

MAINE STATE LEGISLATURE

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New Draft of: S. P. 78, L. D. 195

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1788

S. P. 581

In Senate, April 11, 1973

Reported by Senator Cummings of Penobscot from the Committee on Natural Resources and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to a State Trails System.

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

R. S., T. 12, § 602, sub-§ 15, additional. Section 602 of Title 12 of the Revised Statutes, as amended, is further amended by adding a new subsection 15, to read as follows:

15. **Maine Trails System.**

A. The Commissioner of Parks and Recreation shall establish trails on state-owned lands and encourage the establishment of trails on private lands by governmental agencies and private organizations. The commissioner is authorized to negotiate and acquire such interests as may be necessary to establish and protect trails and, after consultation with interested parties, to designate certain trails as components of the Maine Trails System. In order to satisfy the purposes of this subsection, the elements of any trail corridor shall include a right-of-way and may include buffer areas and facilities. The commissioner may acquire fee or lesser interest, such as scenic easement, in the rights-of-way and less-than-fee interest in buffer areas adjacent to the rights-of-way in order to protect the trails from incompatible developments. In all cases such interest shall be acquired to assure both access to the trail and maintenance of appropriate conditions.

If all reasonable efforts to acquire lands or interests therein by negotiation have failed, and public exigency requires it the commissioner may, with the consent of the Governor and council, utilize the power of eminent domain to acquire such land as is deemed necessary to provide passage via the most direct or practicable connecting trail right-of-way across such lands; pro-

vided, that not more than 25 acres in any one mile may be acquired without consent of the owner and such owner or adjacent landowners shall not be precluded from using motorized vehicles across such trails therein in order to maintain reasonable access to their fee or other interests in land.

The commissioner may enter into agreements with private organizations and governmental agencies to provide for the maintenance of established trails. Local and regional governmental agencies and private organizations are encouraged to assume the primary responsibility for the establishment, maintenance and administration of local trails. The commissioner shall, where necessary, coordinate the efforts of governmental agencies and private organizations to establish, maintain and administer trails which are regional in character.

The commissioner may issue such regulations governing the use of the system as required to maintain the purposes of this subsection and compatibility with federal regulations.

B. The Maine Trails System shall consist of:

(1) Recreational trails. Trails designated to provide a variety of recreational opportunities. Recreational trails may be limited to foot, horse or other nonmotorized means of transportation, or motorized means of transportation or combination thereof, as deemed appropriate by the commissioner.

(2) Primitive trails. Trails providing for the appreciation of natural and primitive areas and for the conservation of significant scenic, historic, natural or cultural qualities of the areas through which the trails pass and offering primarily the experience of solitude and self-reliance in natural or near-natural surroundings. Rights-of-way and buffer areas may be established and maintained to further that experience and no use or development shall be permitted which threatens such primitive character. Nothing in this subsection shall be construed as excluding from a primitive trail system areas of development, provided that such areas are deemed by the commissioner to be relatively insignificant compared to the system as a whole, or that such development either is not likely to remain or leave a lasting mark or is integral to the trail system itself. Primitive trails may be restricted to foot traffic, including hiking, snowshoeing and skiing, except in those areas where the trails are on existing roads. The Appalachian Trail shall be included as a primitive trail in the Maine Trails System and other trails may also be included.

(3) Facilities. Camp sites, shelters and related public-use and management facilities to the extent that they do not interfere with the nature and purposes of the trails which they serve.

C. The commissioner shall appoint a Maine Trails System Advisory Committee, whose members shall represent various interested parties, for the purpose of advising him on matters related to the Maine Trails System.