

MAINE STATE LEGISLATURE

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L.D. 1341

(Filing No. H-362)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 995, L.D.
1341, Bill, "AN ACT to Establish the Maine Recreation
and Natural Heritage Fund."

Amend the Bill by striking out all of the title
and inserting in its place the following: 'AN ACT to
Establish the Land for Maine's Future Fund.'

Further amend the Bill by striking out everything
after the enacting clause and inserting in its place
the following:

'Sec. 1. 5 MRSA c. 353 is enacted to read:

CHAPTER 353

LAND FOR MAINE'S FUTURE FUND

§6200. Findings

The Legislature finds that Maine is blessed with
an abundance of natural resources unique to the
northeastern United States; that these natural re-
sources provide Maine residents and visitors to the
State with an unparalleled diversity of outdoor recre-
ation opportunities during all seasons of the year
and a quality of life unmatched in this nation; that
the continued availability of public access to these
recreation opportunities and the protection of the
scenic and natural environment are essential for pre-
serving the State's high quality of life; that public
acquisition programs have not kept pace with the
State's expanding population and changing land use
patterns so that Maine ranks low among the states in
publicly owned land as a percentage of total state
area; that rising land values are putting the State's
real estate in shoreland and resort areas out of

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1 reach to most Mainers and that sensitive lands and
2 resources of statewide significance are currently not
3 well protected and are threatened by the rapid pace
4 of development; and that public interest in the fu-
5 ture quality and availability for all Maine people of
6 lands for recreation and conservation is best served
7 by significant additions of lands to the public do-
8 main.

9 The Legislature further finds that Maine's pri-
10 ivate, nonprofit organizations, local conservation
11 commissions, local governments and federal agencies
12 have made significant contributions to the protection
13 of the State's natural areas and that these agencies
14 should be encouraged to further expand and coordinate
15 their efforts by working with state agencies as "co-
16 operating entities" in order to help acquire, pay for
17 and manage new state acquisitions of high priority
18 natural lands.

19 The Legislature declares that the future social
20 and economic well-being of the citizens of this State
21 depends upon maintaining the quality and availability
22 of natural areas for recreation, hunting and fishing,
23 conservation, wildlife habitat, vital ecologic func-
24 tions and scenic beauty and that the State, as the
25 public's trustee, has a responsibility and a duty to
26 pursue an aggressive and coordinated policy to assure
27 that this Maine heritage is passed on to future gen-
28 erations.

29 §6201. Definitions

30 As used in this chapter, unless the context oth-
31 erwise indicates, the following terms have the fol-
32 lowing meanings.

33 1. Appraised value. "Appraised value" means the
34 fair market value of property without the considera-
35 tion of the effect, if any, of dedication or other
36 preservation-related restrictions.

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1 2. Cooperating entities. "Cooperating entities"
2 means those private nonprofit organizations, municipi-
3 pal conservation commissions, local governments, fed-
4 eral agencies or other bodies designated by the Land
5 for Maine's Future Board pursuant to section 6203, as
6 able to assist the State in the acquisition or man-
7 agement of conservation lands.

8 3. Matching funds. "Matching funds" means any
9 combination of public and private funds used in con-
10 junction with the Land for Maine's Future Fund for
11 the purpose of this chapter, including, but not lim-
12 ited to: Private contributions of cash or securities;
13 money from municipal or other public agencies; money
14 from a federal matching program, subject to the limi-
15 tations of applicable federal and state laws, in an
16 amount authorized by the federal program; contribu-
17 tions of real property, or interest in real property,
18 that serves the acquisition needs of the State as de-
19 termined by the Land for Maine's Future Board;
20 in-kind contributions; or any combination thereof.
21 Contributions of land or interest in land shall be
22 valued, for purposes of this section, in the amount
23 of their appraised value.

24 4. Stewardship account. "Stewardship account"
25 means an account held separate and apart from all
26 other money, funds and accounts of a state agency for
27 the purposes of management of land owned in fee or
28 less-than-fee simple meeting the criteria established
29 in section 6207.

30 §6202. Land for Maine's Future Board

31 The Land for Maine's Future Board, as established
32 in chapter 379, shall be an Executive Department
33 Board and shall be referred to in this chapter as the
34 "board."

