

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-1997

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Legislative Document

No. 1852

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S.P. 635

In Senate, April 30, 1997

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**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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Submitted by the Department of Conservation pursuant to Joint Rule 204.  
Reference to the Committee on Agriculture, Conservation and Forestry 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 KILKELLY of Lincoln.  
Cosponsored by Representative BUNKER of Kossuth Township and  
Senator CASSIDY of Washington, Representatives: CROSS of Dover-Foxcroft, DEXTER of  
Kingfield, SHIAH of Bowdoinham.

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

2  
4       **Sec. 1. 5 MRSA §12004-I, sub-§24-E**, as enacted by PL 1995, c. 666, §1, is amended to read:

6           **24-E.**       Submerged       Not Autho-       12 MRSA  
Environment:   Lands           rized           @558-C  
8       Natural       Advisory                §1864  
Resources       Board

10       **Sec. 2. 12 MRSA §542, sub-§6**, as enacted by PL 1977, c. 360, §6, is amended to read:

14       **6. Royalties, fees and rents.** The survey shall ~~receive~~ receives all royalties, fees and rents accruing to the State under this chapter, which shall must be paid into a separate account to be established by the Treasurer of State to be used for salaries and other expenses incurred in the administration of this chapter, subject to, and to the extent permitted by, section 553, ~~subsection 3, paragraph E~~ 1849. The account shall may not lapse, but shall must continue from year to year.

22       **Sec. 3. 12 MRSA §549-B, sub-§10**, as enacted by PL 1985, c. 201, §2, is amended to read:

26       **10. Disposition of fees and royalties.** All fees and royalties accruing to the survey under this subchapter shall must be paid into a separate account to be established by the Treasurer of State to be used for salaries and other expenses incurred in the administration of this subchapter, subject to and to the extent permitted by section 553, ~~subsection 3, paragraph E~~ 1849. The account shall may not lapse, but shall must continue from year to year.

34       **Sec. 4. 12 MRSA c. 202**, as amended, is repealed.

36       **Sec. 5. 12 MRSA c. 202-B**, as amended, is repealed.

38       **Sec. 6. 12 MRSA c. 202-C**, as amended, is repealed.

40       **Sec. 7. 12 MRSA §598, sub-§5**, as enacted by PL 1993, c. 639, §1, is amended to read:

44       **5. Substantially altered.** "Substantially altered" means changes in the use of designated lands that, means changed so as to significantly alter its physical characteristics in a way that frustrates the essential purposes for which that land is held by the State. The essential purposes of state parks, historic sites, public access sites, facilities for boats and the Allagash Wilderness Waterway are the protection, management and

2 improvement of these properties for public recreation,  
3 conservation, scenic values, nature appreciation, historic  
4 preservation and interpretation, public access and related  
5 purposes. The essential purposes of public lots and public  
6 reserved lands are the protection, management and improvement of  
7 these properties for the multiple use objectives established in  
8 section 585 1847. The essential purposes of lands acquired  
9 through the Land for Maine's Future Board that are not held by  
10 the Department of Inland Fisheries and Wildlife or by the  
11 Department of Conservation are the protection, management and  
12 improvement of those lands for recreation, conservation, farming,  
13 open space, plant and animal habitat, scenic values, public  
14 access and related purposes. The essential purposes of  
15 state-owned wildlife management areas and game farms are the  
16 protection, management and improvement of those properties for  
17 fish and wildlife habitat and propagation, hunting, trapping,  
18 fishing, recreation, propagation and harvesting of forest and  
19 other natural products and related purposes.

20 **Sec. 8. 12 MRSA §598-A, sub-§2-A, ¶D**, as enacted by PL 1995,  
21 c. 502, Pt. E, §17, is amended to read:

22 D. Public reserved lands as defined in section 585 1801,  
23 subsection ~~2~~,-paragraph-B 8; and

24 **Sec. 9. 12 MRSA c. 203**, as amended, is repealed.

25 **Sec. 10. 12 MRSA c. 206**, as amended, is repealed.

26 **Sec. 11. 12 MRSA c. 211, sub-cc. I and II**, as amended, are  
27 repealed.

28 **Sec. 12. 12 MRSA c. 212**, as amended, is repealed.

29 **Sec. 13. 12 MRSA c. 220** is enacted to read:

30 **CHAPTER 220**

31 **BUREAU OF PARKS AND LANDS**

32 **SUBCHAPTER I**

33 **GENERAL PROVISIONS**

34 **§1801. Definitions**

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

37 **1. Bureau.** "Bureau" means the Bureau of Parks and Lands.

2           2. Commissioner. "Commissioner" means the Commissioner of  
of Conservation.

4           3. Department. "Department" means the Department of  
6 Conservation.

8           4. Director. "Director" means the Director of the Bureau  
of Parks and Lands.

10           5. Historic site. "Historic site" means any area of land  
12 owned, leased or otherwise controlled by the State, with or  
without buildings, improvements or other structures, that has  
14 been classified by the director for public use wholly or  
primarily because of its historical, archaeological or scientific  
16 interest or value.

18           6. Nonreserved public lands. "Nonreserved public lands"  
means all public domain lands, public islands in inland and  
20 coastal waters, lands acquired under section 8003, subsection 3,  
paragraph N, lands acquired by the bureau pursuant to other  
22 lawful authority and any other lands the management and control  
of which are not otherwise provided for by law.

24           7. Park. "Park" means any area of land or an interest in  
26 land, with or without improvements, that is acquired by or under  
the control of the State, managed primarily for public recreation  
28 or conservation purposes and classified by the director as a  
park, including:

30           A. Any area of considerable extent, but not exceeding  
32 10,000 acres, in which are combined superlative or  
distinctive scenic characteristics and a reasonably varied,  
34 extensive or exceptional opportunity for active recreation;

36           B. Any area not exceeding 1,000 acres that is with or  
without distinctive characteristics but contains natural  
38 features that afford ample opportunity for development and  
use for active recreation;

40           C. Any area included in paragraphs A and B that is within  
42 easy access of any road or highway, except extensions to  
road or highway rights-of-way, turnouts, loops or other  
44 additions to roads or highways the primary purpose of which  
is to preserve the natural beauty of lands bordering such  
46 roads or highways or to afford temporary stopping points  
along such roads or highways;

48           D. Any strip or strips of land, with or without roads,  
50 highways or improvements, that are required for ingress and  
egress to or from any of the areas described in paragraphs A

2 to C, which may not exceed in length the distance required  
3 to connect those areas with the nearest arterial or  
4 trunk-line highway, railroad line or terminal or other  
5 public transportation facility or way; and

6 E. Any area of land largely in a natural condition and  
7 containing natural features of scenic, ecological or  
8 scientific interest or importance. The presence of man-made  
9 development does not preclude an area from this  
10 classification if such a development is not likely to remain  
11 or leave a permanent mark upon the natural character of the  
12 area or is essential to the operation of the area as a  
13 wilderness or natural area, as long as the development  
14 detracts only minimally from the area's natural character.

15 **8. Public reserved lands.** "Public reserved lands" means:

16 A. All the public reserved lots of the State, including any  
17 ministerial and school lands in the unincorporated areas of  
18 the State;

19 B. All lands acquired with proceeds from the sale of public  
20 reserved lands;

21 C. All lands received by the State in exchange for or  
22 pursuant to relocation of public reserved lands; and

23 D. All lands acquired by the State and expressly designated  
24 as public reserved lands by the director or otherwise by law.

25 **9. Submerged lands.** "Submerged lands" means:

26 A. All land from the mean low-water mark or a maximum of  
27 1,650 feet seaward of the mean high-water mark, whichever is  
28 closer to the mean high-water mark, out to the seaward  
29 boundary of coastal waters as defined in section 6001;

30 B. All land below the mean low-water mark of tidal rivers  
31 upstream to the farthest natural reaches of the tides;

32 C. All land below the natural mean low-water mark of ponds  
33 that in their natural state are 10 or more acres in size; and

34 D. The river bed of international boundary rivers, defined  
35 as all land lying between the international boundary line  
36 and defined banks created by the action of surface water and  
37 characterized by a lack of terrestrial vegetation and devoid  
38 of topsoil.

39 **§1802. Bureau of Parks and Lands established**

2           There is established within the Department of Conservation  
4 the Bureau of Parks and Lands, which shall carry out the  
6 responsibilities of State Government relating to parks, historic  
8 sites, submerged and intertidal lands, public reserved lands and  
10 nonreserved public lands. The bureau shall also carry out all  
12 the duties relating to recreation, the Allagash Wilderness  
Waterway, the Snowmobile Trail Fund, public facilities for boats,  
the ATV Recreational Management Fund, the Maine Trails System and  
any other responsibilities of the former Bureau of Parks and  
Recreation, Bureau of Public Lands and Maine State Park and  
Recreation Commission.

14           The executive head of the bureau is the director. The  
16 director is assisted in executive duties by a deputy director.  
18 The director and the deputy director shall attend personally to  
20 the duties of their offices as far as practicable. The director  
22 and the deputy director are appointed by and serve at the  
24 pleasure of the commissioner.

26 **§1803. General powers and duties of the bureau**

28           The Bureau of Parks and Lands:

30           1. Jurisdiction. Has jurisdiction, custody and control  
32 over and responsibility for managing:

34           A. All state parks and historic sites and national parks  
36 that are controlled and managed by the State, except Baxter  
38 State Park; and

40           B. Public reserved lands, nonreserved public lands and  
42 submerged lands;

44           2. Consultant services. Shall employ or retain expert and  
46 professional consultants, contract for research and development  
48 projects and make grants as it determines necessary within the  
limits of funds available and consistent with the purposes of  
this chapter;

3. Cooperative agreements. Is authorized and empowered,  
with the consent of the commissioner, to enter into agreements  
with the Federal Government and other agencies and organizations  
that will promote the objectives of its enabling laws;

4. Rules. From time to time shall adopt, amend, repeal and  
enforce reasonable rules necessary to carry out the duties  
assigned to it, including, but not limited to, rules:

2           A. For the protection and preservation of state parks,  
3           historic sites, submerged lands, public reserved lands and  
4           nonreserved public lands;

6           B. For the protection and safety of the public; and

8           C. For observance of the conditions and restrictions,  
9           expressed in deeds of trust or otherwise, of the state  
10           parks, historic sites, submerged lands, public reserved  
11           lands and nonreserved public lands of the State and of  
12           monuments thereon.

14           All rules of the bureau must be adopted in accordance with the  
15           procedures set forth in Title 5, chapter 375, subchapter II.  
16           These rules, except those related to the conduct of public  
17           hearings, may be enforced by any law enforcement officer.  
18           Violation of any such rules, except those related to the conduct  
19           of public hearings, is a Class E crime.

