

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

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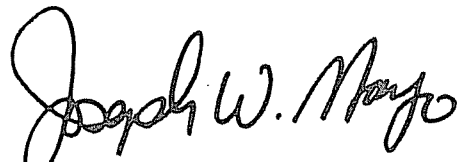
H.P. 1428

House of Representatives, March 1, 1994

**An Act to Designate Certain Lands under the Constitution of Maine,
Article IX, Section 23.**

(AFTER DEADLINE)

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.


JOSEPH W. MAYO, Clerk

Presented by Representative MITCHELL of Freeport.
Cosponsored by Representatives: ADAMS of Portland, BENNETT of Norway, CHONKO of Topsham, COLES of Harpswell, CONSTANTINE of Bar Harbor, DAGGETT of Augusta, GOULD of Greenville, GRAY of Sedgwick, HEESCHEN of Wilton, JACQUES of Waterville, LARRIVEE of Gorham, LORD of Waterboro, MARSH of West Gardiner, MARTIN of Eagle Lake, MICHAUD of East Millinocket, RAND of Portland, ROWE of Portland, RYDELL of Brunswick, TOWNSEND of Portland, TREAT of Gardiner, Senators: PARADIS of Aroostook, PEARSON of Penobscot, VOSE of Washington.

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

4 Sec. 1. 12 MRSA c. 202-D is enacted to read:

6 CHAPTER 202-D

8 DESIGNATED LANDS

10 §598. Definitions

12 As used in this chapter, unless the context otherwise
indicates, the following terms have the following meanings.

14 1. Lands or land. "Lands" or "land" means real estate held
by the State.

16 2. Proceeds. "Proceeds" means money arising or obtained
18 from the sale of designated lands, excluding the costs of the
20 sale.

22 3. Real estate held by the State. "Real estate held by the
State" means real estate wholly owned by the State by fee simple
24 title. "Real estate held by the State" does not mean land
partially owned by the State or land owned by someone other than
26 the State in which the State holds an easement, right-of-way or
covenant.

28 4. Reduced. "Reduced" means a reduction in the acreage of
an individual parcel or lot of designated land under section
30 598-A. "Reduced" does not mean a reduction in the value of the
property.

32 5. Substantially altered. "Substantially altered" means
34 any amendment to the public or private laws governing the use of
designated lands that permits an alteration to the physical
36 characteristics of the land or a change in the use of the land
that is not permitted under existing laws.

38 §598-A. Designated lands

40 The following lands are designated lands under the
42 Constitution of Maine, Article IX, Section 23. Designated lands
under this section may not be reduced or substantially altered,
44 except by a 2/3 vote of the Legislature. It is the intent of the
Legislature that individual holdings of land or classes of land
46 may be added to the list of designated lands under this section
in the manner normally reserved for amending the public laws of
48 the State. Once so designated, however, it is the intent of the
Legislature that designated lands remain subject to the
50 provisions of this section and the Constitution of Maine, Article

2 IX, Section 23 until such time as the designation is repealed or
3 limited by a 2/3 vote of the Legislature.

4 Designated lands are:

6 1. Certain Department of Inland Fisheries and Wildlife
7 lands. The following lands held by the Department of Inland
8 Fisheries and Wildlife:

10 A. State-owned wildlife management areas and public access
11 sites described in section 7652; and

12 B. Lands held and managed as a state game farm under the
13 provisions of section 7735;

16 2. Public lands and public reserve lots. Lands under the
17 care, custody, control and management of the Bureau of Public
18 Lands pursuant to chapter 202 and public reserved lands as
19 defined in section 585, subsection 2, paragraph B;

20 3. State parks and historic sites. Land that is a state
21 park or historic site as those terms are defined in chapter 203;

24 4. Allagash Wilderness Waterway. Lands constituting the
25 Allagash Wilderness Waterway as defined in chapter 206;

26 5. Baxter State Park Authority lands. Lands managed by the
27 Baxter State Park Authority not acquired by deed of gift and not
28 contiguous to Baxter State Park. Specifically, lands deeded by
29 Governor Percival P. Baxter by deeds of gift and lands otherwise
30 contiguous thereto are not designated lands;

31 6. Lands gifted to the State. Lands managed for
32 conservation or recreation purposes and acquired by a deed of
33 gift that allows conveyance of the land or changes to the use of
34 the land; and

35 7. Lands acquired pursuant to referendum. Lands acquired
36 by the State through the Land for Maine's Future Board under
37 Title 5, Part 15-A;

38 Notwithstanding any other provision of this section, a state
39 agency owning or holding designated land under this section may
40 contract to operate or manage that land, provided that the
41 contract does not violate any other provision of law.

42 §598-B. Proceeds from the sale of designated land; limitation
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2 Proceeds from the sale of designated land under section
3 598-A must be used to purchase additional land in the same county
4 for the same purpose.

6 **STATEMENT OF FACT**

8 This bill implements the provisions of the Constitution of
9 Maine, Article IX, Section 23. Under the provisions of this
10 bill, a 2/3 vote of the Legislature is required to reduce the
11 size or substantially alter the use of designated conservation or
12 recreational lands. Lands designated in this bill include
13 state-owned wildlife management areas and public access sites,
14 public lands and public reserved lots, state parks and historic
15 sites, the Allagash Wilderness Waterway, Baxter State Park
16 Authority lands other than those deeded by Governor Baxter or
17 contiguous thereto, lands that were acquired by deed of gift if
18 those deeds allow for conveyance or changes of use and lands
19 acquired by the Land for Maine's Future Board.

20 As required by the Constitution of Maine, this bill also
21 requires that proceeds from the sale of those lands must be used
22 to purchase additional land estate in the same county for the
23 same purpose.

24 This bill also expresses the intent of the Legislature that
25 land may not be delisted once it is designated, except by a 2/3
26 vote of the Legislature, and that additional parcels of land or
27 classes of land may be added by future Legislatures as the need
28 arises.

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36 This document has not yet been reviewed to determine the
37 need for cross-reference, stylistic and other technical
38 amendments to conform existing law to current drafting standards.