

MAINE STATE LEGISLATURE

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(New Title)
New Draft of H. P. 1817, L. D. 2311
FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2518

H. P. 1977 House of Representatives, February 19, 1974
Reported by Mr. Herrick from the Committee on Natural Resources and
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E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Establishing a State Register of Critical 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 CRITICAL AREAS

§ 3310. Title

This chapter shall be known and may be cited as the "Act for a State Register of Critical 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 Critical Areas" and may be referred to as the "register."

A Critical 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 critical 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 Critical Areas Advisory Board hereinafter created.
2. Critical areas. "Critical 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 Critical Areas. "Register of Critical Areas" means the official record and inventory of natural areas established and maintained by the State Planning Office.

§ 3313. Maine Critical Areas Advisory Board

There is hereby created a Maine Critical Areas Advisory Board to advise and assist the State Planning Office in the establishment and maintenance of the Register of Critical Areas. The Maine Critical Areas Advisory Board, hereinafter in this chapter referred to as the "board," shall be appointed by the Governor with the approval of the Council and shall be convened by the State Planning Office and shall consist of 11 members, one of whom shall be a permanent member.

1. Permanent member. The one permanent member of the board shall be the appointed designee or the director of the State Planning Office.
2. Additional members. There shall be 10 additional members of the board who shall serve for terms of 3 years respectively, except that initially, 3 members shall be appointed whose terms shall expire at the end of one year, 3 members whose terms shall expire in 2 years, and 4 members whose initial terms will expire at the end of 3 years.
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 7 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 Critical Areas.

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

2. Landowner consultation. No area or site classified as a critical area shall be included in the register without notification of the landowner at least 60 days prior to such classification. Each critical 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 critical area listed in the register to any state agency, political subdivision of the State or pri-

vate citizens who have demonstrated interest in the protection of critical areas.

4. **Alterations.** The Critical 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 Critical Areas. No alteration or change in use or character shall take place for 60 days subsequent to such notification unless a release is issued by the Critical Areas Advisory Board.

5. **Removal of listed areas.** The State Planning Office, with the advice and approval of the Maine Critical Areas Advisory Board, may remove any critical 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, 1975 to carry out the purposes of this Act.

STATEMENT OF FACT

The purpose of this bill 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.