

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 930

H. P. 703

House of Representatives, March 4, 1975

Referred to the Committee on Public Lands. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Rolde of York.

Cosponsors: Mr. Martin of Eagle Lake, Mr. Palmer of Nobleboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Improve the Management of the Public Lands.

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

Sec. 1. 10 MRSA § 2101, first sentence, as last amended by PL 1973, c. 513, § 22, is repealed and the following enacted in place thereof:

The Maine Mining Bureau, as heretofore established, shall consist of 7 members, the State Geologist and a member from each of the State Departments of Agriculture, Conservation, Commerce and Industry, Inland Fisheries and Game, Marine Resources and Environmental Protection.

Sec. 2. 10 MRSA § 2101, as last amended by PL 1973, c. 513, § 22, is further amended by inserting after the 2nd sentence the following:

The members shall elect from among themselves a chairman, who shall serve for a term of one year commencing on the first day of July.

Sec. 3. 10 MRSA § 2104, sub-§ 10 is amended by inserting after the first sentence the following:

At least one public hearing shall be held prior to the vote of the membership on any ruling required under this subsection.

Sec. 4. 10 MRSA § 2104, sub-§ 10, last sentence is amended to read:

Such ruling shall be made within 90 days of the date of such application and when obtained shall be binding and irrevocable for such period of time as the applicant and the State may agree.

Sec. 5. 12 MRSA §§ 502, 504, 508, 514, 515 and 5014, as amended, are repealed.

Sec. 6. 12 MRSA c. 202 is enacted to read:

CHAPTER 202

BUREAU OF PUBLIC LANDS

§ 551. Bureau of Public Lands established

There is established within the Department of Conservation to accomplish the purposes of this chapter, a Bureau of Public Lands which shall carry out the responsibilities of State Government relating to public lands planning and management. Said planning and management shall proceed in a manner consistent with the principles of multiple land use and shall produce a sustained yield of products and services in accordance with both prudent and fair business practices and the principles of sound planning.

§ 552. The Bureau of Public Lands; powers and duties

1. Powers and duties. The Bureau of Public Lands shall:

A. Have the care, custody, control and the responsibility for the management of all lands owned by the State, including public reserved lands, public domain lands, islands in inland and coastal waters, land beneath great ponds, rivers and streams, subtidal lands, lands acquired under section 512, lands acquired by the bureau pursuant to other lawful authority and any other lands the management and control of which are not otherwise provided for by law.

B. Prepare for review by the Commissioner of Conservation, revise from time to time and maintain plans for the management of such land in accordance with the principles of multiple use as defined in Title 30, section 4162, subsection 2, paragraph A.

C. Compile and maintain, to the extent practicable, an inventory of the diverse resources of such lands. The bureau shall receive the full cooperation of the other agencies and instrumentalities of the State in the preparation and maintenance of such resource inventory.

D. Transfer the responsibility for the management of particular portions of public lands, other than public reserved lands, within its jurisdiction to any other state agency upon such conditions and for such periods as the bureau may specify when such transfer is pursuant to a management plan and the transfer has received the written consent of the receiving agency, the Commissioner of Conservation and the Governor and Executive Council; and

E. Accept the care, custody, control and responsibility for the management of public lands or interests in land from other state agencies with the written consent of the transferor agency, the Commissioner of Conservation and the Governor and Executive Council. Nothing in this paragraph and paragraph D shall be construed to negate or affect obligations of the State undertaken in any existing lease, easement or other binding agreement or obligation of the State undertaken by the acceptance of any deed or other grant of an interest in real property.

2. Administrative powers and duties.

A. The Bureau of Public Lands may employ or retain such expert and professional consultants, and contract for such research and development projects, as it deems necessary within the limits of funds available and consistent with the purposes of this chapter and Title 30, chapter 233.

B. The Bureau of Public Lands may apply for and accept on behalf of the State from any source whatever, including the Federal Government, any gifts or land, and may acquire on such terms as the director deems reasonable, easements, development rights and other interests in real property with the approval of the Commissioner of Conservation and the Governor and Executive Council.

C. The Bureau of Public Lands is authorized and empowered, with the consent of the Commissioner of Conservation, to enter into such agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter.

D. The Bureau of Public Lands may from time to time adopt, amend, repeal and enforce reasonable rules and regulations necessary to carry out the duties assigned to it.

