

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1732

S.P. 639

In Senate, June 9, 1989

Reference to the Committee on Appropriations and Financial Affairs suggested and ordered printed.

Joy J. O'Brien
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator WEBSTER of Franklin.

STATE OF MAINE

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

An Act to Establish the Maine Outdoors Program.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 5 MRSA §12004-I, sub-§24-A is enacted to read:**

5 24-A. Environ- Recreation Expenses 12 MRSA §5222
ment: Natural Advisory Council Only
7 Resources

9 **Sec. 2. 12 MRSA c. 433 is enacted to read:**

11 CHAPTER 433

13 MAINE OUTDOORS PROGRAM

15 §5221. Maine Outdoors Program

17 There is established within the Department of Conservation,
19 the Maine Outdoors Program. The purpose of this program is to:

21 1. Assess the current availability of recreational
23 opportunities. Assess the current availability of recreational
opportunities in various regions of the State on a periodic basis
as determined by the commissioner with input from the Recreation
Advisory Council;

25 2. Enhance recreational opportunities. Improve existing
27 state programs and formulate and implement new programs to
enhance recreational opportunities;

29 3. Improve coordination. Improve coordination and
31 cooperation among state agencies in the formulation of policies,
33 resolution of conflicts and implementation of programs affecting
recreational opportunities;

35 4. Seek public involvement. Seek public involvement in the
37 formulation of state policies and programs that affect private
landowners and recreational interests;

39 5. Make recommendations. Recommend to the Governor and the
41 joint standing committee of the Legislature having jurisdiction
43 over natural resource matters the administrative and legislative
45 policies and actions needed to ensure adequate, high quality
recreational opportunities for Maine citizens and visitors to the
State.

47 §5222. Council composition and role

49 The Recreation Advisory Council shall review and coordinate
the Maine Outdoors Program.

1 1. Recreation Advisory Council. The Commissioner of
2 Conservation, in consultation with the Recreation Advisory
3 Council, shall formulate the Maine Outdoors Program.

5 A. The council shall consist of 15 members, 10 of whom
6 shall be private citizens. In addition, the Commissioner of
7 Conservation who shall serve as the chair, the Commissioner
8 of Inland Fisheries and Wildlife, the Commissioner of Marine
9 Resources, the Commissioner of Economic and Community
10 Development and the Director of the State Planning Office
11 shall be permanent members.

13 B. Six private citizen members shall be appointed by the
14 Governor. Two private citizen members shall be appointed by
15 the President of the Senate. Two private citizen members
16 shall be appointed by the Speaker of the House of
17 Representatives. Two private citizen members shall be
18 appointed by the President of the Senate.

19 C. The appointed private citizen members shall be selected
20 based on their knowledge of outdoor recreation issues. The
21 membership shall be selected with broad geographical
22 diversity to provide representation for a wide range of
23 outdoor recreation interests, including, but not limited to,
24 fishing and hunting clubs, forest landowners, camp
25 leaseholders, commercial sporting camp operators,
26 conservation, recreation groups and local governments.

29 D. The appointed private citizen members shall be appointed
30 to staggered 3-year terms. The initial appointments shall
31 be as follows: 3 members for one-year terms; 3 members for
32 2-year terms; and 4 members for 3-year terms. Appointed
33 members may serve no more than 2 consecutive 3-year terms.
34 The appointed members shall be reimbursed for expenses
35 only. Any member whose term has expired may serve until a
36 successor has been appointed and confirmed.

37 E. Eight members of the council constitute a quorum for the
38 transaction of business.

41 F. The council shall meet at least 2 times each year at the
42 call of the chair, who shall provide 2 weeks notice to all
43 members of any meeting.

45 G. The Department of Conservation shall provide primary
46 assistance to support the council. The Department of Inland
47 Fisheries and Wildlife, the Department of Marine Resources,
48 the Department of Economic and Community Development and the
49 State Planning Office shall also provide assistance as
50 required by the council.

1 2. Role of the Recreation Advisory Council. The Recreation
2 Advisory Council shall provide policy and technical guidance to
3 the Maine Outdoors Program to further protect and enhance the
4 State's important and diverse recreational opportunities. The
5 council shall:

7 A. Review all interim and final documents of the program;

9 B. Participate in the formulation of the annual work plan
10 for the program;

11 C. Review the biennial report of the accomplishments of the
12 program;

13 D. Recommend means to improve coordination and cooperation
14 between state agencies in the formulation of policy and
15 implementation of programs;

16 E. Provide increased opportunities for public participation
17 in the assessment of needs and the formulation of public
18 policy;

19 F. Seek resolution of conflicts between recreational uses;

20 G. Serve as a forum to which private landowners and
21 recreational users may bring their recreational concerns for
22 consideration and public discussion; and

23 H. Foster better communication, coordination and improved
24 relationships among state agencies, local governments,
25 landowners, commercial recreational interests and the
26 general public.

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29 §5223. Report

30 The Commissioner of Conservation shall prepare a biennial
31 report on the Maine Outdoors Program for the Governor and the
32 joint standing committee of the Legislature having jurisdiction
33 over natural resource matters describing the previous years work,
34 including specific actions taken to enhance recreational
35 opportunities since the last biennial report and recommending
36 administrative or legislative policies or actions necessary to
37 further enhance the availability of recreational opportunities in
38 the State.

39 §5224. Priority issues

40 The Maine Outdoors Program shall investigate measures which
41 foster continued public access to and use of outdoor recreational
42 opportunities on private land or requiring access across private
43 land, a priority. The program shall:

1 1. Assessment of the public's right of access. Assess the
2 public's legal right of access to and use of recreational
3 resources and educate the public regarding its rights and
4 responsibilities in using outdoor recreational resources; and
5 encourage that a user code of ethics stressing high standards of
6 courtesy, responsibility and resource conservation be established
7 and extensively promoted by the appropriate agencies and groups.

9 2. Assessment of laws and enforcement. Assess, with the
10 assistance of the Department of the Attorney General, the
11 adequacy and enforcement of laws designed to protect both public
12 and landowners rights; identify the legitimate concerns of
13 landowners relative to the problems and costs associated with
14 public recreational use of their lands and recommend appropriate
15 actions to be taken by state agencies, local governments and user
16 groups to address those concerns; recommend means that foster
17 public acceptance of reasonable user fees and other measures
18 designed to assist in the management of recreational use of
19 private lands; and, when appropriate, encourage state agencies to
20 seek long-term agreements that ensure continued public
21 recreational use of private lands.

23 **Sec. 3. Appropriation.** The following funds are appropriated
24 from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
CONSERVATION, DEPARTMENT OF		
Maine Outdoors Program		
Positions	(1)	(1)
Personal Services	\$18,586	\$30,212
All Other	15,000	15,000
Provides funds for anticipated staff work, expenses, travel lodging, public hearings, printing and miscellaneous expenses of the program and council.		
DEPARTMENT OF CONSERVATION		
TOTAL	<u>\$33,586</u>	<u>\$45,212</u>

1

STATEMENT OF FACT

3 This bill establishes the Maine Outdoors Program and the
Recreation Advisory Council to enhance and protect the
5 opportunities for outdoor recreation for Maine citizens and
visitors to this State.