35 §6203. Land for Maine's Future Fund

36 1. Fund established. There is established a fund

1 to be known as the Land for Maine's Future Fund,
2 hereinafter called the "fund." The fund shall consist
3 of the proceeds from the sale of any bonds authorized
4 for the purposes of this chapter and any funds re-
5 ceived as contributions from private and public
6 sources. The fund shall be held separate and apart
7 from all other money, funds and accounts. Eligible
8 investment earnings credited to the assets of the
9 fund shall become part of the fund assets. Any bal-
10 ance remaining in the fund at the end of any fiscal
11 year shall be carried forward for the next fiscal
12 year.

13 2. Fund available. The fund shall be available
14 to state agencies and designated cooperating entities
15 upon authorization of the Land for Maine's Future
16 Board for the purposes identified in subsection 3.

17 3. Fund proceeds. The proceeds of the fund may
18 be applied and expended to:

19 A. Acquire property or an interest in property
20 which is determined by the board to be of state
21 significance under the guidelines of this chap-
22 ter; and

23 B. Fund minor capital improvements on acquired
24 lands to improve accessibility, as long as these
25 improvements do not exceed 5% of the appraised
26 value of the acquired property.

27 §6204. Board composition

28 1. Composition. The board shall consist of 9
29 members, 4 of whom shall be appointed private citi-
30 zens and 5 of whom shall be permanent members. The
31 permanent members shall be the Commissioner of Con-
32 servation; the Commissioner of Inland Fisheries and
33 Wildlife; the Commissioner of Transportation; the
34 Commissioner of Agriculture, Food and Rural Resources
35 and the Director of the State Planning Office.

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1 2. Appointments. The 4 appointed private citizen
2 members shall be appointed by the Governor, subject
3 to review by the joint standing committee of the Leg-
4 islature having jurisdiction over natural resources
5 and to confirmation by the Legislature.

6 3. Qualifications. The 4 appointed members shall
7 be selected based on their knowledge of the State's
8 natural resources and landscape and their commitment
9 to land conservation. Appointments shall be made to
10 provide broad geographic representation.

11 4. Terms; compensation. The appointed members
12 shall be appointed to staggered 4-year terms. The
13 initial appointments shall be as follows: One member
14 for a 2-year term; one member for a 3-year term; and
15 2 members for 4-year terms. Appointed members shall
16 be allowed to serve no more than 2 consecutive terms.
17 The appointed members shall receive the legislative
18 per diem pursuant to chapter 375.

19 5. Chairman. The chairman of the Land for
20 Maine's Future Board shall be appointed by the Gover-
21 nor.

22 6. Assistance. The Department of Conservation;
23 the Department of Inland Fisheries and Wildlife; the
24 Department of Transportation; the Department of Agri-
25 culture, Food and Rural Resources; and the State
26 Planning Office and all other state agencies shall
27 provide staff support and assistance as deemed neces-
28 sary by the board to fulfill the objectives estab-
29 lished by this chapter. If agency assistance is not
30 available, consultants may be hired from the proceeds
31 of the Land for Maine's Future Fund to assist the
32 board in carrying out its responsibilities.

33 §6205. Board meetings; rules and administrative pro-
34 ceedings

35 1. Meetings. The board shall meet at least 4
36 times each year at the call of the chairman.

1 2. Rules. The board, acting in accordance with
2 Title 5, section 8052, may adopt rules it deems nec-
3 essary for the conduct of its business.

4 3. Compensation. Appointed members shall receive
5 compensation equal to legislative per diem and travel
6 expenses as allowed under Title 5, section 12004,
7 subsection 8, while engaged in board activities.

8 4. Quorum. A quorum of the board for the trans-
9 action of business shall be 6 members.

10 5. Personal bias. Upon filing in good faith by a
11 party of a timely charge of bias or personal finan-
12 cial interest, direct or indirect, of a member in a
13 proceeding requesting that member to disqualify him-
14 self, that member shall determine the matter as a
15 part of the record.

