

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 2220

6  
7 H.P. 1570

House of Representatives, March 17, 1986

8 Approved for introduction by a majority of the Legislative Council  
pursuant to Joint Rule 26.

9 Referred to the Committee on Appropriations and Financial Affairs. Sent  
up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Mitchell of Freeport.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-SIX  
16

17 AN ACT to Improve Legislative Oversight of  
18 the Bureau of Public Lands and to  
19 Create the Maine Conservation Heritage  
20 Trust Fund.  
21

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

24 Sec. 1. 12 MRSA §557, sub-§1, as enacted by PL  
25 1975, c. 339, §6, is amended to read:

26 1. Public Lands Management Fund. To accomplish  
27 the purposes of this chapter, there is established a  
28 Public Lands Management Fund. ~~All~~ Subject to the pro-  
29 visions of section 557-A, all income received by the  
30 Bureau of Public Lands pursuant to section 553, sub-  
31 section 3, paragraph E, excepting income from the  
32 public reserved lots, shall be recorded on the books  
33 of the State in a separate account and shall be de-  
34 posited with the Treasurer of State, to be credited  
35 to the Public Lands Management Fund.

1           Sec. 2. 12 MRSA §557, sub-§2, as amended by PL  
2 1983, c. 819, Pt. A, §8, is further amended to read:

3           2. Expenditure of funds. All moneys credited to  
4 the Public Lands Management Fund shall be used to  
5 produce a sustained yield of goods and services from  
6 such lands for multiple use purposes in accordance  
7 with the principles of sound planning and sound busi-  
8 ness practice and for no other purpose. ~~Any balance~~  
9 ~~remaining shall continue from year to year as a fund~~  
10 ~~available for the purposes set out in this section~~  
11 ~~and for no other purpose.~~ The unexpended balance of  
12 any allocation in the fund at the end of the fiscal  
13 year shall lapse to the fund and shall require real-  
14 location prior to subsequent expenditure.

15           Sec. 3. 12 MRSA §557, sub-§4, as amended by PL  
16 1985, c. 299, §2, is further amended to read:

17           4. Legislative approval of budget. Expenditures  
18 from the Public Lands Management Fund are subject to  
19 legislative approval in the same manner as appropri-  
20 ations from the General Fund. No money may be exp-  
21 ended without allocation by the Legislature. The  
22 joint standing committee of the Legislature having  
23 jurisdiction over energy and natural resources shall  
24 review the allocation. The joint standing committee  
25 of the Legislature having jurisdiction over appropri-  
26 ations and financial affairs shall approve the allo-  
27 cation.

28           Sec. 4. 12 MRSA §557-A is enacted to read:

29 §557-A. Maine Conservation Heritage Trust Fund

30           1. Maine Conservation Heritage Trust Fund. To  
31 provide financial resources for special needs in the  
32 state parks and public reserved lands system, there  
33 is established as a nonlapsing fund, the Maine Con-  
34 servation Heritage Trust Fund. Ten percent of all an-  
35 nual income to the Public Reserved Lands Management  
36 Fund or the Public Lands Management Fund in any fis-  
37 cal year shall be deposited with the Treasurer of  
38 State, to be credited to a Maine Conservation Heri-  
39 tage Trust Fund. Any interest earned on this money  
40 shall also be credited to the Maine Conservation Her-  
41 itage Trust Fund.

1           2. Purposes. Expenditures from the fund shall be  
2 limited to:

3           A. Acquisition of lands with significant scenic,  
4 recreational, historical or cultural value for  
5 inclusion in the state parks or public reserved  
6 lands system;

7           B. Acquisition of lands adjacent to state parks  
8 or public reserved lands to enhance the public's  
9 enjoyment of those properties; or

10          C. Provision for capital improvements in state  
11 parks or public reserved lands to enhance the  
12 public's enjoyment and use of those properties.

