departments. The State Planning Office, the Parks and Recreation Department, the Land Use Regulation Commission, the Board of Environmental Protection, the Department of Transportation, the Department of Inland Fisheries and Game, the Department of Sea and Shore Fisheries, the Maine Historic Preservation Commission and the Department of Educational and Cultural Services.

2. Additional members. There shall be 3 additional members of the board who shall serve for terms of 3 years respectively, except that initially, a member shall be appointed whose term shall expire at the end of one year, one member whose term shall expire in 2 years, and a 3rd appointive member whose initial term will expire at the end of 3 years. One appointive member shall represent regional planning interests, one appointive member shall represent private conservation interests and one appointive member shall represent the university.

3. **Officers.** The board shall annually select from its membership a chairman and a secretary, and said board shall meet not less than twice a year at the call of the chairman or a majority of the members. The State Planning Office shall furnish clerical, technical and other services required by the board in the performance of its official duties.

4. **Quorum; records.** A quorum of the board for the transaction of business shall be 8 members. The secretary of the board shall keep a record of all proceedings of the board, which record shall be a public record.

5. **Rules and regulations.** The board may adopt and promulgate rules and regulations governing the conduct of its business.

6. **Expenses.** Members of the board shall receive no compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

§ 3314. Register of Natural Areas

1. **Register of Natural Areas.** The State Planning Office, with the advice of the board, shall establish a Register of Natural Areas, which shall contain an inventory of sites and areas of significant natural, scenic, scientific or historic value duly classified as "natural areas" as defined in section 3312. In determining the classification of an area or site as a natural area, the State Planning Office shall consider, inter alia:

- A. The unique or exemplary natural qualities of the area or site;
- B. The intrinsic fragility of the area or site to alteration or destruction;
- C. The present or future threat of alteration or destruction;
- D. The economic implications of inclusion of a natural area in the register.

2. **Landowner consultation.** No area or site classified as a natural area shall be included in the register without notification with the landowner. Each natural area listed in the register shall include:

- A. A general description of the area or site;
- B. A list of its unique or exemplary qualities and reasons for inclusion in the register;
- C. Its size and location;
- D. The name or names of the property owner, contingent upon the consent of the owner.

3. **Recommendations.** The State Planning Office shall recommend to appropriate state agencies which possess the authority to acquire property rights, through devise, gift, purchase, or otherwise, and which also possess the authority to contract with private property owners, the acquisition of property rights or the establishment of management agreements which will insure the protection of critical areas on the register whose natural qualities are threatened with adverse alteration or destruction. The State Planning

Office may also recommend the acquisition of property rights or consummation of contractual management agreements regarding any natural area listed in the register to any state agency, political subdivision of the State or private citizens who have demonstrated interest in the protection of natural areas.

4. **Alterations.** The Natural Areas Advisory Board shall be advised by the present or prospective owner of any proposed alteration or change in the use or character of any area listed in the Register of Natural Areas. No alteration or change in use or character shall take place prior to 45 days from such notification unless a release is issued by the Natural Areas Advisory Board.

5. **Removal of listed areas.** The State Planning Office, with the advice and approval of the Maine Natural Areas Advisory Board, may remove any natural area listed in the register, when it shall determine that such protection as afforded under inclusion in the register is no longer necessary or appropriate.

Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$30,000 for the fiscal year ending June 30, 1974, and the sum of \$30,000 for the fiscal year ending June 30, 1975, to carry out the purposes of this chapter.

STATEMENT OF FACT

The purpose of this Act is to identify areas of outstanding scientific and educational interest and encourage their preservation for the study and enjoyment of future generations, as more fully described in section 3311 of this Act.