20           **§1804. Powers and duties of the director**

22           The director shall exercise the powers of the bureau and is  
23           responsible for the execution of its duties. The director, when  
24           appointed or while in office, may not be directly or indirectly  
25           concerned in the acquisition of any interest in land owned by the  
26           State or any of its political subdivisions except in an official  
27           capacity. In exercising powers and duties, the director shall:

28           1. Administration. Administer the bureau and adopt methods  
29           of administration that are determined necessary to render the  
30           office efficient;

32           2. Classification of lands. Set apart and classify as  
33           parks or historic sites within the meaning of this chapter areas  
34           of land in this State including improvements or other structures  
35           thereon, title to which has been acquired under lawful  
36           authority. The provisions of subchapter II apply specifically to  
37           lands classified as state parks or historic sites.

38           The director shall set apart and classify as public reserved  
39           lands or nonreserved public lands within the meaning of this  
40           chapter areas of land in this State, including improvements or  
41           other structures thereon, title to which has been acquired under  
42           lawful authority. The provisions of subchapters III and IV apply  
43           specifically to lands classified as public reserved lands or  
44           nonreserved public lands;  
45             
46



2 3. Acceptance of funds. Accept donations, gifts, grants  
and bequests of money or other personal property to be used in  
4 advancing recreational, educational, conservation, land  
acquisition and land management purposes in state parks, historic  
6 sites, submerged and intertidal lands, public reserved lands and  
nonreserved public lands. All money received from donations,  
8 gifts, bequests and grants must be deposited in nonlapsing,  
dedicated accounts according to the specified purposes and  
10 intents of the donors or grantors. The funds are subject to  
allocation by the Legislature;

12 4. Surplus property. Sell storehouses and other structures  
and fixtures that are surplus to the needs of the bureau; and

14 5. Bureau budget. Prepare and submit to the commissioner  
16 the budget for the bureau.

18 SUBCHAPTER II

20 PARKS AND HISTORIC SITES

22 §1811. Management of wilderness or natural areas

24 The bureau shall establish wilderness or natural areas, or  
both, from among lands classified as state parks and shall manage  
26 those areas primarily to preserve their natural character and  
features, and any use or development that threatens the character  
28 and features of those wilderness and natural areas is prohibited.

30 §1812. Acquire interests in land; eminent domain; leases with  
32 the United States

34 With the consent of the Governor and the commissioner, the  
director may acquire on behalf of the State land or any interests  
36 in land within this State, with or without improvements, by  
purchase, gift or eminent domain for purposes of holding and  
38 managing the same as parks or historic sites. The right of  
eminent domain may not be exercised to take any area or areas for  
40 any one park that singly or collectively exceed 200 acres.

42 Before exercising any eminent domain power, the bureau shall  
notify the owners of any lands proposed for acquisition and  
44 shall, at their request, afford those landowners the opportunity  
of a public hearing to testify as to the necessity and propriety  
46 of taking such lands.

48 With the consent of the Governor and the commissioner and  
upon terms and conditions determined to be advantageous to the  
50 people of this State and consistent with this chapter, the  
director may negotiate and execute any lease or other agreement  
52 for the administration, maintenance, supervision, use and  
development of state parks that are acquired and owned by the

2 Federal Government. The director may, with like consent, accept  
3 on behalf of the State deeds of gift or other conveyances to  
4 lands or interests in lands suitable for administration,  
5 maintenance, supervision, use and development as state parks or  
6 historic sites under this subchapter. Such lands or interest in  
7 those lands, when so acquired, whether title thereto is in the  
8 United States or otherwise, are subject to administration,  
9 maintenance, supervision, use and development by the bureau  
10 during the terms of any lease or agreement under this section.  
11 With respect to lands or interest in lands that are included in  
12 any park or parks acquired and owned by the Federal Government  
13 and administered under this subchapter, the State shall retain  
14 concurrent jurisdiction with the Federal Government in and over  
15 all such lands. Any civil or criminal process issuing under the  
16 authority of this State may be executed on those lands in the  
17 same manner and to the same effect as if those lands were  
18 privately owned, and exclusive jurisdiction in and to those lands  
19 reverts to the State when they cease to be owned by the United  
20 States. Such lands are exempt from all taxes and assessments  
21 while they are the property of the United States.

22 **§1813. Acquisition of railroad rights-of-way for open space or**  
23 **recreation corridors**

24  
25 For the purpose of establishing, preserving or enhancing  
26 corridors for use for open space or recreation, the director may  
27 acquire with the consent of the Governor and the commissioner, by  
28 license, lease, purchase, gift or eminent domain, railroad  
29 rights-of-way upon which rail service is no longer operated.  
30 When railroad rights-of-way or interests in railroad  
31 rights-of-way are taken by eminent domain, the proceedings must  
32 be in accordance with this section and are not subject to Title  
33 35-A, chapter 65. For purposes of these acquisitions, the term  
34 "owner" as used in this section means the person holding the  
35 dominant rights in the property immediately prior to the  
36 termination of the operation of rail service and that person's  
37 successors and assigns. Acquisitions pursuant to this subsection  
38 are not subject to any limitation in acreage.

39  
40 If the bureau decides to acquire property by eminent domain,  
41 it must have the property appraised and offer to the owner just  
42 compensation for the interests acquired. The bureau must file in  
43 the registry of deeds for each county in which the property lies  
44 a notice of the taking that contains a description of the  
45 property and of the interest taken and the name or names of the  
46 owner or owners. The bureau may join one or more properties in  
47 the same notice, whether those properties are in the same or  
48 different ownership. A check in the amount of the award and a

2 copy of the notice of taking must be served upon the owner or  
3 owners. If there is more than one owner, the check may be served  
4 upon any one of the owners of each separate property. The notice  
5 of the taking must be published once in a newspaper of general  
6 circulation in each county where the property lies, and that  
7 publication constitutes service on any unknown owner or owners or  
8 other persons who may have a claim or interest in the property.

9  
10 Railroad rights-of-way or other interests within the  
11 jurisdiction of the United States Interstate Commerce Commission  
12 may not be acquired by eminent domain.

13  
14 If any owner is aggrieved by the bureau's award, the owner  
15 may appeal from it to the Kennebec County Superior Court or the  
16 Superior Court in the county in which the land lies within 30  
17 days after the date of service or publication of the notice of  
18 the taking. The appeal must be taken by filing a complaint  
19 setting forth the facts upon which the case will be tried  
20 according to the Maine Rules of Civil Procedure. The Superior  
21 Court shall determine damages by a jury verdict or, if all  
22 parties agree, by the court without a jury or by a referee or  
23 referees and shall render judgment for any damages, with interest  
24 when it is due.

25  
26 Except in the case of an acquisition by license or lease and  
27 unless otherwise specifically excepted by the bureau, all  
28 reversionary and servient rights in and any other conflicting  
29 claims to property acquired pursuant to this section terminate  
30 and are extinguished forever as of the date of the acquisition by  
31 the bureau. Any person who makes a claim to the property must  
32 mail a written notice to the owner and the bureau. Any person  
33 damaged by the extinguishing of those rights may make claim for  
34 damages in accordance with the eminent domain appeal procedures  
35 of this section within 2 years of the date of the acquisition.  
36 The burden of proving the validity, compensability and value of  
37 any claim is upon the claimant. Notice of the acquisition must  
38 be given to the apparent holders of such interests as provided in  
39 this section. If the bureau determines that the property  
40 acquired may be subject to reversionary or servient interests or  
41 other conflicting claims, in order to avoid double or multiple  
42 liability, the bureau may make a blanket award of compensation  
43 for the acquisition and, instead of serving the award check on  
44 the owner, request that the Treasurer of State establish an  
45 interest-bearing account into which the full amount of that  
46 compensation is deposited. The funds and any interest accrued  
47 must be disposed of as follows.

48 1. No claims made or action filed within 2-year period. If  
49 the 2-year period for filing a claim for damages for the  
50 extinguishment of a reversionary or servient right or other

2 conflicting claim expires and no claim has been made or action  
3 filed, then the Treasurer of State upon request by the bureau  
4 shall pay the funds deposited, including any interest accrued, to  
5 the owner as defined in this section.

6 2. Claims made or action filed within 2-year period. If  
7 one or more claims have been made or an action filed prior to the  
8 expiration of the 2-year period for filing a claim for damages,  
9 then the owner as defined in this section must be made a party to  
10 those claims and the Treasurer of State shall distribute the  
11 deposited funds, including any interest accrued, in accordance  
12 with the final order entered in such proceedings, including any  
13 appeals.

14  
15 As a result of the difficulty of determining the identities  
16 and addresses of the possible holders of reversionary or servient  
17 rights or other conflicting claims, personal notice to those  
18 holders and their mortgagees is deemed given if the bureau mails  
19 a notice of the acquisition, including a description of its  
20 effect of extinguishing those rights, first class postage  
21 prepaid, to each person shown in the real estate tax records of  
22 the municipality in which the property lies as the apparent owner  
23 of land abutting the property taken. Notice must be posted in  
24 the municipal office building, if any, for that municipality and  
25 must be published once in a newspaper of general circulation in  
26 the county in which the property lies.

27 **§1814. Convey land**

28  
29 Consistent with section 598-A, the bureau may sell and  
30 convey lands under this subchapter and improvements on those  
31 lands. With the consent of the Governor and the commissioner and  
32 subject to the provisions of section 598-A, the bureau may convey  
33 interests in lands or lease the same. Any lease entered into must  
34 be canceled or revoked after due notice of intention to cancel or  
35 revoke the lease by action of the bureau when the use for which  
36 that lease was given has been abandoned or materially modified or  
37 whenever the conditions imposed in any lease have been broken.

38  
39 **§1815. Transfer lands to another agency; receive lands from**  
40 **another agency**

41  
42 The bureau may transfer the responsibility for the  
43 management of lands under this subchapter to any other state  
44 agency upon conditions and for periods the bureau specifies when  
45 such a transfer is pursuant to a management plan and the transfer  
46 has received the written consent of the agency to which the  
47 management responsibilities are being transferred, the Governor  
48 and the commissioner.

49  
50

2       The bureau may accept the care, custody, control and  
3       responsibility for the management of lands to be classified as  
4       state parks or historic sites from other state agencies with the  
5       written consent of the transferor agency, the Governor and the  
6       commissioner. Nothing in this section or section 1814 may be  
7       construed to negate or affect obligations of the State undertaken  
8       in any existing lease, easement or other binding agreement or  
9       obligation of the State undertaken by the acceptance of any deed  
10       or other grant of an interest in real property.

11       **§1816. Grant licenses and permits**

12       Consistent with section 598-A, with the consent of the  
13       Governor and the commissioner, the bureau, by revocable license  
14       or agreement, may grant to any person, firm or corporation  
15       exclusive rights and privileges to the use and enjoyment of  
16       portions of lands acquired or managed under this subchapter. Any  
17       license or agreement granted or entered into must be canceled or  
18       revoked after due notice of intention to cancel or revoke the  
19       license or agreement by action of the bureau when the use for  
20       which that license was given has been abandoned or materially  
21       modified or whenever the conditions imposed in any license or  
22       agreement have been broken.

