

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 840

H.P. 589

House of Representatives, February 26, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

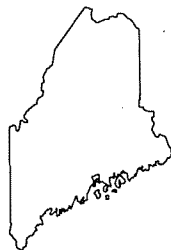
Presented by Representative MITCHELL of Freeport.

Cosponsored by Representative POWERS of Coplin Plantation, Senator TITCOMB of Cumberland and Representative JACQUES of Waterville.

STATE OF MAINE

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

An Act to Provide Greater Public Input into Public Lands Management.



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

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Sec. 1. 12 MRSA §585, sub-§3, as affected by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. **Responsibility.** The commissioner has the care, custody, control and responsibility for the management of the public reserved lands in the unincorporated areas of the State. The commissioner shall prepare, revise from time to time and maintain a comprehensive management plan for the management of the public reserved lands in accordance with the guidelines in this chapter. The management plan must provide for a flexible and practical approach to the coordinated management of the public reserved lands. In preparing, revising and maintaining this management plan, the commissioner, to the extent practicable, shall compile and maintain an adequate inventory of the public reserved lands, including not only the timber on those lands but also the other multiple use values for which the public reserved lands are managed. In addition, the commissioner shall consider all criteria listed in section 584 for the location of public reserved lands in developing the management plan. The commissioner is entitled to the full cooperation of the Maine Geological Survey, Department of Inland Fisheries and Wildlife, Bureau of Parks and Recreation, Maine Land Use Regulation Commission and State Planning Office in compiling and maintaining the inventory of the public reserved lands. The commissioner shall consult with those agencies as well as other appropriate state agencies in the preparation and maintenance of the comprehensive management plan for the public reserved lands. This plan shall provide for the demonstration of appropriate management practices that will enhance the timber, wildlife, recreation, economic and other values of the lands. When prepared, all management of the public reserved lands, to the extent practicable, shall must be in accordance with this management plan.

Within the context of the comprehensive management plan, the commissioner, after adequate opportunity for public review and comment and in conformance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, shall adopt specific action plans for each of the units of the public reserved lands system. Each action plan shall must include consideration of the related systems of silviculture and regeneration of forest resources and shall provide for outdoor recreation, including remote, undeveloped areas, timber, watershed protection, wildlife and fish. The commissioner shall complete the action plans no later than December 31, 1989, and shall revise them from time to time as necessary. The commissioner shall provide adequate opportunity for public review and comment on any substantial revision of an action plan.

2 Management of the public reserved lands before the action plans
are completed must be in accordance with all other provisions of
4 this section.

6 **Sec. 2. 12 MRSA §586**, as amended by PL 1989, c. 104, Pt. C,
§§8 and 10, is further amended to read:

8 **§586. Funds from public reserved lands**

10 **1. Fund established.** All income received by the director
from the public reserved lands, except income provided for in
12 section 557, subsection 3 and section 588, shall must be
deposited with the Treasurer of State, to be credited to the
14 ~~Public-Reserved-Lands-Management-Fund which is established as a~~
~~nonlapsing-fund~~ General Fund. Any interest earned on this money
16 shall must also be credited to the fund.

18 ~~2. Expenditures from fund. Expenditures from the fund are~~
~~subject to legislative approval in the same manner as~~
20 ~~appropriations from the General Fund. No money may be expended~~
~~without allocation by the Legislature. The joint standing~~
22 ~~committee of the Legislature having jurisdiction over~~
~~appropriations and financial affairs must approve the allocations.~~

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26 **STATEMENT OF FACT**

28 The bill ensures that unit management plans for the public
reserved lands system are adopted in accordance with the Maine
30 Administrative Procedure Act, or MAPA. These lands are managed
by the Bureau of Public Lands in the Department of Conservation.
32 The MAPA provides for adequate public notice and input. The MAPA
also provides an avenue for citizens to petition the bureau to
34 reopen an adopted unit management plan to revise its provisions.
This bill also undedicates most of the revenues generated from
36 the management of public reserved lands and directs that income
to the General Fund.
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