16 §6206. Board responsibilities

17 The purpose of the board is to:

18 A. Complete, by June 1988, an assessment of the
19 State's public land acquisition needs which shall
20 be conducted with opportunities for participation
21 by interested state agencies and the public and
22 to develop a strategy and guidelines, based on
23 this assessment, for use in allocating the pro-
24 ceeds from the Land for Maine's Future Fund;

25 B. By September 1988, report the board's find-
26 ings, strategy and guidelines to the joint stand-
27 ing committee of the Legislature having jurisdic-
28 tion over natural resources;

29 C. Receive and review funding requests from
30 state agencies and cooperating entities for ac-
31 quisition projects meeting state guidelines;

32 D. Authorize distribution of proceeds from the

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1 fund for land acquisitions in accordance with the
2 approved strategy; and

3 E. Report biennially to the Legislature on ex-
4 penditures of the fund and revisions to the
5 strategy and guidelines.

6 §6207. Acquisition criteria

7 1. Distribution of funds. The board shall autho-
8 riize the distribution of funds from the Land for
9 Maine's Future Fund to state agencies and cooperating
10 entities as set forth in section 6203, subsection 3,
11 for the acquisition of natural lands which meet the
12 criteria set forth in this chapter.

13 2. Determination of state significance. In de-
14 termining whether a proposed acquisition shall be
15 funded, in full or in part, by the Land for Maine's
16 Future Fund, the board shall consider whether the
17 site is of state significance and:

18 A. Contains recreation lands, prime physical
19 features of the Maine landscape, areas of special
20 scenic beauty, farmland or open space, undevel-
21 oped shorelines, wetlands, fragile mountain areas
22 or lands with other conservation or recreation
23 values;

24 B. Is habitat for plant or animal species or
25 natural communities considered rare, threatened
26 or endangered in the State; or

27 C. Provides public access to recreation opportu-
28 nities or those natural resources identified in
29 this section.

30 3. Priorities. Whenever possible, the fund shall
31 be used for land acquisition projects when matching
32 funds are available from cooperating entities, pro-
33 vided that the proposed acquisition meets all other
34 criteria set forth in this chapter. Priority shall

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1 also be given to those projects which conserve lands
2 with multiple outstanding resource or recreation val-
3 ues or a single exceptional value, provide geographic
4 representation and build upon or connect existing
5 holdings.

6 4. Nonqualifying expenditures. The board shall
7 not fund:

8 A. Facilities for organized recreational activi-
9 ties, including, but not limited to, ballparks,
10 tennis courts or playgrounds;

11 B. Capital improvements on any publicly owned
12 facilities, except for those lands acquired with
13 fund money and then only for necessary access im-
14 provements up to a maximum of 5% of the particu-
15 lar property's appraised value; and

16 C. The acquisition of land which primary use
17 value has been and will be as commercially har-
18 vested or harvestable forest land.

19 §6208. Municipal approval

20 1. Approval. Approval by the elected municipal
21 officials shall be required when more than 1% of a
22 municipality's state valuation is considered for ac-
23 quisition under the bond issue.

24 2. Transactions. Any transaction under which
25 land is to be taken by eminent domain and exceeds ei-
26 ther 50 acres or \$100,000 shall be subject to approv-
27 al by elected municipal officials in which municipal-
28 ity the land is located.

29 §6209. Ownership; title; management

30 1. Fund; uses. The fund may be used for the ac-
31 quisition of real property in both fee and
32 less-than-fee simple interest, including, but not
33 limited to, conservation easements, access easements,

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1 scenic easements, other permanent interests in land
2 and long-term leases of at least 99 years, provided
3 that those acquisitions are primarily natural lands
4 meeting the criteria set forth in this chapter.

5 2. Title. Title to all lands acquired pursuant
6 to this chapter shall be vested solely in the State.
7 Management responsibilities for the acquired lands
8 may be contracted by the land-owning state agency to
9 cooperating entities, subject to appropriate lease
10 arrangements, upon the recommendation of the agency's
11 commissioner and approval of the board.

12 3. Matching funds. For projects when matching
13 funds include cash not derived from a bond request,
14 an allocation of up to 20% of the appraised value of
15 the acquired land or the amount of cash, whichever is
16 less, may be put into the stewardship account of the
17 state agency holding title to the land.

