

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1341

H.P. 995 House of Representatives, April 23, 1987
Reference to the Committee on Energy and Natural
Resources suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative SIMPSON of Casco.
Cosponsored by Speaker MARTIN of Eagle Lake,
Representatives FOSTER of Ellsworth and CARTER of Winslow.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Establish the Maine Recreation
and Natural Heritage Fund.

1
2
3

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

6 Sec. 1. 5 MRSA c. 15-B is enacted to read:

7

CHAPTER 15-B

8

RECREATION AND NATURAL HERITAGE FUND

9

§331. Definitions

10

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

1 1. Appraised value. "Appraised value" means the
2 fair market value of property without the considera-
3 tion of the effect, if any, of dedication or other
4 preservation related restrictions.

5 2. Board. "Board" means the Recreation and Nat-
6 ural Heritage Fund Board established in section 333.

7 3. Cooperating entities. "Cooperating entities"
8 means those private, nonprofit organizations, municip-
9 al conservation commissions, local governments or
10 other bodies deemed by the Recreation and Natural
11 Heritage Fund Board as able to assist the State in
12 the acquisition or management of natural areas.

13 4. Fund. "Fund" means the Recreation and Natu-
14 ral Heritage Fund established in section 332.

15 5. Matching funds. "Matching funds," include,
16 but are not limited to, private contributions of cash
17 or securities; money from municipal or other public
18 agencies; money from a federal matching program, sub-
19 ject to the limitations of applicable federal and
20 state law, in an amount authorized by the federal
21 program; contributions of real property, or interest
22 in the property, that serve recreational and natural
23 heritage land acquisition needs of the State as de-
24 termined by the board; in-kind contributions; or any
25 combination thereof.

26 §332. Recreation and Natural Heritage Fund

27 1. Fund established. There is established a
28 fund to be known as the Recreation and Natural Heri-
29 tage Fund. The fund shall consist of the proceeds
30 from the sale of any bonds authorized for the pur-
31 poses of this chapter and any funds received as con-
32 tributions from private and public sources. The fund
33 shall be held separate and apart from all other mon-
34 ey, funds and accounts. Investment earnings credited
35 to the fund shall become part of the fund assets.
36 Any balance remaining in the fund at the end of any
37 fiscal year shall be carried forward for the next
38 fiscal year.

39 2. Fund availability. The fund shall be availa-
40 ble to state agencies and designated cooperating en-

1 titles upon authorization of the Recreation and Natu-
2 ral Heritage Fund Board for the purposes designated
3 in subsection 3.

4 3. Fund proceeds. The proceeds of the fund may
5 be applied and expended to:

6 A. Acquire property or an interest in property
7 which is determined by the board to be of state
8 significance under the the guidelines of this
9 chapter; and

10 B. Fund minor capital improvements on acquired
11 lands to improve accessibility, as long as such
12 improvements do not exceed 5% of the appraised
13 value of the acquired property.

14 §333. Recreation and Natural Heritage Fund Board es-
15 tablished

16 1. Board established. There is established to
17 carry out the purposes of this chapter a board in the
18 Executive Department known as the Recreation and Nat-
19 ural Heritage Fund Board. The board shall:

20 A. Complete, by June 1988, an assessment of the
21 State's public land acquisition needs, which
22 shall be conducted with input from interested
23 state agencies and the public;

24 B. Develop a plan and criteria with input from
25 interested state agencies and the public, based
26 on this assessment, for use in allocating the
27 proceeds from the Recreation and Natural Heritage
28 Fund;

29 C. Present, by December 1988, the board's find-
30 ings, plan and criteria to the joint standing
31 committee of the Legislature having jurisdiction
32 over natural resources for its review. The Leg-
33 islature must review the plan by January 15,
34 1989;

35 D. Receive and review funding requests from
36 state agencies and cooperating entities for the
37 State's acquisition of high priority natural ar-
38 reas;

1 E. Authorize distribution of proceeds from the
2 fund for land acquisitions in accordance with the
3 approved plan; and

4 F. Report annually to the Legislature on expend-
5 iture of the fund.

6 2. Project assistance. Consultants may be hired
7 from the proceeds of the fund to assist the board in
8 accomplishing the requirements of subsection 1, para-
9 graphs A, B and C.

