

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**

16

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COMMITTEE AMENDMENT "B" 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"

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24

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'

26

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30

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

32

'Sec. 11. 12 MRSA c. 211, sub-c. I, as amended, is repealed.'

34

36

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

38

40

'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.'

42

44

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

46

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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 by striking out all of
46 that part designated "~~§1828.~~"

47
48 Further amend the bill in section 13 in that part designated
49 "~~§1847.~~" by striking out all of subsection 1 (page 27, lines 29
50 to 40 in L.D.) and inserting in its place the following:

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

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

17 '§1867. Sunken logs on submerged lands owned by State

18
19 1. Definitions. As used in this section, unless the
20 context otherwise indicates, the following terms have the
21 following meanings.

22
23 A. "Log" means a portion of the trunk of a felled tree that
24 has not been further processed for any end use.

25
26 B. "Salvage" means any activity involved in the retrieval
27 of sunken logs from submerged land.

28
29 2. Title to sunken logs. The State reserves to itself
30 title and ownership to all logs resting on submerged lands that
31 are owned by the State.

32
33 3. Salvage and sale of sunken logs. The director may
34 conduct a sunken log salvage program under which the director may
35 issue a permit for the salvage of sunken logs on submerged lands
36 owned by the State. The director may sell logs salvaged under
37 the sunken log salvage program. Prior to conducting a log
38 salvage operation on submerged lands, a person must obtain a
39 sunken log salvage permit from the bureau and must obtain all
40 other applicable permits from the appropriate local, state and
41 federal agencies with jurisdiction over this activity. The
42 bureau may not issue a permit for this activity if the director
43 finds that the proposed sunken log salvage operations may
44 unreasonably interfere with customary or traditional public
45 access to or public trust rights or uses in, on or over the
46 intertidal or submerged lands and the waters above those lands.

47
48 4. Rules. The director shall adopt rules necessary and
49 appropriate to administer this section. Rules adopted pursuant
50

2 to this subsection are routine technical rules as defined in the
3 Maine Administrative Procedure Act, Title 5, chapter 375,
4 subchapter II-A.

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

10
11 Further amend the bill in section 13 in that part designated
12 "§1872." in subsection 1 in the 3rd line (page 56, line 29 in
13 L.D.) by striking out the following: "ponds, the intervening and
14 connecting waters and" and inserting in its place the following:
15 'ponds, the high-water marks of the intervening and connecting
16 waters and the high-water marks of'

17
18 Further amend the bill in section 13 in that part designated
19 "§1872." in subsection 6 in the first blocked paragraph in the
20 3rd line (page 57, line 4 in L.D.) by inserting after the
21 following: "4" the following: 'miles'

22
23 Further amend the bill in section 13 in that part designated
24 "§1893." in subsection 1, in paragraph A in the 4th line from the
25 end (page 68, line 6 in L.D.) by striking out the following:
26 "Title 12," and in the next to the last line (page 68, line 8 in
27 L.D.) by striking out the following: "Title 12,"

28
29 Further amend the bill in section 13 in that part designated
30 "§1894." by striking out all of the 4th paragraph (page 68, lines
31 45 to 49 in L.D.).

32
33 Further amend the bill in section 13 by renumbering the
34 sections to read consecutively.

35
36 Further amend the bill by relettering or renumbering any
37 nonconsecutive Part letter or section number to read
38 consecutively.

39
40 Further amend the bill by inserting at the end before the
41 summary the following:

42
43
44 **FISCAL NOTE**

45
46 Dedicating the interest earnings of the Nonreserved Public
47 Lands Management Fund within the Department of Conservation will
48 result in insignificant reductions of General Fund revenue and a
49 corresponding insignificant increase in dedicated revenue to the
50 Nonreserved Public Lands Management Fund.

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

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

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

24
26
SUMMARY

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