(1) Procedure for adopting rules and regulations. The Bureau of Public Lands shall issue notice of proposed rules and regulations by distributing copies thereof to all state agencies whose responsibilities relate to the subject matter of such rules and regulations and by publishing a copy of such proposed rules and regulations in the state paper and 2 other papers of general circulation, once during each of 3 successive weeks not less than 45 days prior to the adoption of such rules and regulations. State agencies and the public may file their written comments with the Bureau of Public Lands on such proposed rules and regulations within such 45-day period. A hearing will be held on such proposed rules and regulations only if the request is made therefor by any agency or person within 21 days after publication of the notice of such proposed rules or regulations. Reasonable notice shall be given of any public hearing.

(2) The bureau may establish reasonable rules governing the conduct of public hearings under this chapter, including adjournments and continuations thereof.

(3) Rules and regulations of the bureau shall become effective upon notice thereof published in the state paper and 2 other papers of general circulation. Such notice shall be published not sooner than 15 days after a public hearing held pursuant to the provisions of subparagraph (1) or 60 days after the initial publication of the proposed rules and regulations in the event no public hearing is held.

(4) Notwithstanding the foregoing, where the Director of the Bureau of Public Lands finds an emergency to exist or where necessary to implement emergency legislation, he shall have the authority to promulgate rules and regulations to take effect immediately upon issuance, and shall provide opportunity for public hearings on such rules and regulations within 15 days after their promulgation.

(5) Rules and regulations of the bureau shall be seasonably printed and made available to interested parties.

E. The bureau, at the expense of the State, may cause copies of sections or parts of sections of this chapter or Title 30, chapter 233 and of other laws of the State relating to the administration of public lands to be printed and freely distributed. The bureau may prepare tracts or circulars of information on the administration of public lands which shall be available for distribution.

F. The bureau shall deliver to the State Archives within a reasonable period of time after their creation or acquisition the originals of all deeds, planbooks and surveyors' field and chainage notes, and such other materials, the preservation of which it deems necessary, relating to the ownership, location and management of lands described in subsection 1, paragraphs A and E.

3. Public land policy coordination. The Bureau of Public Lands shall:

A. Establish an inventory of the surplus real property and real property interests, or classes thereof, owned or within the custody and control of all the various agencies and instrumentalities of the State and procedures for maintenance of such an inventory. For the purposes of this section "surplus real property and real property interests" shall mean any interest in land, together with the improvements, structures and fixtures located thereon and appurtenances thereto, which are unused by or in excess of the reasonably foreseeable needs of the agency or instrumentality of the State with the custody or control of such land.

B. Establish a procedure for the regular review by the bureau of proposed purchases, transfers and sales of real property and real property interests by state agencies, in order to minimize duplication in the acquisition and use of real property and to coordinate the sound management and efficient use of real property by the agencies and instrumentalities of the State. No agency shall acquire any interest in real property after the effective date of this Act without at least 30 days' prior notice to, or written acknowledgment of the proposed transaction by, the bureau. For the purposes of this section, "notice" shall mean a written document including the following information: A general description of the size, location and nature of the property interest, of the purposes and estimated costs of and income from the proposed transaction and any provisions made for the planning and management of the property.

C. Establish a procedure for the retention, use or disposal of surplus or unused lands by the agencies of the State.

D. Have the discretionary power to exempt specific agencies or categories or classes of real property for such time as it may specify upon the written request of any agency, if the director finds that such exemption would not be inconsistent with the purposes of this section; and

E. Inform the agency proposing a real property transaction in writing of the recommendations of the bureau with respect to such transactions.

4. Real property transactions.

A. Public lands and structures under the care, custody, control or management of the Bureau of Public Lands may be sold, exchanged or otherwise conveyed by the bureau pursuant to this subsection, excepting only public reserved lands and islands in coastal and inland waters. The director of the bureau shall, in all cases of sales, unless otherwise directed by the Legislature, give public notice of the proposal to sell and shall ask for competitive bids and shall sell to the highest bidder with the right to reject any and all bids.

B. The proceeds of such transactions shall be deposited in the Public Lands Management Fund for unrestricted use in accordance with the terms of the fund.

C. The Bureau of Public Lands shall not sell, exchange or otherwise convey any such land unless and until it shall have:

(1) Determined that such transaction will be in accord with management plans required to be prepared pursuant to this chapter;

(2) Obtained the consent of the Commissioner of Conservation and the Governor and Executive Council to such sale, exchange or other conveyance;

(3) Consulted with and invited the written comments of state agencies whose responsibilities make their interest relevant with regard to such lands; and

(4) Advertised notice of the proposed transaction in the state paper and in one or more papers of general circulation in the areas where the lands affected are situated, except when the Director of the Bureau of Public Lands determines that the ability of the bureau to obtain the most advantageous terms in a sale, exchange or other conveyance transaction would be substantially jeopardized by such notice.

