

MAINE STATE LEGISLATURE

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(After Deadline)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2658

S.P. 1013

In Senate, May 5, 1988

Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 27.

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 LORD of Waterboro,
Representative DEXTER of Kingfield, Representative MICHAUD of East Millinocket.

STATE OF MAINE

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

AN ACT to Improve the Outdoor Recreation
Opportunities for the People of the State of
Maine.

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

7 Sec. 1. 5 MRSA §12004, sub-§11, ¶A, sub-¶(4-A)
8 is enacted to read:

9 (4-A) Environ- Maine Expenses 12 MRSA
10 ment Advisory Only §5251

1 Commission
2 on Outdoor
3 Recreation

4 Sec. 2. 12 MRSA c. 432 is enacted to read:

5 CHAPTER 432

6 MAINE ADVISORY COMMISSION ON OUTDOOR RECREATION

7 §5251. Board advisory function

8 Pursuant to Title 5, chapter 379, there is
9 established the Maine Advisory Commission on Outdoor
10 Recreation. The commission shall undertake a
11 continuing effort to assess and coordinate outdoor
12 recreation policy in the State. The commission shall
13 advise the Governor and the Legislature on all aspects
14 of that policy, as described in this section.

15 1. Composition. The commission shall consist of
16 13 members, representing a broad range of interests in
17 outdoor recreation. These members shall include 9
18 private citizens and 4 legislative members. One
19 legislative member shall be from the minority party.

20 2. Appointments. Three private citizen members
21 shall be appointed by the Governor, 3 private citizen
22 members shall be appointed by the President of the
23 Senate and 3 private citizen members shall be
24 appointed by the Speaker of the House. In addition,
25 the President of the Senate shall appoint 2
26 legislative members and the Speaker of the House shall
27 appoint 2 legislative members.

28 3. Qualifications. The appointed private citizen
29 members shall be selected based on their knowledge of
30 outdoor recreation issues. The membership shall be
31 selected to provide representation for a wide range of
32 outdoor recreation interests, including without
33 limitation, fishing and hunting clubs, forest
34 landowners, camp leaseholders, commercial sporting
35 camp operators, conservation groups and local

1 government. Four of the private citizen members shall
2 reside north of the 45th parallel and 5 shall reside
3 south of the 45th parallel.

4 4. Terms; compensation. The appointed private
5 citizen members shall be appointed to staggered 3-year
6 terms. The initial appointments shall be as follows:
7 Three members for one-year terms; 3 members for 2-year
8 terms; and 3 members for 3-year terms. Appointed
9 members may serve no more than 2 consecutive 3-year
10 terms. The appointed members shall receive no
11 compensation but shall be reimbursed for direct
12 expenses. Any member whose term has expired may serve
13 until a successor has been appointed and confirmed.

14 5. Quorum. A quorum of the commission for the
15 transaction of business shall be 7 members.

16 6. Meetings. The commission shall meet at least
17 4 times each year at the call of the chairman.

18 7. Chairman. The commission shall select a
19 chairman from among its membership.

20 8. Staff. Staff assistance for the commission
21 shall be provided by the Legislative Council.

22 9. Advisory goals. The commission, in its
23 advisory capacity, shall seek to:

24 A. Protect outstanding scenic values;

25 B. Maintain a diversity of recreation
26 opportunities;

27 C. Resolve conflicts between different outdoor
28 recreation uses and between outdoor recreation and
29 other uses for the State's natural resources; and

30 D. Protect the special character of specific
31 recreation experiences.

32 10. Responsibilities. The commission shall seek
33 to:

1 A. Review and assess the plans, programs,
2 policies and priorities of state agencies, local
3 government and those outside of government that
4 affect the quality and availability of outdoor
5 recreation resources on a continuing basis and
6 report its findings and any recommendations for
7 action to the Governor and the Legislature as
8 provided in this section;

9 B. Confer with the Land for Maine's Future Board
10 on the assessment of outdoor recreation
11 acquisition needs and on the development and
12 revision of acquisition strategies and guidelines;

13 C. Serve as a high-level public forum for the
14 discussion of outdoor recreation issues and for
15 the resolution of conflict between competing
16 demands upon outdoor recreation resources;