23       **§1817. Report**

24       The bureau shall study and ascertain as nearly as possible  
25       and report to the Governor from time to time:

26       1. Outdoor recreation status. The State's actual and  
27       potential outdoor recreation resources and facilities;

28       2. Recreation needs. The needs of the people of this State  
29       and out-of-state visitors for outdoor recreation resources and  
30       facilities;

31       3. Recreation resources. The kinds of resources and  
32       facilities best suited to and required for such recreation needs;

33       4. Extent to which recreation needs are met. The extent  
34       to which such recreation needs are being met currently, whether  
35       by publicly owned or privately owned facilities;

36       5. Acquisition of parks. The location and probable cost of  
37       acquisition, development and operation of parks that if acquired,  
38       developed and operated under this chapter could satisfy such  
39       needs; and

2 6. Public purposes of parks to meet recreation needs. The  
3 public purposes to which such parks or portions of parks might be  
4 put.

5 Such studies and reports must be accompanied by other  
6 information, statistics and charts that adequately inform the  
7 Governor of the character, condition and needs for recreation  
8 resources and facilities in the State and may be accompanied by  
9 specific recommendations for new legislation or other action to  
10 be taken.

12 **§1818. Develop facilities**

14 The bureau may furnish accommodations and render services to  
15 the public at state parks, historic sites and parks under state  
16 control.

18 **§1819. Charge user fees**

20 With the consent of the Governor and the commissioner, the  
21 bureau may charge reasonable fees for services, accommodations  
22 and use.

24 Unless otherwise provided by law, all user fees derived from  
25 use of state parks, historic sites and the Allagash Wilderness  
26 Waterway and other payments for services received under this  
27 section accrue to the General Fund, except that all revenues  
28 resulting from an increase in fees after July 1, 1990 in the  
29 Allagash Wilderness Waterway accrue to a dedicated revenue  
30 account to be used for capital improvements in the Allagash  
31 Wilderness Waterway. When fees may be more efficiently collected  
32 through 3rd-party contracts, a percentage of the fee may be  
33 retained by the contractor for services as agreed upon by the  
34 bureau.

36 Any disabled veteran displaying on the veteran's motor  
37 vehicle special designating plates or placards issued in  
38 accordance with Title 29-A, section 523, subsections 1 and 2 is  
39 not required to pay a fee for admission to any state-owned park,  
40 camping area or beach.

42 **§1820. Fee sharing**

44 Fifteen percent of all day use and camping fees derived from  
45 any lands classified by the director as parks or historic sites  
46 under jurisdiction of the bureau must be apportioned and paid to  
47 the municipalities having those lands within their boundaries.  
48 In determining the payment to each municipality, the bureau shall  
49 assign one unit per front foot for each foot of lake, pond, ocean  
50 or major river frontage and 5 units for each acre of all such

2 lands within the municipality. Frontage and acreage must be  
3 determined as of April 1st for the year in which revenue is being  
4 apportioned and computed to the nearest whole unit.

6 **§1821. Exercise police supervision**

8 The bureau may exercise police supervision over all state  
9 parks and historic sites. Agents or representatives of the  
10 bureau authorized for that purpose by the director, and any other  
11 law enforcement officer are authorized and empowered to arrest  
12 with or without warrant any person within the State who is  
13 committing, or to detain until a warrant has been obtained any  
14 person within the State who has been seen by agents, officers or  
15 representatives committing, any offense against state laws or a  
16 violation of any rule of the bureau within a state park or  
17 historic site.

18 A person who violates any rule on lands classified as state  
19 parks or historic sites or any notice posted by the bureau or who  
20 willfully mutilates, defaces or destroys any monument or marker  
21 lawfully erected within the borders of a park or historic site is  
22 guilty of a Class E crime.

24 **§1822. Cooperate with federal agencies**

26 The bureau may cooperate with federal agencies in the  
27 planning, development, maintenance and use of recreation areas.

28 **§1823. Assist county and municipal agencies**

30 The bureau may assist state, county and municipal agencies  
31 in studying and planning for their recreation areas and programs.

34 **§1824. Accept and receive federal funds**

36 The bureau may accept and receive funds from the Federal  
37 Government for all purposes relating to parks, recreation trails,  
38 recreation areas and property included in the National Register  
39 of Historic Places as defined in 16 United States Code, Section  
40 470 a. (a)(1)(P. L. 89-665). The Treasurer of State is the  
41 appropriate fiscal officer to receive such federal funds and the  
42 funds are subject to allocation by the Legislature.

44 **§1825. Administer certain funds**

46 The bureau shall administer funds relating to state parks  
47 and historic sites, municipal recreation and recreation  
48 management on lands classified as state parks or historic sites  
49 pursuant to this chapter. These funds include but are not limited  
50 to the following:

2           1. Maine State Parks Development Fund. The Maine State  
3           Parks Development Fund is established within the bureau for the  
4           purpose of developing new parks on state-owned land.

6           Income from legislative appropriation, gifts, grants and bequests  
7           may be deposited into this fund. The Maine State Parks  
8           Development Fund is nonlapsing and all funds are subject to  
9           allocation by the Legislature.

10           2. Maine State Parks Fund. The Maine State Parks Fund is  
11           established within the bureau. The fund receives money from the  
12           Maine Environmental Trust Fund in accordance with Title 12,  
13           section 7759, subsection 3. The bureau shall use money in the  
14           fund for major and minor capital improvements, maintenance,  
15           repairs and operations at state parks and historic sites.

16           The Maine State Parks Fund is nonlapsing and all funds are  
17           subject to allocation by the Legislature.

18           3. Municipal Recreation Fund. The bureau shall administer a  
19           state grant-in-aid fund known as the Municipal Recreation Fund.  
20           The bureau is responsible for administering all money made  
21           available to the fund. Grants-in-aid may be made by the bureau  
22           out of the fund as follows.

23           A. The bureau may make grants to assist municipalities and  
24           other political subdivisions in the capital improvement of  
25           public park and recreation facilities for projects the total  
26           cost of each one of which does not exceed \$5,000. Such a  
27           grant may not exceed 75% of the approved project cost. A  
28           municipality may not receive more than one grant under this  
29           paragraph in any fiscal year.

30           B. For those projects that are approved to receive federal  
31           financial assistance under the Federal Land and Water  
32           Conservation Fund Act of 1965, (P.L. 88-578), as amended,  
33           the bureau may make a supplemental grant not to exceed 40%  
34           of the approved project cost.

35           C. The bureau may make grants to assist municipalities and  
36           other political subdivisions in the development and  
37           implementation of recreation programs. Eligible costs for  
38           the program grants include, but are not limited to,  
39           employment of personnel, transportation and noncapital  
40           equipment or supplies. Any grant made under this paragraph  
41           in any single fiscal year may not exceed \$1,000 or 50% of  
42           the project cost, whichever is less;



Funds credited to the Municipal Recreation Fund are nonlapsing.

**4. Forest Recreation Resource Fund.** The bureau may construct and maintain public campsites to prevent forest fires by providing fire-safe sites and preventing a proliferation of private fires and to provide recreation opportunities on lands within its jurisdiction and elsewhere in the State's forests where there is inadequate provision of private, primitive campsites.

For the purpose of carrying out these activities, the bureau may accept voluntary services and other contributions pursuant to this chapter; enter into leases and other agreements; and, pursuant to Title 5, chapter 375, subchapter II, establish rules and a schedule of fees for the use of these campsites. All such fees and other revenues derived from grants, contributions, contracts and transfers to carry out the purposes of this subsection must be deposited in a nonlapsing account, to be called the Forest Recreation Resource Fund, to be used for the purposes of this subsection. All funds in this account are subject to allocation by the Legislature.

**§1826. Forest management**

The bureau shall manage forested areas within state parks and historic sites to preserve to the maximum practicable extent their natural, recreational and scenic qualities. The director may authorize wood harvesting on state park and historic site lands when the wood is to be used at state parks and historic sites, when cutting is required by deed conditions on specific lots or when necessary to improve wildlife habitat; control insect infestation and other disease; reduce the risk of fire or other hazards; improve the recreational and aesthetic quality of the park lands; or demonstrate exemplary multiple use forest management techniques within a demonstration forest area established on state park land for educational purposes. All cutting is subject to the following restrictions.

**1. Protect recreational and natural values.** The cutting may not impair the recreational use, aesthetic qualities or natural values of the land.

**2. Consistency with forest management plan.** The cutting must be carried out in accordance with a written management plan certified by a state-registered professional forester that is available in the principal offices of the bureau for public review and comment at least 60 days before cutting.

2 3. Consistency with management objectives for parks and  
3 historic sites. The cutting must be consistent with the  
4 management objectives of the bureau for state parks and historic  
5 sites.

6 4. Cost paid. The cost of these timber management  
7 activities must be paid from revenues received from cutting. The  
8 balance of revenue received from cutting must be deposited to the  
9 General Fund.

10 **§1827. Establish state park campsite reservation system**

11 The bureau shall establish a state park reservation system  
12 as provided in this section. The system must be administered by  
13 the bureau or by contracting with a 3rd-party contractor.

14 1. Reservation system for overnight camping. The director  
15 shall establish a statewide reservation system for overnight  
16 camping at state parks with overnight camping facilities that  
17 incorporates a deposit system and a mechanism for accepting  
18 payments by credit card. Baxter State Park, the Allagash  
19 Wilderness Waterway and public reserved and nonreserved lands are  
20 excluded from this system.

21 2. Reservation surcharge. A surcharge must be collected  
22 for all reservations and deposited in the General Fund. If  
23 reservations made under this section are subsequently cancelled,  
24 the bureau must retain a cancellation fee and deposit it into the  
25 General Fund.

26 **§1828. Make surveys**

27 The bureau and its authorized agents and employees may enter  
28 upon any lands, waters and premises in the State for the purpose  
29 of making surveys and examinations the bureau considers necessary  
30 or convenient in the discharge of its duties under this chapter,  
31 and such entry is not considered trespass.

32 **§1829. Restrictions on powers and duties of bureau**

33 The powers and duties of the bureau as set forth in this  
34 subchapter may not be so construed as to interfere or conflict in  
35 any way with the powers and duties of the United States and its  
36 national park areas under national control, Baxter State Park or  
37 the Department of Inland Fisheries and Wildlife and the  
38 enforcement of the inland fisheries and game laws with respect to  
39 state parks or to the State generally.

40 **SUBCHAPTER III**

## NONRESERVED PUBLIC LANDS

### §1831. Definitions relating to nonreserved public lands

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

#### 1. Multiple use. "Multiple use" means:

A. The management of all of the various renewable surface resources of the nonreserved public lands, including outdoor recreation, timber, watershed, fish and wildlife and other public purposes;

B. Making the most judicious use of the land for some or all of these resources over areas large and diverse enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions;

C. That some land will be used for less than all of the resources; and

D. The harmonious and coordinated management of the various resources without impairing the productivity of the land and with consideration being given to the relative values of the various resources and not necessarily to the combination of uses that will give the greatest dollar return or the greatest unit output.

2. Sustained yield. "Sustained yield" means the achievement and maintenance in perpetuity of a high-level regular periodic output of the various renewable resources of the nonreserved public lands without impairing the productivity of the land.

