

MAINE STATE LEGISLATURE

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L.D. 1852

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AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 635, L.D. 1852, Bill, "An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands"

Amend the bill in section 7 in subsection 5 in the 3rd sentence in the first line (page 2, line 4 in L.D.) by striking out following: "public lots and" and inserting in its place the following: '~~public-lots-and~~' and in the 2nd line (page 2, line 5 in L.D.) by inserting after the following: "reserved" the following: 'and nonreserved'

Further amend the bill by striking out all of section 11 and inserting in its place the following:

'Sec. 11. 12 MRSA c. 211, sub-c. I, as amended, is repealed.'

Further amend the bill in section 13 in that part designated "**§1803.**" by inserting after subsection 2 the following:

'3. Lifeguard training. Shall oversee the existing lifeguard training being conducted by the Lifeguard Academy. The training procedures must be in compliance with the guidelines for open-water lifeguard training promulgated by the United States Lifesaving Association.'

Further amend the bill in section 13 in that part designated "**§1803.**" by inserting after subsection 3 the following:

2 '4. Distribution of information. At the expense of the
3 State, may cause copies of sections or parts of sections of this
4 chapter and of other laws of the State relating to the
5 administration of public lands to be printed and freely
6 distributed. The bureau may prepare tracts or circulars of
7 information on the administration of public lands, which must be
8 available for distribution; and'

9
10 Further amend the bill in section 13 in that part
11 designated "§1803." by renumbering the subsections to read
12 consecutively.

13
14 Further amend the bill in section 13 in that part designated
15 "§1812." in the first paragraph in the last line (page 7, line 39
16 in L.D.) by inserting after the following: "acres" the
17 following: ', nor may it be exercised to take any developed or
18 undeveloped mill site or water power privilege in whole or in
19 part or any land used or useful in connection therewith or any
20 land being used for an industrial enterprise'

21
22 Further amend the bill in section 13 in that part designated
23 "§1815." in the first paragraph in the first line (page 10, line
24 43 in L.D.) by striking out the following: "The" and inserting
25 in its place the following: 'Consistent with section 598-A, the'

26
27 Further amend the bill in section 13 in that part designated
28 "§1821." in the first paragraph in the last line (page 13, line
29 16 in L.D.) by inserting after the following: "site" the
30 following: ', but a dwelling house may not be searched for the
31 purpose of such an arrest without a warrant, and then only in
32 daytime'

33
34 Further amend the bill in section 13 in that part designated
35 "§1825." in subsection 2 in the 3rd line (page 14, line 13 in
36 L.D.) by striking out the following: "Title 12,"

37
38 Further amend the bill in section 13 in that part designated
39 "§1827." in the first paragraph in the first line (page 16, line
40 13 in L.D.) by inserting after the following: "establish" the
41 following: 'and maintain' and in the last line (page 16, line 15
42 in L.D.) by striking out the following: "or by contracting with
43 a 3rd-party contractor"

44
45 Further amend the bill in section 13 in that part designated
46 "§1828." in the 2nd line from the end (page 16, line 36 in L.D.)
47 by striking out the following: "chapter" and inserting in its
48 place the following: 'subchapter'

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Further amend the bill in section 13 in that part designated
2 "~~§1847.~~" by striking out all of subsection 1 (page 27, lines 29
4 to 40 in L.D.) and inserting in its place the following:

6 '1. Purpose. The Legislature declares that it is in the
8 public interest and for the general benefit of the people of this
10 State that title, possession and the responsibility for the
12 management of the public reserved lands be vested and established
14 in the bureau acting on behalf of the people of the State, that
16 the public reserved lands be managed under the principles of
18 multiple use to produce a sustained yield of products and
services by the use of prudent business practices and the
principles of sound planning and that the public reserved lands
be managed to demonstrate exemplary land management practices,
including silvicultural, wildlife and recreation management
practices, as a demonstration of state policies governing
management of forested and related types of lands.'

Further amend the bill in section 13 by inserting after that
20 part designated "~~§1866.~~" the following:

22 '§1867. Sunken logs on submerged lands owned by State

24 1. Definitions. As used in this section, unless the
26 context otherwise indicates, the following terms have the
following meanings.