17 D. Ensure public input into the recreational
18 needs assessment done as part of the State's
19 comprehensive outdoor recreation plan;

20 E. Serve as a forum for State Government and
21 local government, private landowners, commercial
22 recreation providers and the public to discuss the
23 State's outdoor recreation promotional efforts,
24 advising the Office of Tourism, the Department of
25 Transportation, the Maine Publicity Bureau and
26 others on public information and education
27 policies;

28 F. Foster communication, coordination and
29 improved relationships among state agencies, State
30 Government and local government, landowners,
31 commercial recreation interests and the public
32 engaged in recreation;

33 G. Act as a source for information regarding the
34 use of outdoor recreation resources; and

35 H. Serve as an advisory body to the Bureau of
36 Parks and Recreation in the preparation of the
37 State's comprehensive outdoor recreation plan.

1 11. Priority issues. The commission shall give
2 priority attention to measures that foster the
3 public's access to and use of outdoor recreation
4 opportunities either on private land or requiring
5 access across private land. The commission shall seek
6 to:

7 A. In cooperation with the Commissioner of
8 Conservation and the Commissioner of Inland
9 Fisheries and Wildlife and with assistance from
10 the Attorney General, assess the extent and
11 limitations of the public's legal rights of access
12 to and use of outdoor recreation resources to
13 clarify any ambiguities. The commission shall
14 report any specific recommendations to the
15 Governor and the Legislature;

16 B. At the earliest possible date following
17 completion of the assessment conducted under this
18 section, develop a public information campaign to
19 educate the public regarding their rights and
20 responsibilities in using these resources;

21 C. Develop, in association with hunters, anglers,
22 other recreationists and landowners, a statement
23 of "user ethics," establishing high standards of
24 courtesy and responsibility, and promote this user
25 ethic through a public information campaign;

26 D. Assess, with assistance from the Attorney
27 General, the Department of Conservation and the
28 Department of Inland Fisheries and Wildlife, the
29 adequacy of laws and enforcement measures designed
30 to control the abuse of public recreation rights
31 and privileges and report any findings and
32 recommendations to the Governor and the
33 Legislature;

34 E. Serve as an ombudsman and advocate for the
35 public's right to use outdoor recreation resources
36 and as a forum to resolve disputes between
37 recreationists and landowners; and

38 F. Work closely with private landowners to
39 address their legitimate concerns about the

1 problems and costs of public recreation use of
2 their lands, foster public acceptance of
3 reasonable user fees and other legitimate measures
4 to manage recreation and secure long-term
5 agreements wherever possible that assure public
6 recreation use under reasonable conditions.

7 12. Local cooperation. The commission shall seek
8 to work closely with local governments to address
9 special concerns about public recreation use rights
10 and responsibilities on private land in cities and
11 towns. Specifically, the commission shall seek to
12 facilitate the local public input into the development
13 of management plans for parcels of public land under
14 the control of the Bureau of Public Lands and the
15 Bureau of Parks and Recreation.

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

19 1988-89

20 LEGISLATURE

21 Maine Advisory Commission
22 on Outdoor Recreation

23 All Other \$6,200

24 Provides funds for
25 travel and operating
26 expenses of the Maine
27 Advisory Commission on
28 Outdoor Recreation.

29 Total \$6,200
30

31 STATEMENT OF FACT

32 This bill implements the recommendations of the
33 Maine Commission on Outdoor Recreation established
34 pursuant to Private and Special Law 1987, chapter 68,

1 by establishing the Maine Advisory Commission on
2 Outdoor Recreation. The commission has broad
3 responsibilities to assess and coordinate outdoor
4 recreation issues, needs and policies.

5 This bill differs from previous proposals in that
6 the composition of the commission is changed to
7 increase the number of public members and to remove
8 agency personnel from commission membership. Staff
9 assistance for the commission will come from the
10 Legislative Council.

11 In light of the commission's limited resources,
12 the language defining the responsibilities and duties
13 of the commission is amended and clarified to give the
14 commission more flexibility to develop its priorities.

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