§ 553. Director of the Bureau of Public Lands

1. Director. The executive head of the Bureau of Public Lands shall be the director. He shall personally attend to the duties of his office so far as practicable.

2. Conflict of interest. The director shall not, when appointed or while in office, be directly or indirectly concerned in the acquisition of any interest in land owned by the State or any of its political subdivisions, except in his official capacity.

3. Powers and duties. The director shall exercise the powers of the office and shall be responsible for the execution of its duties. The director shall:

A. Administer the bureau and adopt such methods of administration, not inconsistent with the law, as he may determine necessary to render the office efficient;

B. Appoint and remove the staff of the bureau, subject to the Personnel Law, and prescribe their duties as may be necessary to implement the purposes of this chapter;

C. Make a written report on the 30th day of each regular legislative session to the Legislature or to such committee as it appoints, containing a complete accounting of the income and the expenditures of the Bureau of Public Lands during the biennium ending on the 31st day of December next preceding the convening of such session;

D. Prepare and submit to the Commissioner of Conservation the budget for the bureau;

E. Receive all moneys, securities and other things of value accruing to the State from the sale of lands, timber and grass and other rights and things of value from the land under the care, custody, control or management of the Bureau of Public Lands, or in payment for timber, grass and other things of value cut or taken by trespassers, or from forfeiture of a bond or a deposit when a contractor does not fulfill the terms of his contract or comply with state regulations, or as a result of a compromise or settlement of any claim; excepting only the first \$20,000 in the aggregate of any moneys accruing from the alienation of rights to mine upon lands described in section 552, subsection 1, paragraphs A and E, or other income arising out of mining operations, actually received during any fiscal year. Such first \$20,000 and every portion thereof accruing from such mining operations shall be paid into the Maine Mining Bureau in accordance with the provisions of Title 10, sections 2105 and 2162;

F. With the consent of the Commissioner of Conservation, execute deeds on behalf of the State for lands under his management and control, conveying lands which have been authorized to be conveyed by the Legislature or sold by lawful authority;

G. With the consent of the Commissioner of Conservation, acquire lands or interests in lands on behalf of the State to be managed as public lands or public reserved lands; and

H. Appoint, swear and reimburse surveyors or scalers. Upon the instructions of the director, such scalers shall scale any timber cut under permits granted by the Bureau of Public Lands, superintend the cutting thereof and inform the director of the quantity of products cut, whether hauled or not, and see that the timber is cut and removed in accordance with sound forest management practices.

§ 554. Management of public lands

The Director of the Bureau of Public Lands shall have the same powers, subject to the same conditions, with respect to the management of all the lands under the care, custody, control or management of the Bureau of Public Lands as he has with respect to the public reserved lands as set forth in Title 30, section 4162, subsections 4 and 7.

§ 555. Trespass

1. Director to prosecute trespass cases. The Director of the Bureau of Public Lands is authorized and directed to prosecute cases of trespass on lands under the care, custody, control or management of the Bureau of Public Lands, including public reserved lands and lands transferred pursuant to the provisions of section 552, subsection 1, paragraph E.

2. Liability of trespassers. If any person unlawfully enters or trespasses upon state-owned lands or upon any public reserved lot, while such land is under the care, custody, control or management of the Bureau of Public Lands, by cutting, destroying, taking or carrying away any trees, timber, wood, grass or other materials under or upon said lands without the express written consent of the bureau, he and all persons participating therein are trespassers, jointly and severally liable in damages for such trespasses, and they may be sued therefor in any county. The measure of damages is the highest price such materials would bring at the usual place of sale thereof. If the trespass is willful, the court shall assess treble damages and the costs of maintaining the action. For the purposes of this section, a trespass shall be conclusively deemed to have been willful if the land upon which the materials were cut, destroyed or taken, or from which the materials were carried away, was posted with conspicuous notices of state ownership at or near the point where roads entered into the state-owned land; or if the land is otherwise posted or identified in a manner reasonably likely to come to the attention of intruders; or if the intruder had actual knowledge of the fact of state ownership.

