

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 507

S.P. 198

In Senate, February 11, 1991

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator KANY of Kennebec  
Cosponsored by President PRAY of Penobscot.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**Resolve, to Study Public Access to Maine Lands.**

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(EMERGENCY)



2           **Emergency preamble.** Whereas, Acts and resolves of the  
Legislature do not become effective until 90 days after  
adjournment unless enacted as emergencies; and

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6           Whereas, the land and natural resources of the State,  
including its forests, shorelands, mountains and wetlands, are  
resources of unparalleled value and significance; and

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10          Whereas, public access to, and reasonable use of, these  
resources should be, to the extent permissible, the privilege of  
every citizen of Maine; and

12  
14          Whereas, the increasing private ownership of land may serve  
to limit the ability of the citizens of this State to enjoy the  
educational and recreational benefits offered by the State's land  
and resources; and

18          Whereas, the study proposed by this resolve must be  
completed in time for a report to be submitted to the Second  
Regular Session of the 115th Legislature and, therefore, it is  
essential that this study be initiated as soon as possible; and

22  
24          Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
safety; now, therefore, be it

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30          **Sec. 1. Commission established. Resolved:** That the Commission  
to Study Public Access to Maine Lands is established; and be it  
further

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34          **Sec. 2. Commission membership. Resolved:** That the commission  
consists of the following 13 members:

36           1. Three members of the House of Representatives who serve  
on either the Joint Standing Committee on Energy and Natural  
Resources or the Joint Standing Committee on Fisheries and  
Wildlife, to be appointed by the Speaker of the House of  
Representatives;

42           2. Two Senators who serve on either the Joint Standing  
Committee on Energy and Natural Resources or the Joint Standing  
Committee on Fisheries and Wildlife, to be appointed by the  
President of the Senate; and

46           3. Eight members of the public who have an interest in  
ensuring public access to the State's land and natural resources  
and who are capable of assuming the public trust. The President  
of the Senate and the Speaker of the House of Representatives  
shall each appoint 4 of these public members; and be it further

2           **Sec. 3. Appointments; meetings. Resolved:** That all  
3 appointments must be made no later than 30 days following the  
4 effective date of this resolve. The President of the Senate and  
5 the Speaker of the House of Representatives jointly shall appoint  
6 the chair of the commission from among its members. When the  
7 appointment of all of the members of the commission is completed,  
8 the chair of the commission shall call the first meeting no later  
9 than August 15, 1991; and be it further

10           **Sec. 4. Duties. Resolved:** That the commission shall evaluate  
11 methods to encourage reasonable public access to land in this  
12 State. In conducting this study, the commission shall:

13           1. Study the benefits and advantages afforded by public  
14 access to publicly owned land and privately owned land;

15           2. Develop means of educating the public on the importance  
16 of free and public access to land and resources;

17           3. Study and evaluate financial incentives, including tax  
18 incentives, designed to encourage public access to land; and

19           4. Recommend measures to promote and encourage such public  
20 access; and be it further

21           **Sec. 5. Report. Resolved:** That the commission shall submit  
22 its report, together with any necessary implementing legislation,  
23 to the Second Regular Session of the 115th Legislature by  
24 November 1, 1991; and be it further

25           **Sec. 6. Staff assistance. Resolved:** That the commission may  
26 contract with a consultant to provide professional services in  
27 carrying out these duties. The consultant shall provide clerical  
28 assistance to the commission and shall prepare any legislation  
29 recommended by the commission. The chair of the study group  
30 shall manage the consultant's work; and be it further

31           **Sec. 7. Reimbursement. Resolved:** That the members of the  
32 commission who are Legislators are entitled to the legislative  
33 per diem, as defined in the Maine Revised Statutes, Title 3,  
34 section 2, for days of attendance at commission meetings. All  
35 members of the commission who are not state employees are  
36 entitled to receive expenses, as defined in the Maine Revised  
37 Statutes, Title 5, section 12002, upon application to the  
38 Executive Director of the Legislative Council for those expenses;  
39 and be it further

40           **Sec. 8. Appropriation. Resolved:** That the following funds are  
41 appropriated from the General Fund to carry out the purposes of  
42 this resolve.  
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LEGISLATURE

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Commission to Study Public Access to  
Maine Lands

6

8

Personal Serivces  
All Other

\$1,100  
22,600

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12

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Provides funds for the expenses of members  
of the Commission to Study Public Access to  
Maine Lands who are not state employees, per  
diem for Legislative members and \$20,000 for  
contractual services which includes printing  
costs.

18

LEGISLATURE  
TOTAL

            
\$23,700

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**Emergency clause.** In view of the emergency cited in the  
preamble, this resolve takes effect when approved.

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STATEMENT OF FACT

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This resolve establishes the Commission to Study Public  
Access to Maine Lands. The commission will study ways to ensure  
public access to publicly owned and privately owned land and  
natural resources in this State.