

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1217

H. P. 981

House of Representatives, March 14, 1979

On Motion of Mr. Blodgett of Waldoboro, referred to the Committee on Energy and Natural Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mrs. Post of Owl's Head.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Concerning the Leasing and Management of Public Lands.

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

Sec. 1. 12 MRSA § 514-A, sub-§ 4, as amended by PL 1977, c. 156, § 1, is repealed.

Sec. 2. 30 MRSA § 4162, sub-§ 4, ¶ K, as last amended by PL 1977, c. 360, §§ 23 and 34, is further amended to read:

K. Lease the right to use parcels of land, **except submerged lands**, to municipalities and other **agencies or** political subdivisions of the State of Maine, and to private, not for profit organizations, for a period not to exceed 25 years, for purposes of protecting, enhancing or developing the natural, scenic or wilderness qualities or recreational, **scientific or educational** uses of the lands under the care, custody and control of the Bureau of Public Lands; provided that each such lease shall contain a provision authorizing the State of Maine to terminate such lease at any time when the State, in its sole discretion, determines such termination to be in the best interests of the State. No adjustment or compensation shall be due to any lessee under this section on account of such termination.

Sec. 3. 30 MRSA § 4162, sub-§ 5, as last amended by PL 1975, c. 771, § 325, is further amended to read:

5. Transfer of responsibility. Whenever a particular portion of the public reserved lands is to be used, pursuant to the management plan, for a ~~single~~ **dominant** use which use is within the particular expertise of another agency of the State, the Commissioner of the Department of Conservation may, with the consent of the Governor and the state agency involved, transfer to such other state agency the responsibility for the management of such particular portion of the public reserved lands.

STATEMENT OF FACT

This bill continues in effect a provision of the Submerged and Intertidal Lands Act which would, unless this bill is passed, expire effective July 1, 1979. The provision allows the Bureau of Public Lands to issue leases and easements when the Board of Environmental Protection or other regulatory agencies grant permits. It avoids having the Bureau of Public Lands duplicate or second-guess other state agencies.

The bill expands the types of uses for which leases can be issued under Title 30, section 4162, subsection 4, paragraph K, to include scientific and educational uses. These leases are generally granted without charging rent but provide for termination by the State when such action is in the state's best interest. There are opportunities for scientific and educational uses on public lands under circumstances where it is not appropriate to charge rent.

This bill also allows interdepartmental transfers of public reserved land to cover areas which are to be used for more than one purpose, but where the dominant use is within the expertise or area of responsibility of another agency, such as Inland Fisheries and Wildlife or Parks and Recreation.