### §1832. Access to nonreserved public lands

1. Legislative policy. The Legislature declares that it is the policy of the State that full and free public access to the nonreserved public lands to the extent permitted by law, together with the rights to reasonable use of those lands, is the privilege of every citizen of the State. The Legislature further declares that it recognizes that such free and reasonable public access may be restricted to ensure the optimum value of such lands but that such restrictions, if and when imposed, must be in strict accordance with the requirements set out in this section.

2. Establishment of restrictions on public access. The director may restrict public access to any portion of the

2 nonreserved public lands under the care, custody, control or  
3 management of the bureau by publishing written notice of the  
4 restrictions at least once during the same week in the state  
5 paper, 2 other papers of general circulation and the paper for  
6 the immediate vicinity of the area to be restricted, if any, and,  
7 to the extent practicable, by posting notice of such restrictions  
8 at known access points to the land. Restrictions may be imposed  
9 only when they reasonably relate to the protection of the public  
10 health, welfare or safety or to the protection of the economic  
11 interests or natural resources of the State. Any person who  
12 willfully mutilates, defaces or destroys any notice or rule  
13 posted pursuant to this section is guilty of a Class E crime.

14 3. Unlawful entry onto nonreserved public lands. If any  
15 person unlawfully enters nonreserved public lands where access  
16 has been restricted pursuant to subsection 2 or any other law,  
17 or remains thereon in defiance of a lawful order to leave that  
18 was personally communicated to that person by an authorized  
19 employee of the State, that person is guilty of a Class E crime.  
20 Any employee of the State or any of its political subdivisions  
21 may be authorized by the director to communicate orders that a  
22 person leave nonreserved public lands restricted in accordance  
23 with subsection 2 or any other law. All such authorization must  
24 be in writing.

26 4. Development of public facilities. The bureau may  
27 construct and maintain overnight campsites and other camping and  
28 recreation facilities.

30 5. User fees. The bureau may charge reasonable fees to  
31 defray the cost of constructing and maintaining overnight  
32 campsites and other camping and recreation facilities.

34 **§1833. Management of nonreserved public lands**

36 1. Purpose. The bureau shall manage nonreserved public  
37 lands in a manner consistent with the principles of multiple use  
38 and shall produce a sustained yield of products and services in  
39 accordance with both prudent and fair business practices and the  
40 principles of sound planning.

42 2. Management plans. The bureau shall prepare for review by  
43 the commissioner and revise from time to time plans for the  
44 management of nonreserved public lands in accordance with the  
45 principles of multiple use and shall compile and maintain, to the  
46 extent practicable, an inventory of the diverse resources of  
47 those lands. The bureau must receive the full cooperation of the  
48 other agencies and instrumentalities of the State in the  
49 preparation and maintenance of such a resource inventory.

50

2 3. Actions. The director may take actions on the  
3 nonreserved public lands with respect to management of the lands  
4 consistent with the management plans for those lands and upon  
5 terms and conditions and for consideration the director considers  
6 reasonable.

7 **§1834. Sale of natural resources from nonreserved public lands**

8  
9 1. Sale of resources. The bureau may sell severed timber  
10 and other products, including, but not limited to, wood and  
11 timber necessary for use in the operation of a mine, severed  
12 grass and other wild foods, maple sap and syrup, crops and sand  
13 and gravel for use in the construction of public roads or for any  
14 other purpose the director considers consistent with the purposes  
15 of this subchapter.

16  
17 2. Grant of permits. The bureau may grant permits and  
18 enter into contracts to cut timber, harvest grass and wild foods,  
19 tap maple trees for sap and cultivate and harvest crops provided  
20 that those permits and contract rights create revocable licenses  
21 to the permittee or party to the contract and do not create any  
22 real property interest in the nonreserved public lands.

23  
24 3. Bond; stumpage or other rights of value. Persons,  
25 corporations or other legal entities obtaining permits or  
26 contracts to sever or extract materials upon the nonreserved  
27 public lands under this section must give bond to the director  
28 with satisfactory sureties for the payment of stumpage or other  
29 rights of value and the performance of all conditions of the  
30 permit or contract. All timber cut or other material taken under  
31 permits or contracts is the property of the State until the  
32 stumpage or other rights are paid in full.

33  
34 4. Scaling of timber. The director may appoint, swear and  
35 reimburse surveyors or scalers. Upon the instructions of the  
36 director, scalers shall scale any timber cut under permits  
37 granted by the bureau, supervise the cutting of that timber,  
38 inform the director of the quantity of products cut, whether  
39 hailed or not, and see that the timber is cut and removed in  
40 accordance with sound forest management practices.

41 **§1835. Nonreserved Public Lands Management Fund**

42  
43 1. Revenue sources. Except as provided in paragraph A, the  
44 bureau must receive all money, securities and other things of  
45 value accruing to the State: from the sale of nonreserved public  
46 lands, timber and grass and other rights and things of value from  
47 the nonreserved public lands under the care, custody, control or  
48 management of the bureau; in payment for timber, grass and other  
49 things of value cut or taken by trespassers; from forfeiture of a  
50 bond or a deposit when a contractor does not fulfill the terms of

2 the contract or comply with state regulations; or as a result of  
3 a compromise or settlement of any claim.

4 A. The first \$20,000 in the aggregate of any money accruing  
5 from the alienation of rights to mine upon nonreserved  
6 public land, or other income arising out of mining  
7 operations, that is actually received during any fiscal  
8 year, and every portion thereof accruing from these mining  
9 operations, must be paid into the Natural Resources  
10 Information and Mapping Center.

11 2. Fund established. To accomplish the purposes of this  
12 subchapter, there is established the Nonreserved Public Lands  
13 Management Fund. All income received by the bureau pursuant to  
14 this subchapter must be recorded on the books of the State in a  
15 separate account and deposited with the Treasurer of State to be  
16 credited to the Nonreserved Public Lands Management Fund. Any  
17 interest earned on this money must be credited to the fund.

18 3. Expenditure of funds. Money credited to the Nonreserved  
19 Public Lands Management Fund may be used only to produce a  
20 sustained yield of goods and services from those lands for  
21 multiple use purposes in accordance with the principles of sound  
22 planning and sound business practices or for the acquisition of  
23 additional land for the same purpose. Any balance remaining  
24 continues from year to year as a fund available only for the  
25 purposes set out in this section.

26 4. Legislative approval of budget. Expenditures from the  
27 Nonreserved Public Lands Management Fund are subject to  
28 legislative approval in the same manner as appropriations from  
29 the General Fund. Money may not be expended without allocation  
30 by the Legislature. The joint standing committee of the  
31 Legislature having jurisdiction over appropriations and financial  
32 affairs must approve the allocation.

33 **§1836. Acquisition of nonreserved public lands**

34 1. Authority to acquire lands. The bureau with the consent  
35 of the Governor and the commissioner may acquire lands or  
36 interests in lands on behalf of the State to be managed as  
37 nonreserved public lands. The bureau shall deliver to the State  
38 Archives within a reasonable period of time after their creation  
39 or acquisition the originals of all deeds, planbooks and  
40 surveyors' field and chainage notes, and any other materials the  
41 preservation of which it considers necessary, relating to the  
42 ownership, location and management of nonreserved public lands  
43 described in this subchapter.

44 2. Authority to accept land from other agencies. The  
45 bureau may accept the care, custody, control and responsibility  
46 for the management of public lands or interests in land from  
47 other agencies.

2 other state agencies with the written consent of the transferor  
3 agency, the Governor and the commissioner. Nothing in this  
4 subsection may be construed to negate or affect obligations of  
5 the State undertaken in any existing lease, easement or other  
6 binding agreement or obligations of the State undertaken by the  
7 acceptance of any deed or other grant of an interest in real  
8 property.

10 **§1837. Sale of nonreserved public lands**

12 1. Authority to sell land. With the consent of the  
13 commissioner, the director may execute deeds on behalf of the  
14 State for nonreserved public lands under the director's  
15 management and control, conveying lands that have been authorized  
16 to be conveyed by the Legislature or sold by lawful authority  
17 subject to the provisions of section 598-A.

18 2. Notice of land sale, exchange or relocation. Before  
19 requesting approval from the Legislature under subsection 1, the  
20 director shall give public notice of the proposed sale of land,  
21 exchange or relocation and may hold a public hearing. A public  
22 hearing must be held by the director if requested by any party.

24 **§1838. Transfer or lease of nonreserved public lands**

26 1. Transfer of management responsibility to other state  
27 agencies. The bureau may transfer the responsibility for the  
28 management of particular portions of nonreserved public land  
29 within its jurisdiction to any other state agency upon conditions  
30 and for periods the bureau specifies when such a transfer is  
31 pursuant to a management plan and has received the written  
32 consent of the receiving agency, the Governor and the  
33 commissioner. Nothing in this subsection may be construed to  
34 negate or affect obligations of the State undertaken in any  
35 existing lease, easement or other binding agreement or  
36 obligations of the State undertaken by the acceptance of any deed  
37 or other grant of an interest in real property.

38 2. Public roads. The bureau may grant the right to  
39 construct and maintain public roads.

42 3. Lease of nonreserved public land to other state agencies.  
43 With the consent of the Governor and the commissioner, the bureau  
44 may lease the right to use parcels of nonreserved public land to  
45 other agencies of the State for a period not exceeding 25 years  
46 for purposes of protecting, enhancing or developing the natural,  
47 scenic or wilderness qualities or recreational, scientific or  
48 educational uses. Each such lease must contain a provision that  
49 authorizes the bureau to terminate the lease at any time when the  
50 bureau in its sole discretion determines that termination is in

2 the best interests of the State. No adjustment or compensation  
3 may be due any lessee under this subsection on account of such a  
4 termination.

6 4. Lease of nonreserved public land for utilities and  
7 rights-of-way. The bureau may lease the right, for a term not  
8 exceeding 25 years, to:

10 A. Set and maintain or use poles, electric power  
11 transmission and telecommunication transmission facilities,  
12 roads, bridges and landing strips;

14 B. Lay and maintain or use pipelines and railroad tracks;  
15 and

16 C. Establish and maintain or use other rights-of-way.

18 5. Lease of nonreserved public land for private uses. The  
19 director may lease campsites, garages, depots, warehouses and  
20 other structure located on nonreserved public land, or sites for  
21 the same, for a term not exceeding 5 years, and also:

23 A. May grant options to renew such leases for a further  
24 term not to exceed 15 years in the case of a commercial use  
25 that in the judgment of the director requires the option to  
26 secure adequate financing for the maintenance or improvement  
27 of facilities located on public nonreserved public land; and

28 B. In the case of leases acquired by the State on  
29 nonreserved public land, shall authorize, upon reasonable  
30 terms and conditions, the transfer of leasehold interests  
31 from one lessee of a residential campsite to another.

34 6. Lease of nonreserved public lands for industrial and  
35 commercial purposes. With the consent of the Governor and the  
36 commissioner, the bureau may lease mill privileges and other  
37 rights in land for industrial and commercial purposes; dam sites;  
38 dump sites; the rights to pen, construct, put in, maintain and  
39 use ditches, tunnels, conduits, flumes and other works for the  
40 drainage and passage of water; flowage rights; and other rights  
41 of value in the nonreserved public lands for a term not exceeding  
42 10 years.