18 4. Payments. Payments from the fund may be made
19 to cooperating entities for qualifying lands acquired
20 on behalf of the State, provided that a state agency
21 has issued to the cooperating entity a letter of in-
22 tent requesting assistance in the acquisition. Upon
23 submission to the state agency of a cooperating
24 entity's direct expenses for acquisition and related
25 costs of an authorized acquisition, the board shall
26 authorize payment of those expenses, provided that
27 the total of all expenses does not exceed the ap-
28 praised value of the acquired property. Expenses
29 shall be paid at intervals during the acquisition
30 process, as determined by the board.

31 5. Land evaluated. All lands acquired with fund
32 money shall be evaluated for rare, threatened or en-
33 dangered species of plants and animals, exemplary
34 natural communities, features of historic signifi-
35 cance and other high priority natural features and
36 ecologic functions as determined by the board, with
37 reference to the best inventory data available to the
38 State. Subsequent management by state agencies hold-

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1 ing properties found to have such important features
2 and functions shall reflect the objective of main-
3 taining and protecting those features and functions.

4 6. Legislative approval. No lands acquired under
5 this chapter shall be sold or used for purposes other
6 than those stated in this chapter, unless approved by
7 a 2/3 majority of the Legislature.

8 Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶(20-A)
9 is enacted to read:

10	<u>(20-A) Natural</u>	<u>Land for Maine's</u>	<u>Legislative</u>	<u>5 MRSA</u>
11	<u>Re-</u>	<u>Future Board</u>	<u>Per Diem and</u>	<u>\$6202</u>
12	<u>sources</u>		<u>Expenses for</u>	
13			<u>Appointed</u>	
14			<u>Members</u>	

15 Sec. 3. Appropriation. The following funds are
16 appropriated from the General Fund to carry out the
17 purposes of this Act.

18 1987-88 1988-89

19 EXECUTIVE DEPARTMENT

20 State Planning Office:
21 Land for Maine's Future
22 Board

23	Personal Services	\$1,320	\$1,320
24	All Other	\$1,500	\$1,500

25			
26	Total	<u>\$2,820</u>	<u>\$2,820</u>

27 Provides funds for
28 the 4 appointed mem-
29 bers' per diem and
30 travel.

31 Sec. 4. Sunset provision. Unless the referendum

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1 for a bond issue in an amount not to exceed
2 \$40,000,000 for the purposes of financing the acqui-
3 sition of land for conservation, outdoor recreation
4 and wildlife is approved by the voters in November
5 1987, this Act is repealed on November 15, 1987.'

6 STATEMENT OF FACT

7 The perception of Maine as a desirable place to
8 live and work is based in large part on the State's
9 unspoiled natural environment and easy access to the
10 out-of-doors. These same attributes have helped fuel
11 the State's economic growth in recent years and the
12 \$1.25 billion a year tourism industry.

13 Despite this perception, Maine ranks near the
14 bottom of all states in the percentage of land which
15 is held in the public trust. With land now being de-
16 veloped or closed to the public at an unprecedented
17 rate, it is essential that the State make a concerted
18 and coordinated effort to identify and protect its
19 most important natural areas now, to ensure that they
20 will continue to be available to future generations.

21 This amendment establishes a Land for Maine's Fu-
22 ture Board to identify and target for acquisition, in
23 concert with existing state agencies, Maine's highest
24 priority of natural land areas for outdoor recre-
25 ation, conservation and public access purposes. The
26 board would then distribute money from a special
27 fund, created through board proceeds for this pur-
28 pose, for the acquisition of these outstanding lands.
29 Title would be held by appropriate state agencies but
30 management of the lands could be delegated to local
31 governments or other cooperating entities. The amend-
32 ment establishes a working partnership between public
33 and private agencies so that the State's acquisition
34 efforts are focused, coordinated and as
35 cost-effective as possible.

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1 The amendment establishes a process whereby the
2 board would develop and update a strategic plan for
3 the acquisition of lands of significance to the
4 State. The board would also establish guidelines for
5 determining which acquisition projects proposed by
6 cooperating entities would be funded.

7

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Reported by the Committee on Appropriations and Financial Affairs
Reproduced and distributed under the direction of the Clerk of the
House
6/15/87

(Filing No. H-362)