3. Title to materials illegally taken to remain in State. Title to all materials taken in violation of this section shall remain in the State, and the State shall have the right to seize and sell all such materials. At such sale, no person who was in any way concerned in committing such trespass, or in aiding those who committed it, shall become a purchaser directly or indirectly.

4. Penalty. Whoever willfully mutilates, defaces or destroys any notice, rule or regulation posted pursuant to this section or section 556 shall be guilty of a misdemeanor and be punished by a fine of not more than \$100 for each notice so injured.

§ 556. Public access

1. Establishment of restriction on public access. The Director of the Bureau of Public Lands shall have the authority to restrict public access to any portion of the public lands or public reserved lots under the care, custody, control or management of the Bureau of Public Lands by publishing written notice of the restrictions at least once during the same week in the state paper, 2 other papers of general circulation and the paper for the immediate vicinity of the area to be restricted, if any; and to the extent practicable, by posting notice of such restrictions at known access points to the land. Restrictions shall be imposed only when they reasonably relate to the protection of the public health, welfare or safety, or to the protection of the economic interests or natural resources of the State.

2. Penalty. If any person unlawfully enters state lands or public reserved lots where access has been restricted pursuant to subsection 1, or any

other law, or remains thereon in defiance of a lawful order to leave, which was personally communicated to him by an authorized employee of the State, he shall be guilty of trespass and shall be fined not less than \$100 for each day during which such trespass occurred.

3. Authorization to enter restricted lands. Any employee of the State of Maine or any of its political subdivisions may be authorized by the director to communicate orders to leave state lands or public reserved lots restricted in accordance with subsection 1 or other law. All such authorization shall be in writing.

§ 557. Public Lands Management Fund

1. Public Lands Management Fund. To accomplish the purposes of this chapter, there is established a Public Lands Management Fund. All income received by the Bureau of Public Lands pursuant to section 553, subsection 3, paragraph E, excepting income from the public reserved lots, shall be recorded on the books of the State in a separate account and shall be deposited with the Treasurer of State, to be credited to the Public Lands Management Fund.

2. Expenditure of funds. All moneys credited to the Public Lands Management Fund shall be used to produce a sustained yield of goods and services from such lands for multiple use purposes in accordance with the principles of sound planning and sound business practice and for no other purpose. So much of the funds raised from income designated in subsection 1 and paid into the treasury as may be necessary to pay the claims, accounts and lawful demands arising under this chapter is appropriated to pay the same, and the Director of the Bureau of Public Lands shall authorize the State Controller to draw his warrant therefor at any time. Any balance remaining shall continue from year to year as a fund available for the purposes set out in this section and for no other purpose.

3. Compensation to municipalities. Notwithstanding the other provisions of this section, 25% of the net revenues from any public lands located in municipalities and acquired by the State after the effective date of this Act and managed by the Bureau of Public Lands, other than public reserved lands and lands acquired from other governmental agencies and instrumentalities, shall be returned by the Treasurer of State to the municipality wherein the land generating the income is located, to be used for municipal purposes.

Sec. 7. 16 MRSA § 458, first sentence, as amended by PL 1973, c. 460, § 18, is further amended to read:

A copy from the records in the office of the Director of the Bureau of ~~Forestry~~ **Public Lands** of a deed from the State of the land of the State, or of a deed from the State and from the Commonwealth of Massachusetts of the undivided lands of the State and of said Commonwealth, or of a deed from said Commonwealth of the lands of said Commonwealth in Maine, certified by the Director of the Bureau of ~~Forestry~~ **Public Lands** or other legal custodian of such records as a true copy thereof, may be filed and recorded in the registry of deeds in the county or registry district where the land lies, with the same effect as if the deed itself had been recorded, whether said deed shall or shall not have been acknowledged by the person making the same.

Sec. 8. 30 MRSA § 4162, sub-§ 4, as last amended by PL 1973, c. 460, § 20, is repealed and the following enacted in place thereof:

4. **Actions.** The Director of the Bureau of Public Lands may take the following actions on the public reserved lands consistent with the management plans for such lands and upon such terms and conditions and for such consideration as he deems reasonable:

A. Grant permits and enter into contracts to cut timber, harvest grass and wild foods, tap maple trees for sap and cultivate and harvest crops; provided that such permits and contract rights shall create in the permittee or party to the contract mere revocable licenses and shall not create any real property interest in the public reserved lands or any other public lands;

B. Sell sand and gravel existing in the soil, for the construction of public roads or for any other purposes which the director deems to be consistent with the purposes of this chapter;