44 7. Lease of nonreserved public lands to Federal  
45 Government. With the consent of the Governor and the  
46 commissioner, the director may lease to the Federal Government  
47 the right to use nonreserved public lands.

48 8. Lease of nonreserved public lands to municipalities.  
49 With the consent of the Governor and the commissioner, the bureau  
50 may lease to municipalities, for a term not exceeding 25 years,



2 may lease the right to use parcels of nonreserved public land to  
4 municipalities and other political subdivisions of the State for  
6 a period not exceeding 25 years for purposes of protecting,  
8 enhancing or developing the natural, scenic or wilderness  
10 qualities or recreational, scientific or educational uses of the  
12 land. Each such lease must contain a provision that authorizes  
14 the bureau to terminate the lease at any time when the bureau in  
16 its sole discretion determines that termination is in the best  
18 interests of the State. No adjustment or compensation may be due  
20 any lessee under this subsection on account of such a termination.

22 The director may lease to incorporated towns the right to manage  
24 timber on all or part of the nonreserved public land within the  
26 boundaries of the towns in accordance with multiple use  
28 management plans, subject to the following conditions.

30 A. A management plan submitted to the director by a town  
32 must be approved or disapproved by the director within 60  
34 days of submission or the plan is deemed approved. The  
36 director shall conduct the same interagency reviews and  
38 apply the same standards in evaluating such management plans  
40 that are being applied in developing the bureau's own  
42 management plans as of the date of submission.

44 B. The leases must be for a period not exceeding 15 years  
46 and may be renewed if the director determines that the  
48 management plans have been implemented and substantially  
50 complied with in a professionally acceptable manner.

C. The director may terminate the lease at any time,  
without adjustment or compensation due any lessee, if the  
termination is in the best interests of the State. The  
director shall give 30 days' written notice before  
termination. The director shall hold a public hearing if  
requested by the lessee within 30 days of that notice. The  
director shall issue written notice of a final decision  
within 30 days of the hearing. The decision of the director  
may be appealed to the Superior Court.

D. Public access to land leased under this subsection may  
not be unreasonably denied.

E. No lease may convey any interest in land affected other  
than those permitted by this section.

**9. Lease of nonreserved public land to private nonprofit**  
**organizations.** With the consent of the Governor and the  
commissioner, the bureau may lease the right to use parcels of  
nonreserved public land to private, nonprofit organizations for a  
period not exceeding 25 years for purposes of protecting,

2 enhancing or developing the natural, scenic or wilderness  
3 qualities or recreational, scientific or educational uses of the  
4 land. Each such lease must contain a provision that authorizes  
5 the bureau to terminate the lease at any time when the bureau in  
6 its sole discretion determines that termination is in the best  
7 interests of the State. No adjustment or compensation may be due  
8 any lessee under this subsection on account of that termination.

9 **§1839. Annual report dealing with nonreserved public land**

10 **1. Annual report.** The bureau shall submit a written report  
11 on or before March 1st of each year to the joint standing  
12 committee of the Legislature having jurisdiction over nonreserved  
13 public lands. The report must include the following information:

14 **A.** A complete account of the income and expenditures  
15 pertaining to nonreserved public lands during the preceding  
16 calendar year;

17 **B.** A summary of the bureau's management activities during  
18 the preceding calendar year regarding timber, recreation,  
19 wildlife and other subjects as appropriate;

20 **C.** A list of any gates or other constructed barriers to  
21 public access by motor vehicle to any nonreserved public  
22 lands, and their locations, when they block the sole or  
23 primary motor vehicle access, whether those barriers are  
24 located on public or on private land and whether they are  
25 owned by the State or by private parties;

26 **D.** A summary of any campsite or recreation facility fees  
27 charged under section 1832, subsection 5; and

28 **E.** A description of the proposed budget, including  
29 allocations for the bureau's dedicated funds and any  
30 revenues of the bureau from permits, leases, fees and sales,  
31 for the following fiscal year beginning on July 1st.

32 The joint standing committee of the Legislature having  
33 jurisdiction over nonreserved public lands shall review the  
34 report and submit a written recommendation regarding the bureau's  
35 proposed budget to the joint standing committee of the  
36 Legislature having jurisdiction over appropriations and financial  
37 affairs on or before March 15th of each year.

38 **§1840. Revenue sharing on nonreserved public land**

39 Twenty-five percent of the net revenue from any nonreserved  
40 public land, excluding proceeds from the sale of land, located in  
41 municipalities and managed by the bureau must be returned by the  
42 bureau to the municipality.

2 Treasurer of State to the municipality where the land generating  
3 the income is located to be used for municipal purposes.

4 **§1841. Timber trespass on nonreserved public lands**

6 **1. Director to prosecute trespass cases.** The director  
7 shall prosecute cases of trespass on nonreserved public lands  
8 under the care, custody, control or management of the bureau.

10 **2. Liability of trespassers.** If any person unlawfully  
11 enters or trespasses upon nonreserved public land while that land  
12 is under the care, custody, control or management of the bureau  
13 by cutting, destroying, taking or carrying away any trees,  
14 timber, wood, grass or other materials under or upon those lands  
15 without the express written consent of the bureau, that person  
16 and all persons participating in those actions are trespassers,  
17 jointly and severally liable in damages for such trespass, and  
18 they may be sued for trespass in any county. The measure of  
19 damages is the highest price those materials would bring at the  
20 usual place of sale of the materials. If the trespass is  
21 willful, the court shall assess treble damages and the costs of  
22 maintaining the action. For the purposes of this section, a  
23 trespass is willful if the land upon which the materials were  
24 cut, destroyed or taken, or from which the materials were carried  
25 away, was posted with conspicuous notices of state ownership at  
26 or near the point where roads entered into the state-owned land;  
27 if the land is otherwise posted or identified in a manner  
28 reasonably likely to come to the attention of intruders; or if  
29 the intruder had actual knowledge of the fact of state ownership.

30 **3. Title to materials illegally taken to remain in State.**  
31 Title to all materials taken in violation of this section must  
32 remain in the State, and the State may seize and sell all such  
33 materials. At such a sale, no person who was connected in any  
34 way with committing such a trespass or who aided those who  
35 committed it may become a purchaser directly or indirectly.

36 **4. Penalty.** A person who willfully mutilates, defaces or  
37 destroys any notice or rule posted pursuant to this section is  
38 guilty of a Class E crime.

40 **SUBCHAPTER IV**

42 **PUBLIC RESERVED LANDS**

44 **§1845. Definitions relating to public reserved lands**

46 As used in this subchapter, unless the context otherwise  
47 indicates, the following terms have the following meanings.

2           **1. Multiple use.** "Multiple use" means:

4           A. The management of all of the various renewable surface  
6           resources of the public reserved lands including outdoor  
8           recreation, timber, watershed, fish and wildlife and other  
10           public purposes;

12           B. Making the most judicious use of the land for some or  
14           all of these resources over areas large and diverse enough  
16           to provide sufficient latitude for periodic adjustments in  
18           use to conform to changing needs and conditions;

20           C. That some land will not be used for all of the  
22           resources; and

24           D. The harmonious and coordinated management of the various  
26           resources without impairing the productivity of the land and  
28           with consideration being given to the relative values of the  
30           various resources and not necessarily to the combination of  
32           uses that will give the greatest dollar return or the  
34           greatest unit output.

36           **2. Sustained yield.** "Sustained yield" means the  
38           achievement and maintenance in perpetuity of a high-level regular  
40           periodic output of the various renewable resources of the public  
42           reserved lands without impairing the productivity of the land.

44           **§1846. Access to public reserved lands**

46           **1. Legislative policy.** The Legislature declares that it is  
48           the policy of the State to keep the public reserved lands as a  
50           public trust and that full and free public access to the public  
          reserved lands to the extent permitted by law, together with the  
          right to reasonable use of those lands, is the privilege of every  
          citizen of the State. The Legislature further declares that it  
          recognizes that such free and reasonable public access may be  
          restricted to ensure the optimum value of such lands as a public  
          trust but that such restrictions, if and when imposed, must be in  
          strict accordance with the requirements set out in this section.

**2. Establishment of restrictions on public access.** The  
          director may restrict public access to any portion of the public  
          reserved lands under the care, custody, control or management of  
          the bureau upon publishing written notice of the restrictions at  
          least once during the same week in the state paper, 2 other  
          papers of general circulation and the paper for the immediate  
          vicinity of the area to be restricted, if any, and, to the extent  
          practicable, by posting notice of those restrictions at known  
          access points to the land. Restrictions may be imposed only when

2 they reasonably relate to the protection of the public health,  
3 welfare or safety or to the protection of the economic interests  
4 or natural resources of the State. Any person who willfully  
5 mutilates, defaces or destroys any notice or rule posted pursuant  
6 to this section is guilty of a Class E crime.

7 3. Unlawful entry onto public reserved lands. If any  
8 person unlawfully enters state lands or public reserved lands  
9 where access has been restricted pursuant to subsection 2 or any  
10 other law, or remains thereon in defiance of a lawful order to  
11 leave that was personally communicated to that person by an  
12 authorized employee of the State, that person is guilty of a  
13 Class E crime. Any employee of the State or any of its political  
14 subdivisions may be authorized by the director to communicate  
15 orders that a person leave state lands or public reserved lands  
16 restricted in accordance with subsection 2 or any other law. All  
17 such authorization must be in writing.

18 4. Development of public facilities. The bureau may  
19 construct and maintain overnight campsites and other camping and  
20 recreation facilities.

21 5. User fees. The bureau may charge reasonable fees to  
22 defray the cost of constructing and maintaining overnight  
23 campsites and other camping and recreation facilities.

24 §1847. Management of public reserved lands

25 1. Purpose. The Legislature declares that title,  
26 possession and the responsibility for the management of the  
27 public reserved lands are vested and established in the bureau  
28 acting on behalf of the people of the State, that the public  
29 reserved lands must be managed under the principles of multiple  
30 use to produce a sustained yield of products and services by the  
31 use of prudent business practices and the principles of sound  
32 planning and that the public reserved lands must be managed to  
33 demonstrate exemplary land management practices, including  
34 silvicultural, wildlife and recreation management practices, as a  
35 demonstration of state policies governing management of forested  
36 and related types of lands.

37 2. Management plans. The director shall prepare, revise  
38 from time to time and maintain a comprehensive management plan  
39 for the management of the public reserved lands in accordance  
40 with the guidelines in this subchapter. The plan must provide  
41 for a flexible and practical approach to the coordinated  
42 management of the public reserved lands. In preparing, revising  
43 and maintaining such a management plan the director, to the  
44 extent practicable, shall compile and maintain an adequate  
45 management plan for the public reserved lands.

