

MAINE STATE LEGISLATURE

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1 (After Deadline)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 1484

7
8 H.P. 1032

House of Representatives, May 9, 1985

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 27.

11 Reference to the Committee on Energy and Natural Resources suggested
and ordered printed.

EDWIN H. PERT, Clerk

12 Presented by Representative Mitchell of Freeport.

Cosponsored by Representative Dexter of Kingfield.

13 STATE OF MAINE
14

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

18 AN ACT to Clarify the Use of Public Reserved
19 Lands Acquisition Fund Money.
20

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

23 30 MRSA §4169, sub-§3, as amended by PL 1977, c.
24 78, §174, is further amended to read:

25 3. Expenditure of funds. All moneys credited to
26 the Public Reserved Lands Acquisition Fund shall be
27 used exclusively to purchase and assemble quantities
28 of land of such size and location as the director de-
29 termines best fulfill the purposes of this chapter.
30 Lands acquired with such moneys are hereby deemed to
31 be public reserved lands and shall be held and man-
32 aged by the State, subject to the same terms and con-
33 ditions as apply to other public reserved lands. So
34 much of the funds raised from income designated in
35 subsection 3 and paid into the treasury as may be
36 necessary to pay for the purchase of real property,

1 excluding structures, rights-of-way and rights in
2 land other than ownership to be purchased from other
3 sources, to be held and managed as public reserved
4 lands is appropriated to pay the same, and the direc-
5 tor, with the prior approval of the Commissioner of
6 Conservation and the Governor, shall authorize the
7 State Controller to draw his warrant therefor at any
8 time. Any balance remaining shall continue from year
9 to year as a fund available for the purposes of this
10 section and for no other purpose.

11 STATEMENT OF FACT

12 Current law is unclear on what the Acquisition
13 Fund may be used for. The Maine Revised Statutes,
14 Title 30, section 4169, subsection 3, provides that
15 money in the Acquisition Fund must be used exclusive-
16 ly to purchase and assemble quantities of land. The
17 law also states that the funds may be used to pay for
18 the purchase of real property, rights-of-way and
19 rights in land other than ownership. Real property
20 is a broader term and arguably includes rights in
21 land besides ownership, such as rights-of-way.

22 The Bureau of Public Lands is currently using the
23 broader interpretation to purchase rights-of-way so
24 that timber can be harvested on public lots.

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