C. Lease the right, for a term of years not exceeding 25, to set and maintain or use poles, electric power transmission and telecommunications transmission facilities, roads, bridges and landing strips; and to lay and maintain or use pipelines and railroad tracks, and to establish and maintain or use other rights-of-way;

D. Lease campsites, garages, depots, warehouses and other structures, or sites for the same, for a term of years not exceeding 5;

E. Construct and maintain overnight campsites and other camping and recreational facilities and charge reasonable fees to defray the cost of construction and maintenance of such facilities;

F. With the consent of the Governor and Council and subject to the approval of the Maine Mining Bureau, of the Land Use Regulation Commission and of the Department of Environmental Protection under Title 10, chapter 451, Mining and Rehabilitation of Land, grant mining rights. Notwithstanding any other provision of law, the director in consultation with the Maine Mining Bureau shall set such fees, royalty payments and other obligations for mining operations on the public reserved lands and other lands described in Title 12, section 552, subsection 1, paragraphs A and E as are deemed reasonable; provided, that in no event shall such fees and payments be set at rates lower than any set out in Title 10, section 2105;

G. Grant the right to construct and maintain public roads;

H. With the consent of the Governor and Executive Council, lease mill privileges and other rights in land for industrial and commercial purposes, dam sites, dump sites, the rights to pen, construct, put in, maintain and use ditches, tunnels, conduits, flumes and other works for the drainage and passage of water, flowage rights and other rights of value in the public reserved lands for a term of years not exceeding 10;

I. With the consent of the Governor and Executive Council, lease the right to use public reserved lands to the Government of the United States of America; and

J. Sell severed timber and other products, including but not limited to wood and timber necessary to be used in the operation of a mine, severed grass and other wild foods, maple sap and syrup, and crops, sand and gravel.

Sec. 9. 30 MRSA § 4162, sub-§§ 7 and 8 are enacted to read:

7. Persons, corporations or other legal entities obtaining permits or contracts. Persons, corporations or other legal entities obtaining permits or contracts to sever or extract materials upon the public reserved lands under this section shall give bond to the director with satisfactory sureties for the payment of stumpage or other rights of value and the performance of all conditions of the permit or contract. All timber cut or other material taken under permits or contracts is the property of the State until the stumpage or other right is paid for in full.

8. With respect to persons with residential leasehold interests in public reserved lands or on lands exchanged for public reserved lands, the Director of the Bureau of Public Lands shall enter into new leasehold agreements with such persons, and shall thereafter renew such leases on what may from time to time be reasonable terms and conditions, so long as the lessee complies with the terms and conditions of such leases and with all applicable laws and regulations of the State.

Sec. 10. 30 MRSA § 4167, first ¶, as last amended by PL 1973, c. 460, § 20, is repealed.

Sec. 11. 30 MRSA § 4167, 2nd ¶, as last amended by PL 1973, c. 460, § 20, is further amended to read:

The assessors in the organized plantations of the State shall help police the public reserved lots within the boundaries of their respective plantations without any expense to the ~~commissioner~~ Bureau of Public Lands. Any cutting or removal of timber or other materials of value shall immediately be reported to the ~~commissioner~~ director in writing.

Sec. 12. 30 MRSA § 4169 is enacted to read:

§ 4169. Public reserved land acquisition, sale, exchange or relocation

1. Sale, exchange and relocation. The Director of the Bureau of Public Lands may sell, exchange or relocate public reserved lands, with the approval of the Commissioner of Conservation and the Governor and Executive Council, after consulting with the Commissioners of Agriculture and Inland Fisheries and Game, provided that the total acreage of any such transaction does not exceed 4,000 acres of current public reserved lands.

2. Recommendation to the Legislature. The director may make recommendations to the Legislature for the sale, exchange or relocation of public reserved lands when the total acreage in the proposed transaction exceeds 4,000 acres of current public reserved lands. He shall, only after the approval of the Legislature, sell, exchange or relocate such lands.

3. Public Reserved Lands Acquisition Fund. To accomplish the purposes of this chapter, there is established a Public Reserved Lands Acquisition

Fund. Notwithstanding the provisions of section 4163, all income or proceeds received by the Bureau of Public Lands from the sale, exchange or relocation of any public reserved lands shall be recorded on the books of the State in a separate account and shall be deposited with the Treasurer of State to be credited to the Public Reserved Lands Acquisition Fund.

