

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1379

S.P. 452

In Senate, April 29, 1987

Submitted by the Department of Conservation pursuant to
Joint Rule 24.

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

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator USHER of Cumberland.

Cosponsored by Representative MICHAUD of East Millinocket,
Senator LUDWIG of Aroostook, Representative HOLLOWAY of
Edgecomb.

STATE OF MAINE

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

AN ACT to Clarify the Department of
Conservation Laws.

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

6 Sec. 1. 12 MRSA §543, sub-§2, ¶B, as amended by
7 PL 1985, c. 785, Pt. B, §59, is repealed.

8 Sec. 2. 12 MRSA §553, sub-§3, ¶B, as amended by
9 PL 1985, c. 785, Pt. B, §60, is repealed.

10 Sec. 3. 12 MRSA §602, sub-§10, as amended by PL
11 1973, c. 460, §19, is repealed.

12 Sec. 4. 12 MRSA §602, sub-§10-A is enacted to
13 read:

1 10-A. Accept gifts. To accept gifts and be-
2 quests of money or other personal property to be used
3 in advancing the recreational and conservation inter-
4 ests in state parks and outdoor recreation;

5 Sec. 5. 12 MRSA §685, as amended by PL 1979, c.
6 541, Pt. A, §128, is further amended to read:

7 §685. Commission budget, financing and executive di-
8 rector

9 The Commissioner of Conservation shall prepare a
10 biennial budget and shall submit to the Legislature
11 requests for appropriations sufficient to carry out
12 its assigned tasks. The commission may accept con-
13 tributions of any type from any source to assist it
14 in carrying out its assigned tasks, and make such re-
15 quirements in respect to the administration of such
16 funds, not inconsistent with this subchapter, as are
17 required as conditions precedent to receiving such
18 funds, federal or otherwise. The commission shall
19 give public notice of all contributions, in the state
20 paper, stating the source, the amount and the purpose
21 of such contributions. The commission may contract
22 with municipal, State and Federal Governments or
23 their agencies to assist in the carrying out of any
24 of its assigned tasks. The Commissioner of Conserva-
25 tion, with the consent of a majority of the commis-
26 sion, shall appoint a director who shall be the prin-
27 cipal administrative, operational and executive em-
28 ployee of the commission. The director shall attend
29 all meetings of the commission and be permitted to
30 participate fully but shall not be a voting member of
31 the commission. ~~The--director-with-the-approval-of~~
32 ~~the-Commissioner-of-Conservation--may--hire--whatever~~
33 ~~competent--professional--personnel-and-other-staff-he~~
34 ~~deems-necessary-and-he-may-obtain-office-space,-goods~~
35 ~~and-services-as-required-~~

36 Sec. 6. 12 MRSA §5012, 2nd and 3rd ¶¶, as
37 amended by PL 1983, c. 819, Pt. A, §16, are further
38 amended to read:

39 The commissioner shall have the power to appoint
40 a director of administrative services, a deputy com-
41 missioner and bureau heads and other staff of the de-
42 partment, subject to the Civil Service Law, and pre-

1 scribe their duties as shall-be necessary for the
2 proper performance of the duties of the department.

3 The director of administrative services and, the
4 deputy commissioner and bureau heads shall serve at
5 the pleasure of the commissioner.

6 **Sec. 7.** 12 MRSA §5012, 4th ¶, as amended by PL
7 1975, c. 771, §157, is further amended to read:

8 The commissioner may, subject to the approval of
9 the Governor, apply for and accept on behalf of the
10 State any funds, other personal or real property,
11 including grants, bequests, gifts or contributions
12 from any person, corporation or government, including
13 the Government of the United States. Such funds shall
14 ~~be deposited in a separate account with the Treasurer~~
15 ~~of State and received by him on behalf of the State~~
16 received by the Treasurer of State on behalf of the
17 State and deposited in an appropriate new or existing
18 account in the department. All such funds may, sub-
19 ject to the rules and regulations promulgated by the
20 Governor, be expended by the Commissioner of Conser-
21 vation.

22 **Sec. 8.** 12 MRSA §5012, 5th ¶, as enacted by PL
23 1977, c. 360, §19, is amended to read:

24 The commissioner may, on behalf of the depart-
25 ment, enter into such agreements with any person,
26 corporation or state and ~~local~~ ~~agencies~~ ~~and~~
27 authorities or local government agency or authority
28 as will promote the objectives of the department.

29 **Sec. 9.** 12 MRSA §8003, sub-§3, ¶B, as amended by
30 PL 1985, c. 785, Pt. B, §73, is repealed.

31 **Sec. 10.** 12 MRSA §8003, sub-§3, ¶M, as amended
32 by PL 1983, c. 819, Pt. A, §35, is further amended to
33 read:

34 M. The director is authorized, with the consent
35 of the commissioner, to sell, grant, lease,
36 transfer or otherwise convey any real or personal
37 property under the jurisdiction of the bureau.
38 The director shall deposit the proceeds from the
39 sale or lease of property purchased with Maine

1 Forestry District tax funds in Forest Fire Control
2 Accounts. This authority shall not apply to
3 ~~the-state-nursery-or~~ lands acquired under the au-
4 thority of paragraph N. Property at the state
5 nursery may be sold if surplus to the needs of
6 the nursery and the proceeds shall be retained to
7 be used for improvements at the nursery.

8 Sec. 11. 38 MRSA §323, as amended by PL 1973, c.
9 460, §19, is further amended by adding at the end a
10 new paragraph to read:

11 The Director of the Bureau of Parks and Recreation,
12 when in his opinion it is in the State's best
13 interest, may charge reasonable amounts for the actual
14 costs of providing materials and services associ-
15 ated with the construction and repair of boating fa-
16 cilities.

17 STATEMENT OF FACT

18 This bill clarifies several authorities within
19 the Department of Conservation.

20 Sections 1 to 9 clarify that the Commissioner of
21 Conservation is the appointing authority for staff of
22 the department by repealing the appointing authority
23 in each of the bureaus and the Maine Land Use Regula-
24 tion Commission and enacting that authority under the
25 duties of the commissioner.

26 Sections 3 and 4 also add outdoor recreation to
27 state parks as an interest for which the Bureau of
28 Parks and Recreation may accept gifts.

29 Sections 6 to 8 also clarify that the commissioner
30 may accept gifts of property on behalf of the
31 State as well as money, that each gift does not re-
32 quire a separate account and that the commissioner
33 may enter into agreements with private as well as
34 public entities.

35 Section 10 allows for the sale of property at the
36 state nursery which is surplus to the nursery's needs
37 and for the proceeds to be retained by the nursery
38 enterprise account.

1 Section 11 allows the Boating Facilities Program
2 in the Bureau of Parks and Recreation to charge for
3 the actual cost of materials and services associated
4 with the construction and repair of boating facilities.
5 On some projects, when federal matching is involved,
6 reimbursement to the Boating Facilities Program by project
7 grantees, for the actual cost of materials and services,
8 improves the documentation of project costs for federal
9 reimbursement purposes and preserves Boating Facilities
10 Program dollars for use in additional and future programs.
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