28 A. "Log" means a portion of the trunk of a felled tree that
30 has not been further processed for any end use.

32 B. "Salvage" means any activity involved in the retrieval
of sunken logs from submerged land.

34 2. Title to sunken logs. The State reserves to itself
36 title and ownership to all logs resting on submerged lands that
are owned by the State.

38 3. Salvage and sale of sunken logs. The director may
40 conduct a sunken log salvage program under which the director may
42 issue a permit for the salvage of sunken logs on submerged lands
44 owned by the State. The director may sell logs salvaged under
46 the sunken log salvage program. Prior to conducting a log
48 salvage operation on submerged lands, a person must obtain a
sunken log salvage permit from the bureau and must obtain all
other applicable permits from the appropriate local, state and
federal agencies with jurisdiction over this activity. The
bureau may not issue a permit for this activity if the director
finds that the proposed sunken log salvage operations may
unreasonably interfere with customary or traditional public

2 access to or public trust rights or uses in, on or over the
intertidal or submerged lands and the waters above those lands.

4 4. Rules. The director shall adopt rules necessary and
appropriate to administer this section. Rules adopted pursuant
6 to this subsection are routine technical rules as defined in the
Maine Administrative Procedure Act, Title 5, chapter 375,
8 subchapter II-A.

10 5. Revenues. The director shall charge an application fee
of \$100 for each permit. The director may establish reasonable
12 prices for the sale of salvaged logs. All revenues from the
bureau's activities under this section accrue to the Submerged
14 Lands Fund established in section 1861.'

16 Further amend the bill in section 13 in that part designated
18 "§1872." in subsection 1 in the 3rd line (page 56, line 29 in
L.D.) by striking out the following: "ponds, the intervening and
20 connecting waters and" and inserting in its place the following:
'ponds, the high-water marks of the intervening and connecting
22 waters and the high-water marks of'

24 Further amend the bill in section 13 in that part designated
"§1872." in subsection 6 in the first blocked paragraph in the
3rd line (page 57, line 4 in L.D.) by inserting after the
26 following: "4" the following: 'miles'

28 Further amend the bill in section 13 in that part designated
"§1893." in subsection 1, in paragraph A in the 4th line from the
30 end (page 68, line 6 in L.D.) by striking out the following:
"Title 12," and in the next to the last line (page 68, line 8 in
32 L.D.) by striking out the following: "Title 12,"

34 Further amend the bill by relettering or renumbering any
nonconsecutive Part letter or section number to read
36 consecutively.

38 Further amend the bill by inserting at the end before the
summary the following:
40

42 **FISCAL NOTE**

44 Dedicating the interest earnings of the Nonreserved Public
Lands Management Fund within the Department of Conservation will
46 result in insignificant reductions of General Fund revenue and a
corresponding insignificant increase in dedicated revenue to the
48 Nonreserved Public Lands Management Fund.

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2 The Bureau of Parks and Lands within the Department of
3 Conservation will incur some minor additional costs to distribute
4 copies of certain information, to adopt certain rules and to
5 enforce certain provisions pertaining to the salvage and sale of
6 sunken logs. These costs can be absorbed within the bureau's
7 existing budgeted resources. The bureau will also experience an
8 insignificant increase of dedicated revenue from establishing
9 application permit fees and authorizing the sale of salvaged logs.

10 This bill may increase prosecutions for Class E crimes. If
11 a jail sentence is imposed, the additional costs to the counties
12 are estimated to be \$83.78 per day per prisoner. These costs are
13 not reimbursed by the State. The number of prosecutions that may
14 result in a jail sentence and the resulting costs to the county
15 jail system are expected to be insignificant.

16 The additional workload and administrative costs associated
17 with the minimal number of new cases filed in the court system
18 can be absorbed within the budgeted resources of the Judicial
19 Department. The collection of additional fines may increase
20 General Fund revenue by minor amounts.'

22
23
24 **SUMMARY**

25 This amendment is the majority report. It makes technical
26 changes to the bill to clarify language. It reenacts certain
27 language in current law that was omitted from the bill. In
28 addition, it removes authorization in the bill for the state park
29 campsite reservation system to be administered by a 3rd-party
30 contractor. It authorizes the Director of the Bureau of Parks
31 and Lands to conduct a sunken log salvage program. The
32 provisions allow the director to issue a permit for the salvage
33 of sunken logs on submerged lands owned by the State.
34