4. Expenditure of funds. All moneys credited to the Public Reserved Lands Acquisition Fund shall be used exclusively to purchase and assemble quantities of land of such size and location as the director determines best fulfill the purposes of this chapter. Lands acquired with such moneys are hereby deemed to be public reserved lands and shall be held and managed by the State, subject to the same terms and conditions as apply to other public reserved lands. So much of the funds raised from income designated in subsection 3 and paid into the treasury as may be necessary to pay for the purchase of real property to be held and managed as public reserved lands is appropriated to pay the same, and the director, with the prior approval of the Commissioner of Conservation and the Governor and Executive Council, shall authorize the State Controller to draw his warrant therefor at any time. Any balance remaining shall continue from year to year as a fund available for the purposes of this section and for no other purpose.

Sec. 13. 30 MRSA § 5704, first sentence, as last amended by PL 1973, c. 460, § 18, is repealed and the following enacted in place thereof:

When the incorporation of a municipality is repealed, the care and custody of the school lands therein, including the public reserved lands, if not previously disposed of, revert to the Director of the Bureau of Public Lands to be held by him subject to the same powers and responsibilities as apply to other lands in his custody.

Sec. 14. 36 MRSA § 1181, first sentence, as amended by PL 1973, c. 460, § 18, is further amended to read:

The ~~Director of the Bureau of Forestry~~ Commissioner of Conservation shall prepare and deliver to the State Tax Assessor full and accurate lists of all townships or parts of townships or lots or parcels of lands in unorganized territory in this State sold and not included in the tax lists, whether conveyed or not, and shall lay before said Tax Assessor at his request all information in his possession touching the value and description of lands in unorganized territory; and a statement of all lands on which timber has been sold or a permit to cut timber has been granted by lease or otherwise.

Sec. 15. 36 MRSA § 1283, 2nd ¶, 3rd and last sentences, as last amended by PL 1973, c. 460, § 18, are further amended to read:

A copy of such inventory shall be furnished to the ~~Director of the Bureau of Forestry~~ Commissioner of Conservation prior to the convening of the Legislature.

Such report shall contain a copy of the inventory of real estate then owned by the State and such recommendations as to the disposition of this real estate as the State Tax Assessor and the ~~Director of the Bureau of Forestry~~ Commissioner of Conservation may wish to make.

Sec. 16. 36 MRSA §§ 1545 and 1546, as amended by PL 1973, c. 460, § 18, are repealed and the following enacted in place thereof:

§ 1545. Timber and grass forfeited held for benefit of towns

All timber and grass forfeited under section 1544 shall be held in trust by the State for the benefit of the people of Maine and shall be held by the Director of the Bureau of Public Lands subject to the same powers and responsibilities as apply to other lands in his custody.

§ 1546. Division of lots partially forfeited

The Director of the Bureau of Public Lands shall cause a division to be made, if found necessary from time to time, of the public reserved lots which have been partially forfeited, and shall set off and hold the forfeited portions for the benefit of the people of Maine, as provided for in section 1545.

Sec. 17. PL 1973, c. 460, § 20, is repealed and the following enacted in place thereof:

Sec. 20. **Amendatory clause.** Wherever in the Revised Statutes, Title 30, sections 4151, 4153, 4158, 4161-A, 4162 and 4163, the words "Forest Commissioner," "Director of the Bureau of Forestry" or "Commissioner of the Department of Conservation" appear, they shall mean "Director of the Bureau of Public Lands."

Sec. 18. PL 1973, c. 628, § 19 is repealed.

Sec. 19. **Effective date.** Section 17 of this Act shall become effective 91 days after adjournment of the Legislature.

STATEMENT OF FACT

The Department of Conservation acts as the State's "landlord" for miscellaneous portions of state-owned land, including the public reserved lands, the subtidal lands, unconveyed islands, and public lands not assigned by law to another agency of government. At present the provisions are inadequate for the management of these lands in accordance with the principles of sound land use and sound business practice. This Act is intended to remedy this situation by:

(1) Making the Bureau of Public Lands responsible for the multiple use management of these lands;

(2) Expanding its power to protect and enhance these lands through management plans, establishment of nonlapsing management funds and stronger restrictions on trespass and access;

(3) Expanding its power to lease rights in land, more closely to approximate the rights of private land owners acting in accordance with prudent business practices;

- (4) Creating a mechanism for acquiring better lands for public use; and
- (5) Clarifying jurisdiction and administrative procedures.

This Act also establishes the Bureau of Public Lands as a clearinghouse for state real property transactions. Finally, this Act gives the bureau authority to transfer public lands to other public agencies for single-use management.