13          3. Receipt of gifts. The bureau may accept dona-  
14 tions of money to be credited to the fund. The bureau  
15 may also accept gifts of land for resale the proceeds  
16 of which shall be credited to the fund.

17          4. Expenditures. Expenditures from the Maine  
18 Conservation Heritage Trust Fund are subject to leg-  
19 islative approval in the same manner as appropria-  
20 tions from the General Fund. No money may be expended  
21 without allocation by the Legislature. The joint  
22 standing committee of the Legislature having juris-  
23 isdiction over energy and natural resources shall re-  
24 view the allocations. The joint standing committee of  
25 the Legislature having jurisdiction over appropria-  
26 tions and financial affairs shall approve the alloca-  
27 tions.

28          Sec. 5. 30 MRS §4163, as repealed and replaced  
29 by PL 1985, c. 299, §4, is amended to read:

30          §4163. Funds from public reserved lands

31          All income received by the Director of the Bureau  
32 of Public Lands from the public reserved lands, ex-  
33 cept income provided for in section 4166 and Title  
34 12, section 557-A, shall be deposited with the Treas-  
35 urer of State, to be credited to a Public Reserved  
36 Lands Management Fund which is established as a non-  
37 lapsing fund. Any interest earned on this money shall  
38 also be credited to the Public Reserved Lands Manage-  
39 ment Fund. The unexpended balance of any allocation

1 in the fund at the end of the fiscal year shall lapse  
2 to the fund and shall require reallocation prior to  
3 subsequent expenditure.

4 Expenditures from the Public Reserved Lands Man-  
5 agement Fund are subject to legislative approval in  
6 the same manner as appropriations from the General  
7 Fund. No money may be expended without allocation by  
8 the Legislature. The joint standing committee of the  
9 Legislature having jurisdiction over energy and natu-  
10 ral resources shall review the allocations. The joint  
11 standing committee of the Legislature having juris-  
12 isdiction over appropriations and financial affairs  
13 shall approve the allocations.

14 The Director of the Bureau of Public Lands shall  
15 use 50% of the net income derived from camp leases on  
16 the public reserved lands under section 4162, subsec-  
17 tion 4, for the construction and maintenance of pub-  
18 lic overnight campsites and other camping and recrea-  
19 tional facilities.

20 The Legislature intends to make allowance for  
21 unforeseen contingencies by setting aside and not al-  
22 locating at least 5% of the expected annual income to  
23 the fund. It is the intent of the Legislature that  
24 this set-aside accumulate in the fund up to an amount  
25 equal to 1/2 of the allocation of the previous fiscal  
26 year. The purpose of this set-aside is to provide a  
27 contingency reserve for response to emergency situa-  
28 tions resulting from natural calamities and to accom-  
29 plish the purposes of this chapter during periods of  
30 unforeseen and unusually low income.

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STATEMENT OF FACT

2           The Bureau of Public Lands is funded with dedi-  
3 cated revenues derived primarily from timber harvest-  
4 ing on the public lands. While current law requires  
5 allocation of these funds by the Legislature, it has  
6 been difficult to give budget proposals the scrutiny  
7 usually accorded dedicated fund agencies. It is the  
8 intent of this bill to require review of the bureau's  
9 budget proposals by the joint standing committee of  
10 the Legislature having jurisdiction over energy and  
11 natural resources prior to final action by the joint  
12 standing committee of the Legislature having juris-  
13 diction over appropriations and financial affairs.  
14 The review process allows thorough consideration of  
15 the bureau's program and provides recommendations to  
16 the joint standing committee of the Legislature hav-  
17 ing jurisdiction over appropriations and financial  
18 affairs. The bill also provides for a contingency re-  
19 serve in the Public Reserved Lands Management Fund.  
20 Finally, the bill establishes a special Maine Conser-  
21 vation Heritage Trust Fund to allow the use of the  
22 some income from the public lands for the acquisition  
23 of state parks and public lands.

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