10 §334. Composition and terms of board

11 1. Composition. The Recreation and Natural Her-
12 itage Fund Board shall consist of the following 7
13 members: Four private citizens, the Commissioner of
14 Conservation, the Commissioner of Inland Fisheries
15 and Wildlife and the Director of the State Planning
16 Office.

17 2. Appointments. The 4 private-citizen members
18 shall be appointed by the Governor, subject to review
19 by the joint standing committee of the Legislature
20 have jurisdiction over natural resources and to con-
21 firmation by the Legislature. The Governor shall
22 submit nominations within 90 days of the effective
23 date of this chapter.

24 3. Qualifications. The 4 appointed members
25 shall be selected based on their commitment to,
26 knowledge of and experience in the protection of the
27 State's natural resources and landscape.

28 4. Terms. The appointed members shall be ap-
29 pointed to staggered 4-year terms. The initial ap-
30 pointments shall be as follows: One member for a
31 one-year term; one member for a 2-year term; 1 member
32 for a 3-year term; and one member for a 4-year term.
33 Appointed members shall be allowed to serve no more
34 than 2 consecutive full terms.

35 5. Chairman. The Director of the State Planning
36 Office shall serve as chairman of the Recreation and
37 Natural Heritage Fund Board.

1 6. Staff assistance. The Department of Conser-
2 vation, the Department of Inland Fisheries and Wild-
3 life, the State Planning Office and all other state
4 agencies shall provide staff support and assistance
5 as deemed necessary by the board to fulfill the ob-
6 jectives established in this chapter.

7 §335. Board meetings; rules and administrative pro-
8 ceedings

9 1. Meetings. The board shall meet at least 4
10 times each year, at the call of the chairman.

11 2. Rules. The board, acting in accordance with
12 the procedures set forth in section 8052, may adopt
13 rules it deems necessary for the implementation of
14 this chapter.

15 3. Compensation. Board members who are not
16 state employees shall receive compensation equal to
17 legislative per diem and travel expenses as allowed
18 under section 12004, subsection 8, while engaged in
19 board activities.

20 4. Quorum. A quorum of the board for the trans-
21 action of business shall be 4 members. No action may
22 be taken by the board unless upon approval by a vote
23 of at least 4 members.

24 5. Personal bias. Upon filing in good faith by
25 a party of a timely charge of bias or personal finan-
26 cial interest, direct or indirect, of a member in a
27 proceeding requesting that that member disqualify
28 himself, that member shall determine the matter as a
29 part of the record.

30 §336. Acquisition criteria

31 1. Fund distribution. The board shall authorize
32 the distribution of funds from the fund to state
33 agencies and cooperating entities as set forth in
34 section 335, subsection 3, for the acquisition of
35 natural areas which meet the criteria set forth in
36 this chapter.

37 2. Qualifying criteria. In determining whether
38 a proposed acquisition shall be funded, in full or in

1 part, by the fund, the board through the plan and
2 criteria set forth in section 333, subsection 1, par-
3 agraph B, shall determine whether the site qualifies
4 as:

5 A. Having high priority recreation, fishery,
6 wildlife, conservation or scenic value on a
7 statewide basis;

8 B. A prime physical feature of the State's land-
9 scape of statewide significance;

10 C. An outstanding example of a state ecological
11 community; or

12 D. Habitat for plant or animal species consid-
13 ered threatened, endangered or of special concern
14 in the State, as identified in section 3315 and
15 Title 12, section 7753.

16 3. Matching funds. Whenever possible, the fund
17 shall be used for land acquisition projects when
18 matching funds are available from cooperating enti-
19 ties. The availability of the matching funds shall
20 be a major consideration for allocation of fund mon-
21 ey, provided the proposed acquisition meets the cri-
22 teria set forth in the plan and in section 333, sub-
23 section 1, paragraph B. "Matching" means any combi-
24 nation of public and private funds. Contributions
25 of land or interest in land shall be valued, for pur-
26 poses of this section, in the amount of their ap-
27 praised value.