2 inventory of the public reserved lands, including not only the  
4 timber on those lands but also the other multiple use values for  
6 which the public reserved lands are managed. In addition, the  
8 director shall consider all criteria listed in section 1858 for  
10 the location of public reserved lands in developing the  
12 management plan. The director is entitled to the full  
14 cooperation of the Natural Resources Information and Mapping  
16 Center, the Department of Inland Fisheries and Wildlife, the  
18 Maine Land Use Regulation Commission and the State Planning  
20 Office in compiling and maintaining the inventory of the public  
22 reserved lands. The director shall consult with those agencies  
24 as well as other appropriate state agencies in the preparation  
26 and maintenance of the comprehensive management plan for the  
28 public reserved lands. The plan must provide for the  
30 demonstration of appropriate management practices that will  
32 enhance the timber, wildlife, recreation, economic and other  
34 values of the lands. All management of the public reserved  
36 lands, to the extent practicable, must be in accordance with this  
38 management plan when prepared.

20 Within the context of the comprehensive management plan, the  
22 commissioner, after adequate opportunity for public review and  
24 comment, shall adopt a specific action plan for each unit of the  
26 public reserved lands system. Each action plan must include  
28 consideration of the related systems of silviculture and  
30 regeneration of forest resources and must provide for outdoor  
32 recreation including remote, undeveloped areas, timber, watershed  
34 protection, wildlife and fish. The commissioner shall provide  
36 adequate opportunity for public review and comment on any  
38 substantial revision of an action plan. Management of the public  
40 reserved lands before the action plans are completed must be in  
42 accordance with all other provisions of this section.

34 3. Actions. The director may take actions on the public  
36 reserved lands consistent with the management plans for those  
38 lands and upon any terms and conditions and for any consideration  
40 the director considers reasonable.

40 **§1848. Sale of natural resources from public reserved lands**

42 1. Sale of resources. The bureau may sell severed timber  
44 and other products, including, but not limited to, wood and  
46 timber necessary for use in the operation of a mine, severed  
48 grass and other wild foods, maple sap and syrup, crops and sand  
50 and gravel for use in the construction of public roads or for any  
other purpose the director considers consistent with the purposes  
of this subchapter.

50 2. Grant of permits. The bureau may grant permits and  
enter into contracts to cut timber, harvest grass and wild foods,

2 tap maple trees for sap and cultivate and harvest crops provided  
3 that such permits and contract rights create revocable licenses  
4 to the permittee or party to the contract and do not create any  
5 real property interest in the public reserved lands.

6 3. Bond; stumpage or other rights of value. Persons,  
7 corporations or other legal entities obtaining permits or  
8 contracts to sever or extract materials upon the public reserved  
9 lands under this section must give bond to the director with  
10 satisfactory sureties for the payment of stumpage or other rights  
11 of value and the performance of all conditions of the permit or  
12 contract. All timber cut or other material taken under permits  
13 or contracts is the property of the State until the stumpage or  
14 other rights are paid in full.

15 4. Scaling of timber. The director may appoint, swear and  
16 reimburse surveyors or scalers. Upon the instructions of the  
17 director, scalers shall scale any timber cut under permits  
18 granted by the bureau, supervise the cutting of that timber,  
19 inform the director of the quantity of products cut, whether  
20 hailed or not, and see that the timber is cut and removed in  
21 accordance with sound forest management practices.

22 **§1849. Revenue from public reserved lands**

23 1. Revenue sources. Except as provided in paragraph A, the  
24 bureau must receive all money, securities and other things of  
25 value accruing to the State: from the sale of timber and grass  
26 and other rights and things of value from the public reserved  
27 lands under the care, custody, control or management of the  
28 bureau; in payment for timber, grass and other things of value  
29 cut or taken by trespassers; from forfeiture of a bond or a  
30 deposit when a contractor does not fulfill the terms of the  
31 contract or comply with state regulations; or as a result of a  
32 compromise or settlement of any claim.

33 A. The first \$20,000 in the aggregate of any money accruing  
34 from the alienation of rights to mine upon public reserved  
35 land, or other income arising out of mining operations, that  
36 is actually received during any fiscal year, and every  
37 portion thereof accruing from these mining operations, must  
38 be paid to the Natural Resources Information and Mapping  
39 Center.

40 2. Fund established. All income received by the director  
41 from the public reserved lands, except income provided for in  
42 section 1855, must be deposited with the Treasurer of State to be  
43 credited to the Public Reserved Lands Management Fund, which is  
44 established as a nonlapsing fund. Any interest earned on this  
45 money must also be credited to the fund.

46 3. Expenditures from fund. Expenditures from the Public  
47 Reserved Lands Management Fund are subject to legislative

2 approval in the same manner as appropriations from the General  
3 Fund. Money may not be expended without allocation by the  
4 Legislature. The joint standing committee of the Legislature  
5 having jurisdiction over appropriations and financial affairs  
6 must approve the allocations.

7 **§1850. Acquisition of public reserved land**

8  
9 **1. Authority to acquire lands.** With the consent of the  
10 Governor and the commissioner, the bureau may acquire lands or  
11 interests in lands on behalf of the State to be managed as public  
12 reserved lands. The bureau shall deliver to the State Archives  
13 within a reasonable period of time after their creation or  
14 acquisition the originals of all deeds, planbooks and surveyors'  
15 field and chainage notes, and any other materials the  
16 preservation of which it considers necessary, relating to the  
17 ownership, location and management of public reserved lands  
18 described in this subchapter.

19 **2. Public Reserved Lands Acquisition Fund.** To accomplish  
20 the purposes of this subchapter, there is established the Public  
21 Reserved Lands Acquisition Fund. All income or proceeds received  
22 by the bureau from the sale, exchange or relocation of any public  
23 reserved lands must be recorded on the books in a separate  
24 account and must be deposited with the Treasurer of State to be  
25 credited to the Public Reserved Lands Acquisition Fund. Any  
26 interest earned on this money must also be credited to the fund.

27 **3. Expenditures of fund.** All money credited to the fund  
28 must be used exclusively to purchase and assemble quantities of  
29 lands of sizes and locations that the director determines best  
30 fulfill the purposes of this subchapter. Lands acquired with  
31 this money are considered to be public reserved lands. The State  
32 shall hold and manage these lands subject to the same terms and  
33 conditions that apply to other public reserved lands. There is  
34 appropriated to pay for this property as much of the funds raised  
35 from income designated in subsection 2 and paid into the State  
36 Treasury as necessary to pay for the purchase of real property to  
37 be held and managed as public reserved lands. The director, with  
38 the prior approval of the Governor and the commissioner, shall  
39 authorize the State Controller to draw the director's warrant for  
40 such a purchase at any time. Any remaining balance must continue  
41 from year to year as a fund available only for the purposes of  
42 this section.

43 **§1851. Sale of public reserved lands.**

44  
45 **1. Authority to sell land.** With the consent of the  
46 commissioner, the director may execute deeds on behalf of the  
47 State for public reserved land under the director's management  
48



2 and control, conveying lands that have been authorized to be  
3 conveyed by the Legislature or sold by lawful authority, subject  
4 to the provisions of section 598-A.

6 2. **Parcels greater than 1/4 acre in size.** With the consent  
7 of the Governor and the commissioner, the director may make  
8 recommendations to the Legislature for the sale, exchange or  
9 relocation of public reserved lands greater than 1/4 acre in  
10 size, subject to the provisions of section 598-A.

12 3. **Parcels less than 1/4 acre in size.** The director, after  
13 review by the joint standing committee of the Legislature having  
14 jurisdiction over state and local government and subsequent  
15 approval by the Governor and the commissioner, and subject to the  
16 provisions of section 598-A, may sell any parcel of public  
17 reserved land not exceeding 1/4 acre in size, provided that:

18 A. The parcel is sold to the owner of private land that  
19 adjoins the parcel;

20 B. The director determines that the parcel, because of its  
21 size, shape and location, has no use or value under public  
22 ownership but only as an adjunct to the adjoining private  
23 property; and

24 C. The sale is for fair market value of the parcel as  
25 determined by the director, taking into account factors  
26 including the effect of ownership of the parcel upon the  
27 value of the adjoining private property.

28 Before making any sale, the director shall make a written finding  
29 with respect to the requirements of this subsection. The written  
30 finding must be available for public inspection at the director's  
31 office during regular working hours.

32 It is the policy of the State that the requirements of this  
33 subsection be strictly applied and that sale of any parcel of a  
34 public reserved lot be discouraged except in compliance with this  
35 subsection.

36 4. **Notice of land sales, exchanges or relocations.** Before  
37 requesting approval from the Legislature, the director shall give  
38 notice of the proposed sale, exchange or relocation and may hold  
39 a public hearing. A public hearing must be held by the director  
40 if requested by any party.

41 **§1852. Transfer or lease of public reserved lands**

42 1. **Transfer of management responsibility to other state**  
43 **agencies.** Whenever a particular portion of the public reserved  
44 land is to be transferred to another state agency, the director  
45 shall first determine whether the proposed transfer is in the  
46 best interests of the State and whether the proposed transferee  
47 has the capability to manage the land in accordance with the  
48 requirements of this section. If the director determines that  
49 the proposed transfer is in the best interests of the State and  
50 the proposed transferee has the capability to manage the land

lands is to be used, under the management plan under section 1847, subsection 2, for a dominant use that is within the particular expertise of another agency of the State, the commissioner, with the consent of the Governor and the state agency involved, may transfer to that other state agency the responsibility for the management of that particular portion of the public reserved lands.

**2. Public roads.** The bureau may grant the right to construct and maintain public roads.

**3. Lease of public reserved land to other state agencies.** With the consent of the Governor and the commissioner, the bureau may lease the right to use parcels of public reserved land to other agencies of the State for a period not exceeding 25 years for purposes of protecting, enhancing or developing the natural, scenic or wilderness qualities or recreational, scientific or educational uses. Each such lease must contain a provision that authorizes the bureau to terminate the lease at any time when the bureau in its sole discretion determines that termination is in the best interests of the State. No adjustment or compensation may be due any lessee under this subsection on account of such a termination.

**4. Lease of public reserved land for utilities and rights-of-way.** The bureau may lease the right, for a term not exceeding 25 years, to:

A. Set and maintain or use poles, electric power transmission and telecommunication transmission facilities, roads, bridges and landing strips;

B. Lay and maintain or use pipelines and railroad tracks; and

C. Establish and maintain or use other rights-of-way.

**5. Lease of public reserved land for private uses.** The director may lease campsites, garages, depots, warehouses and other structures located on public reserved land, or sites for the same, for a term not exceeding 5 years and also:

A. May grant options to renew such leases for a further term not to exceed 15 years in the case of a commercial use that in the judgment of the director requires the option to secure adequate financing for the maintenance or improvement of facilities located on public reserved land;

B. In the case of leases acquired by the State on lands exchanged for public reserved lands, shall authorize, upon reasonable terms and conditions, the transfer of leasehold

2 interests from one lessee of a residential campsite to  
3 another; and

4 C. With respect to persons with residential leasehold  
5 interests in public reserved lands on October 1, 1975 or on  
6 lands exchanged for public reserved lands, shall enter into  
7 new leasehold agreements with those persons and thereafter  
8 renew those leases from time to time on reasonable terms and  
9 conditions as long as the lessee complies with the terms and  
10 conditions of the leases and with all applicable laws and  
11 rules of the State.

