

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 632

7
8 S.P. 238

In Senate, February 20, 1985

9 Referred to the Committee on Energy and Natural Resources and ordered
10 printed. Sent down for concurrence.

11 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Kany of Kennebec.

12 Cosponsored by Representative Mitchell of Freeport, Speaker Martin of
Eagle Lake and President Pray of Penobscot.

13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 Resolve, to Establish an Advisory Commission
19 on Public Lands Policy and Management.
20

21 Emergency preamble. Whereas, Acts and resolves
22 of the Legislature do not become effective until 90
23 days after adjournment unless enacted as emergencies;
24 and

25 Whereas, the State has finished most of its pub-
26 lic land acquisition and trade program and is now re-
27 sponsible for more than 450,000 acres of public re-
28 served lands; and

29 Whereas, the Bureau of Public Lands is the trust-
30 ee responsible for developing and implementing a
31 sound management program for these lands that incor-
32 porates the public's interest in the forestry, wild-
33 life, recreation and other natural resources of the
34 State; and

1 Whereas, the Legislature has not established a
2 comprehensive policy framework for the bureau's man-
3 agement decisions; and

4 Whereas, the development of such a policy re-
5 quires substantial public scrutiny and involvement;
6 and

7 Whereas, in the judgment of the Legislature,
8 these facts create an emergency within the meaning of
9 the Constitution of Maine and require the following
10 legislation as immediately necessary for the preser-
11 vation of the public peace, health and safety; now,
12 therefore, be it

13 Commission established. Resolved: That an Ad-
14 visory Commission on Public Lands Policy and Manage-
15 ment is established to study the current policies and
16 management programs on the public lands in the State.
17 The commission shall consist of the following mem-
18 bers: Three members of the House of Representatives,
19 including 2 from the majority political party and one
20 from the minority political party; 3 members of the
21 Senate, including 2 members from the majority politi-
22 cal party and one member from the minority political
23 party; and 5 public members collectively
24 knowledgeable in the fields of conservation, forest-
25 ry, recreation, wildlife management and geology. The
26 Speaker of the House shall appoint the legislative
27 members from the House and 2 of the public members.
28 The President of the Senate shall appoint the legis-
29 lative members from the Senate and 2 of the public
30 members. The President of the Senate and the Speaker
31 of the House shall jointly appoint the 5th public
32 member. The public members shall serve 2-year terms.
33 The commission shall select its own chairman except
34 that the ex officio members shall not serve as the
35 chairman; and be it further

36 Ex officio members. Resolved: That the Director
37 of the Bureau of Public Lands and the Director of
38 Parks and Recreation shall serve as nonvoting, ex of-
39 ficio members of the commission; and be it further

40 Study. Resolved: That the commission shall
41 study the current policies and management objectives
42 that guide the use of the state's public lands. The

1 commission may make recommendations to the Legisla-
2 ture for changes and improvements in the laws rele-
3 vant to the Bureau of Public Lands and other state
4 agencies as it deems necessary. These recommenda-
5 tions shall focus on the establishment of a compre-
6 hensive and coordinated policy setting and management
7 process for state-owned public lands. The commission
8 shall consider the following topics in addition to
9 any others it may choose:

10 1. The appropriate balance and the means for
11 striking such a balance between the various uses or
12 values of public lands, including, but not limited
13 to, recreational opportunities, wildlife and fisher-
14 ies habitat, forestry, scientific research, educa-
15 tional opportunities, ecosystem maintenance, water-
16 shed protection and wilderness;

17 2. The coordination of policy and management be-
18 tween the Bureau of Public Lands, Bureau of Parks and
19 Recreation, Department of Inland Fisheries and Wild-
20 life and any other state agencies with significant
21 land holdings;

22 3. The policy-making process employed by the Bu-
23 reau of Public Lands and the need for a greater and
24 permanent role for public participation in this pro-
25 cess;

26 4. The adequacy of public access to public lands
27 and the plans for the development of expanded access;

28 5. The adequacy of the geographic distribution
29 of publicly accessible public lands in the State;

30 6. The plans for recreation, wildlife manage-
31 ment, forestry management and the preservation of
32 wilderness values;

33 7. The existence of any unique ecological, geo-
34 logical, archeological and cultural state assets that
35 require the protection afforded by state ownership,
36 including those inventoried by the Maine Critical Ar-
37 eas Program;

38 8. The role of the State, particularly the Bu-
39 reau of Public Lands, in assuring public access to
40 the seacoast of the State;

1 9. The adequacy and appropriateness of the fund-
2 ing mechanisms employed to support the Bureau of Pub-
3 lic Lands; and

4 10. The progress of the Bureau of Public Lands'
5 efforts to limit its involvement in the business of
6 camp lot leasing; and be it further

7 **Meetings; report. Resolved:** That the commission
8 shall hold such hearings and meetings as are neces-
9 sary to carry out the purposes of this resolve, in-
10 cluding at least 4 public hearings to be held
11 throughout the State. The commission shall report
12 its findings together with any necessary legislation
13 for introduction to the First Regular Session of the
14 113th Legislature; and be it further

15 **Appropriation. Resolved:** That there is appro-
16 priated from the Public Reserved Lands Management
17 Fund the sum of \$10,000 to carry out the purposes of
18 this resolve. These funds shall be used to pay a per
19 diem to the commission members, including Legislators
20 when the Legislature is not in session, at the same
21 rate as that paid to Legislators; to pay the actual
22 travel, meal and lodging expenses of the commission
23 members; and to pay other actual expenses of the com-
24 mission. Ex officio members of the commission shall
25 not receive any per diem and their actual expenses
26 shall be borne by their department. The commission
27 may request staff support from the Legislative Coun-
28 cil.

29 **Emergency clause.** In view of the emergency cited
30 in the preamble, this resolve shall take effect when
31 approved.

1

STATEMENT OF FACT

2 The State has recovered, in recent years, control
3 and ownership of over 450,000 acres of land, an asset
4 of incalculable value to the people of Maine. In ad-
5 dition, there are a large number of coastal islands,
6 public domain lands and submerged lands also owned by
7 the State. These lands are held in trust for the
8 people and are managed by the Bureau of Public Lands
9 in the Department of Conservation.

10 The legislative mandate for the management of
11 these lands was written before a complete picture of
12 the state's ownership was available, before the capa-
13 bilities of the land were fully understood. While
14 the existing mandate is useful, it does not provide
15 sufficient guidance to the Bureau of Public Lands for
16 the management of its large and diverse resource
17 base, nor does it incorporate adequate mechanisms for
18 public review of the bureau's policy and management
19 decisions.

20 The purpose of this resolve is to establish a
21 commission to investigate the policies and issues in-
22 volved in the management of the state's public lands.
23 The commission will focus most of its attention on
24 the public reserved lands held and managed by the Bu-
25 reau of Public Lands, but will examine these in the
26 overall context of all public lands held by the
27 State.

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