28 4. Priorities. Priority shall also be given to
29 those projects conserving multiple outstanding values
30 or a single exceptional value; providing public ac-
31 cess; and building upon or connecting existing hold-
32 ings.

33 5. Nonqualifying expenditures. The board shall
34 not fund facilities for organized recreational activi-
35 ties, including, but not limited to, ballparks, ten-
36 nis courts or playgrounds; and capital improvements
37 on any publicly-owned facilities, except those lands
38 acquired with fund money, and then only for necessary
39 access improvements up to a maximum of 5% of the
40 property's appraised value.

1 §337. Ownership; title; management

2 1. Interests in land. The board may authorize
3 use of the fund to acquire real property in both fee
4 and less-than-fee simple interests, including, but
5 not limited to, conservation easements, access ease-
6 ments, other permanent interests in land and leases
7 of at least 99 years, provided that the acquisitions
8 are primarily natural areas meeting the criteria set
9 forth in this chapter.

10 2. State ownership of acquired areas. Title to
11 all lands acquired pursuant to this chapter shall be
12 vested in the State. Management responsibilities for
13 the acquired lands may be delegated by the
14 land-owning state agency to cooperating entities,
15 subject to lease or management arrangements, at the
16 discretion of the agency's commissioner.

17 3. Cooperating entities acquiring land on behalf
18 of State; expenses. Payments from the fund may be
19 made to cooperating entities for qualifying lands ac-
20 quired on behalf of the State, provided that a state
21 agency has issued to the cooperating entity a letter
22 of intent requesting assistance in the acquisition.
23 Upon 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 do not exceed the appraised
28 value of the acquired interest in the property. Ex-
29 penditures shall be paid at intervals during the acquisi-
30 tion process, as determined by the board.

31 4. Assessments of acquired lands. All lands ac-
32 quired with fund money shall be assessed for rare,
33 threatened or endangered species of plants and ani-
34 mals, exemplary natural communities and other high
35 priority natural features as determined by the board,
36 with reference to the best biological inventory data
37 available to the State and features of historic sig-
38 nificance by the Maine Historic Preservation Commis-
39 sion. Subsequent management by state agencies hold-
40 ing properties found to have such critical features
41 shall reflect the objective of maintaining and pro-
42 tecting those features.

1 5. Change of use. No lands acquired under this
2 chapter may be used for purposes other than those
3 stated in this chapter unless approved by 2/3 majori-
4 ty of the Legislature.

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

7	<u>(20-A) Natural Re-</u>	<u>Recreation and</u>	<u>Legislative</u>	<u>5 MRSA</u>
8	<u>Sources</u>	<u>Natural Heritage</u>	<u>Per Diem</u>	<u>\$333</u>
9		<u>Fund Board</u>	<u>for appoint-</u>	
10			<u>ed members</u>	

11 STATEMENT OF FACT

12 The perception of Maine as a desirable place to
13 live and work is based in large part on the State's
14 unspoiled natural environment and easy access to the
15 out-of-doors. These same attributes have helped fuel
16 the State's economic growth in recent years and our
17 \$1.25 billion a year tourism industry.

18 Despite this perception, Maine ranks near the
19 bottom of all states in the percent of our land which
20 is held in the public trust. With land now being de-
21 veloped or closed to the public at unprecedented
22 rates, it is essential that the State make a concert-
23 ed and coordinated effort to identify and protect its
24 most important natural areas now, to ensure that they
25 will continue to be available to future generations.

26 The bill establishes a Recreation and Natural
27 Heritage Board to identify, in concert with existing
28 state agencies, Maine's highest priority natural land
29 acquisitions. The board would then distribute money
30 from a special fund, created through the board pro-
31 ceeds for this purpose, for the acquisition of these
32 outstanding lands.

1 The broad range of natural lands qualify for
2 funding, including sites which have outdoor recre-
3 ation, wildlife, scenic, conservation and public ac-
4 cess values which are determined to be of statewide
5 significance. The bill also establishes a working
6 partnership between public and private agencies to
7 protect high priority sites in the most cost effec-
8 tive manner possible.

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