12 The annual fee for camp leases under this subsection may not  
13 exceed 10% of the fair market value of the land, as determined  
14 once during each 5-year lease term by the State Tax Assessor.  
15 Notwithstanding this subsection, there must be a minimum annual  
16 camp lease fee of \$150.

17 **6. Lease of public reserved lands for industrial and**  
18 **commercial purposes.** With the consent of the Governor and the  
19 commissioner, the bureau may lease mill privileges and other  
20 rights in land for industrial and commercial purposes; dam sites;  
21 dump sites; the rights to pen, construct, put in, maintain and  
22 use ditches, tunnels, conduits, flumes and other works for the  
23 drainage and passage of water; flowage rights; and other rights  
24 of value in the public reserved lands for a term not exceeding 10  
25 years.

26 **7. Lease of public reserved lands to the federal**  
27 **government.** With the consent of the Governor and the  
28 commissioner, the bureau may lease to the Federal Government the  
29 right to use public reserved lands.

30 **8. Lease of public reserved lands to municipalities.** With  
31 the consent of the Governor and the commissioner, the bureau may  
32 lease the right to use parcels of public reserved land to  
33 municipalities and other political subdivisions of the State for  
34 a period not exceeding 25 years for purposes of protecting,  
35 enhancing or developing the natural, scenic or wilderness  
36 qualities or recreational, scientific or educational uses of the  
37 land. Each such lease must contain a provision that authorizes  
38 the bureau to terminate the lease at any time the bureau in its  
39 sole discretion determines that termination is in the best  
40 interests of the State. No adjustment or compensation may be due  
41 any lessee under this subsection on account of such a termination.

42 The director may lease to incorporated towns the right to manage  
43 timber on all or part of the public reserved lands within the  
44 boundaries of the town.

2 boundaries of the towns in accordance with multiple use  
3 management plans, subject to the following conditions:

4 A. Public reserved lands acquired through land exchanges  
5 may not be leased under this subsection;

6  
7 B. A management plan submitted to the director by a town  
8 must be approved or disapproved by the director within 60  
9 days of submission or the plan is deemed approved. The  
10 director shall conduct the same interagency reviews and  
11 apply the same standards in evaluating such management plans  
12 that are being applied to the bureau's own management plans  
13 as of the date of submission;

14  
15 C. The leases must be for a period not exceeding 15 years  
16 and may be renewed if the director determines that the  
17 town's management plans have been implemented and  
18 substantially complied with in a professionally acceptable  
19 manner;

20  
21 D. The director may terminate the lease at any time,  
22 without adjustment or compensation due any lessee, if the  
23 termination is in the best interests of the State. The  
24 director shall give 30 days' written notice before  
25 termination. The director shall hold a public hearing if  
26 requested by the lessee within 30 days of that notice. The  
27 director shall issue written notice of a final decision  
28 within 30 days of the hearing. This decision may be  
29 appealed to the Superior Court;

30  
31 E. Public access to lands leased under this subsection may  
32 not be unreasonably denied; and

33  
34 F. No lease may convey any interest in lands affected other  
35 than those permitted by this section.

36  
37 9. Lease of public reserved land to private nonprofit  
38 organizations. With the consent of the Governor and the  
39 commissioner, the bureau may lease the right to use parcels of  
40 public reserved land to private, nonprofit organizations for a  
41 period not exceeding 25 years for purposes of protecting,  
42 enhancing or developing the natural, scenic or wilderness  
43 qualities or recreational, scientific or educational uses of the  
44 lands. Each such lease must contain a provision that authorizes  
45 the bureau to terminate the lease at any time when the bureau in  
46 its sole discretion determines that termination is in the best  
47 interests of the State. No adjustment or compensation may be due  
48 to any lessee under this subsection on account of that  
49 termination.

50 **§1853. Annual report dealing with public reserved lands**

2           1. Annual report. The bureau shall submit a written report  
3 on or before March 1st of each year to the joint standing  
4 committee of the Legislature having jurisdiction over public  
5 reserved lands. The report must include the following  
6 information:

8           A. A complete account of the income and expenditures  
9 pertaining to public reserved lands during the preceding  
10 calendar year;

12           B. A summary of the bureau's management activities during  
13 the preceding calendar year regarding timber, recreation,  
14 wildlife and other subjects as appropriate;

16           C. A list of any gates or other constructed barriers to  
17 public access by motor vehicle to any public reserved lands  
18 and their locations, when they block the sole or primary  
19 motor vehicle access, whether those barriers are located on  
20 public or private land and whether or not they are owned by  
21 the State or by private parties;

22           D. A summary of any campsite or recreation facility fees  
23 charged under section 1846, subsection 5; and

26           E. A description of the proposed budget, including  
27 allocations for the bureau's dedicated funds and any  
28 revenues of the bureau from permits, leases, fees and sales  
29 for the following fiscal year beginning on July 1st.

30           The joint standing committee of the Legislature having  
31 jurisdiction over proposed public reserved lands shall review the  
32 report and submit a written recommendation regarding the bureau's  
33 proposed budget to the joint standing committee of the  
34 Legislature having jurisdiction over appropriations and financial  
35 affairs on or before March 15th of each year.

38           **§1854. Revenue sharing on public reserved lands**

40           1. Plantations organized as of March 1, 1974. Seventy-five  
41 percent of any income from residential leasehold camps, excluding  
42 any income or proceeds from the sale, exchange or relocation of  
43 any of these camps, and 25% of any income arising from the sale  
44 of timber, grass, gravel or other natural resources from public  
45 reserved lands located in townships or tracts organized into  
46 plantations as of March 1, 1974 must be held by the Treasurer of  
47 State in the Organized Townships Fund. The Treasurer of State  
48 shall pay annually the income from that portion of the fund  
49 belonging to each such plantation to the treasurer of that  
50 plantation to be applied toward the support of schools according

2 to the number of students in each school. The Treasurer of State  
3 shall compute this income on January 1st of each year. The  
4 Commissioner of Education shall file in the office of the State  
5 Controller a list of the plantations with the amount due for  
6 income for the preceding year according to a record of those  
7 amounts to be furnished to the Commissioner of Education by the  
8 Treasurer of State. The Commissioner of Education must be  
9 satisfied that the plantations are organized, that schools have  
10 been established in the plantations according to law, that  
11 assessors are sworn and qualified and that the treasurers of the  
12 plantations have given bonds as required by law. The State  
13 Controller shall insert the name and amount due the plantations  
14 in one of the first warrants drawn in that year.

15 The amount due Lakeville Plantation, Penobscot County, annually  
16 under this section must be expended in accordance with this  
17 section. Any excess must be used under the supervision and  
18 direction of the superintending school committee of Lakeville  
19 Plantation to establish scholarship aid for students of Lakeville  
20 Plantation to receive postsecondary education.

21 **2. Plantations incorporated into towns.** With respect to  
22 those public reserved lands that were located in townships or  
23 tracts organized into plantations as of March 1, 1974, when any  
24 such plantation becomes incorporated into a town subsequent to  
25 that date, 75% of any income from residential leasehold camps,  
26 excluding any income or proceeds from the sale, exchange or  
27 relocation of any of these camps, and 25% of any other income  
28 from that public reserved land must be returned by the bureau to  
29 the municipality where that public reserved land is located to be  
30 used for municipal purposes.

31 **3. Towns with timber management leases.** With respect to  
32 stumpage income from timber located on public reserved lands and  
33 leased to municipalities and other political subdivisions of the  
34 State pursuant to section 1852, subsection 8, 50% of that income  
35 must be returned by the Treasurer of State to the lessee for its  
36 own purposes. The director may approve the handling by the  
37 lessees of income up to \$500 from sales or permits. The lessees  
38 shall submit a semiannual accounting of that income and payment  
39 for the State's share.

40 **§1855. Organized Townships Fund**

41 **1. Fund; continued existence.** The Organized Townships  
42 Fund, which includes the existing principal of the fund arising  
43 from the public reserved lots before October 3, 1973 and any  
44 accrued but unexpended income of the fund since that date, must  
45 continue. The income of the fund must be credited to the fund  
46 annually as earned.

2           **2. Administration; income; incorporation into town.** The  
3           Treasurer of State shall hold and administer the Organized  
4           Townships Fund. The income of the fund must be added to the  
5           principal of the fund until the inhabitants of a township or  
6           tract are incorporated into a municipality, unless previously  
7           expended according to law. When any such tract or township is  
8           incorporated as a town, the Treasurer of State shall pay the  
9           funds belonging to that town to the treasurer of the town. The  
10          funds must be added to the funds of that corporation and held and  
11          managed as other school funds of that town are required to be  
12          held and managed.

14           **§1856. Unorganized Territory School Fund**

16           **1. Fund; unexpended income.** The Unorganized Territory  
17          School Fund, which includes the existing principal of that fund  
18          arising from the public reserved lots before October 3, 1973 and  
19          any accrued but unexpended income from the fund since that date,  
20          must continue.

22           **2. Administration; annual income.** The Treasurer of State  
23          shall hold and administer the Unorganized Territory School Fund.  
24          The income of the fund must be credited on December 31st annually  
25          to the Unorganized Territory Education and Services Fund  
26          established by Title 36, chapter 115 and used to reduce the  
27          amount determined to be the municipal cost components for the  
28          next fiscal year.

30           **§1857. Timber trespass on public reserved lands**

32           **1. Director to prosecute trespass cases.** The director shall  
33          prosecute cases of trespass on public reserved lands under the  
34          care, custody, control or management of the bureau.

36           **2. Liability of trespassers.** If any person unlawfully  
37          enters or trespasses upon public reserved land while that land is  
38          under the care, custody, control or management of the bureau by  
39          cutting, destroying, taking or carrying away any trees, timber,  
40          wood, grass or other materials under or upon those lands without  
41          the express written consent of the bureau, that person and all  
42          persons participating in those actions are trespassers, jointly  
43          and severally liable in damages for such trespasses, and they may  
44          be sued for trespass in any county. The measure of damages is the  
45          highest price those materials would bring at the usual place of  
46          sale of the materials. If the trespass is willful, the court  
47          shall assess treble damages and the costs of maintaining the  
48          action. For the purposes of this section, a trespass is willful  
49          if the land upon which the materials were cut, destroyed or  
50          taken, or from which the materials were carried away, was posted

2 with conspicuous notices of state ownership at or near the point  
4 where roads entered into the state-owned land; if the land is  
6 otherwise posted or identified in a manner reasonably likely to  
8 come to the attention of intruders; or if the intruder had actual  
10 knowledge of the fact of state ownership.

12 **3. Title to materials illegally taken to remain in State.**

14 Title to all materials taken in violation of this section must  
16 remain in the State, and the State may seize and sell all such  
18 materials. At such a sale, no person who was in any way connected  
20 with committing such a trespass or who aided those who committed  
22 it may become a purchaser directly or indirectly.

24 **4. Penalty.** Whoever willfully mutilates, defaces or  
26 destroys any notice or rule posted pursuant to this section is  
28 guilty of a Class E crime.

30 **5. Trespass; duty of assessors.** The assessors in the  
32 organized plantations shall help police the public reserved lands  
34 within the boundaries of their respective plantations without any  
36 expense to the bureau. They shall immediately report any cutting  
38 or removal of timber or other materials of value to the director  
40 in writing. The assessors in plantations organized before March  
42 1, 1974 may review and comment before final actions taken by the  
44 director under section 1847, subsection 3 on the public reserved  
46 lands located within their respective plantations.

48 **§1858. Location of public reserved lands**

1 **1. Public reserved lands.** In every township or plantation  
2 existing on October 3, 1973 or organized after that date there  
3 must be reserved, as the Legislature directs, 1,000 acres of  
4 land, and in the same proportion in all tracts less than a  
5 township, for the exclusive benefit of the State. This land must  
6 be of average quality, situation and value as to timber and  
7 minerals as compared to other land in the township or  
8 plantation. Title to these reserved public lots is in the  
9 State. All future earnings attributable to those public lots  
10 belong to the State to be used for the management and  
11 preservation of the public lots as state assets.

12 **2. Location by agreement.** In townships or tracts sold and  
13 not incorporated, the public reserved lots may be selected and  
14 located by the commissioner and the proprietors by a written  
15 agreement describing the reserved lands by metes and bounds,  
16 signed by the parties and recorded in the commissioner's office.  
17 The plan or outline of the lands selected must be:



2 A. Entered on the plan of the township or tract in the  
commissioner's office; and

4 B. Recorded in the registry of deeds in the county in which  
the township or tract is located.

6  
8 **3. Location without agreement.** When the commissioner and  
the proprietors of a tract or township described in subsection 1  
10 can not agree on the location of the public reserved lands, the  
commissioner may petition the Superior Court in the county where  
12 the land lies to appoint a committee of 3 disinterested persons.  
The court shall issue a warrant under the seal of the court to  
14 those persons requiring them to locate the public reserved lot or  
lots in the township or tract as soon as possible. The public  
16 reserved lot or lots must be of average quality compared to other  
lands in the tract or township.

18 A. Before taking any action, the members of the committee  
formed under this subsection must be sworn before a dedimus  
20 justice. A certificate of the swearing must be endorsed on  
the court's warrant.

22 B. At least 30 days before their first meeting, the members  
24 of the committee shall announce their appointment and the  
time and place of their meeting to perform their duties by:

26 (1) Publishing a notice in a newspaper of general  
28 circulation in the State, to be designated by the  
court; and

30 (2) If ordered by the court to do so, posting written  
32 notification in 2 or more public places in the same  
plantation or town.

34 C. The members of the committee shall make a signed return  
36 of the court's warrant and their activity under it to the  
Superior Court when they have completed their service. Upon  
38 acceptance by the court and after being recorded in the  
registry of deeds in the county or registry district where  
40 the land is located, within 6 months, the public reserved  
lot or lots must be legally assigned and located.

42 D. In a proceeding for the location of public reserved lots  
44 under this subsection, an appeal may be taken to the Law  
Court as in other actions.

46  
48 **4. Subdivided lands.** When portions or lots are reserved for  
public uses in a tract of land to be divided, they must first be  
set out, of an average quality and situation, and a return made  
50 of that reserved land to the commissioner's office, with a

2 description of its quality and location. The commissioner's  
3 return of partition, accepted and recorded as provided, is a  
4 valid location of the reserved lands.

5 5. Incorporation into town; location. When, in the grant  
6 of any townships or parts of townships, certain portions are  
7 reserved for public uses and those portions have not been located  
8 in severalty before the townships or parts are incorporated into  
9 a town, the Superior Court in the county where the land lies, on  
10 application of the assessors of the town, may appoint a committee  
11 of 3 disinterested persons of the county. The court shall issue  
12 a warrant under seal of the court to those persons requiring them  
13 to locate the reserved portion according to the terms of the  
14 grant as soon as possible. If the use or purpose of the  
15 reservation is prescribed in the grant, they shall set off and  
16 locate the lots accordingly.

17 A. Before taking action under the warrant, the members of a  
18 committee formed under this section must be sworn to the  
19 faithful discharge of the duty assigned them. A certificate  
20 of the swearing must be endorsed on the court's warrant.

21 B. At least 30 days before locating the reserved portions,  
22 the members of the committee shall announce their  
23 appointment and the time and place of their meeting to  
24 perform their duties by publishing a notice in a newspaper  
25 of general circulation in the State, to be designated by the  
26 court, and by posting written notices in 2 or more public  
27 places in the same town.

28 C. The members of the committee shall make a return of the  
29 court's warrant and their activity under it to the Superior  
30 Court when they have completed their duties. Upon  
31 acceptance by the court and after being recorded in the  
32 registry of deeds in the county or registry district where  
33 the land is located, within 6 months, the reserved portions  
34 must be legally assigned and located.

35 6. Criteria for location. Whenever land reserved for  
36 public use is located under this subchapter and the commissioner  
37 makes the return of partition under subsection 4, the  
38 determination as to what lands are of average quality, situation  
39 and value as compared with the other lands in the township must  
40 include, but may not be limited to, appropriate consideration of  
41 the following criteria:

42 A. Contiguity to other public lands;

43 B. Public recreation needs;

2           C. Accessibility to roads, highways and other  
transportation;

4           D. Proximity to centers of population;

6           E. Needs of state agencies;

8           F. Scenic quality;

10          G. Value as to minerals;

12          H. Value as to timber;

14          I. The preservation of significant natural, recreation and  
historic resources, including wildlife habitat and other  
16 areas critical to the ecology of the State; and

18          J. The provisions of any applicable comprehensive or  
long-range management plans for the use of those public  
20 reserved lands.

22         **7. Application.** Nothing in this section may be construed  
to require the location of unlocated public reserved lands. The  
24 commissioner shall determine the desirability of locating  
unlocated public reserved lands in the preparation and  
26 maintenance of the management plans for the public reserved  
lands. In those townships in which public reserved lands remain  
28 unlocated, the commissioner shall take appropriate steps to  
ensure that the State receives its proportionate share of common  
30 income and that the lands are not subjected to waste by the other  
cotenants.

32   **SUBCHAPTER V**

34   **SUBMERGED AND INTERTIDAL LANDS**

36         **§1861. Submerged Lands Fund**

38           **1. Fund established.** All revenues from the activities of  
40 the bureau under section 1862 must be deposited with the  
Treasurer of State to be credited to the Submerged Lands Fund,  
42 which is established as a nonlapsing, dedicated fund and referred  
to in this section as the "fund." Any interest earned on this  
44 money must be credited to the fund. The fund is administered by  
the bureau.

46           **2. Permissible uses.** Money credited to the fund may be  
48 used to manage submerged lands pursuant to section 1862, provide  
grants to municipalities pursuant to section 1863 and remove  
50 abandoned watercraft pursuant to this subchapter.

2 3. Expenditure of funds. Money in the fund must be  
3 expended on the operating expenses of the bureau's submerged  
4 lands leasing program pursuant to section 1862. Any funds  
5 available in excess of the amount needed for the bureau's  
6 submerged lands operating expenses must be expended in accordance  
7 with section 1863 and this subchapter.

8 **§1862. Submerged and intertidal lands owned by State**

10 1. Definitions. As used in this section, unless the  
11 context otherwise indicates, the following terms have the  
12 following meanings.

14 A. "Commercial fishing activity" means any activity  
15 involving the landing or processing of shellfish, finfish or  
16 other natural products of the sea or other activities  
17 directly related to landing or processing shellfish, finfish  
18 or natural sea products. "Commercial fishing activity"  
19 includes loading or selling those products and fueling.

20 B. "Dockominium" means slip space that is sold or leased by  
21 a lessee of submerged lands to a boat or vessel owner for  
22 more than one year.

24 C. "Fair market rental value," for all uses of submerged  
25 lands except slip space rented or otherwise made available  
26 for private use for a fee, means the municipally assessed  
27 value per square foot for the adjacent upland multiplied by  
28 a reduction factor based on the use of the leased submerged  
29 land as specified in this section. For slip space rented or  
30 otherwise made available for private use for a fee, the fair  
31 market rental value is the gross income from that space  
32 multiplied by a reduction factor as specified in this  
33 section based on the use of the leased submerged land.

34 D. "Gross income" means the total annual income received by  
35 a lessee from seasonal or transient rental to the general  
36 public of slip space over submerged land. For dockominiums,  
37 slips that are part of a residential condominium, boat clubs  
38 and other facilities with slip space that is not rented or  
39 leased to the general public, the director shall determine  
40 gross income by calculating a regional average slip space  
41 rental fee and applying that to the portion of total linear  
42 length of slip space made available to private users for any  
43 portion of that year.

44 E. "Occupying", in terms of a structure or alteration,  
45 means covering the total area of the structure or alteration  
46 itself to the extent that the area within its boundaries is  
47 directly on or over the state-owned lands.  
48

2 F. "Permanent" means occupying submerged and intertidal  
3 lands owned by the State during 7 or more months during any  
4 one calendar year.

5 G. "Slip space" means the area adjacent to a pier or float  
6 that is used for berthing a boat.

7 2. Submerged lands leasing program. The director may  
8 conduct a submerged lands leasing program under which the director  
9 may lease, for a term of years not exceeding 30 and with  
10 conditions the director considers reasonable, the right to  
11 dredge, fill or erect permanent causeways, bridges, marinas,  
12 wharves, docks, pilings, moorings or other permanent structures  
13 on submerged and intertidal land owned by the State. The  
14 director may refuse to lease submerged lands if the director  
15 determines that the lease will unreasonably interfere with  
16 customary or traditional public access ways to or public trust  
17 rights in, on or over the intertidal or submerged lands and the  
18 waters above those lands.

19 A. For fill, permanent causeways, bridges, marinas,  
20 wharves, docks, pilings, moorings or other permanent  
21 structures and for nonpermanent structures occupying a total  
22 of 500 square feet or more of submerged land or occupying a  
23 total of 2,000 square feet or more of submerged land if used  
24 exclusively for commercial fishing activities:

25 (1) The director shall charge the lessee a base rent  
26 that practically approximates the fair market rental  
27 value of the submerged land. The reduction factors  
28 for use categories are as follows:

29 (a) A reduction factor of 0%, or no rental fee,  
30 for nonprofit organizations or publicly owned  
31 facilities that offer free public use or public  
32 use with nominal user fees. Public uses include,  
33 but are not limited to, municipal utilities and  
34 facilities that provide public access to the  
35 water, town wharves, walkways, fishing piers, boat  
36 launches, parks, nature reserves, swimming or  
37 skating areas and other projects designed to allow  
38 or enhance public recreation, fishing, fowling and  
39 navigation and for which user fees are used  
40 exclusively for the maintenance of the facility;

41 (b) A reduction factor of 1% for commercial  
42 fishing uses of renewable aquatic resources.  
43 Commercial uses of renewable aquatic resources  
44 include, but are not limited to, facilities that  
45 are directly involved in commercial fishing  
46

2 activities. Such facilities include, but are not  
4 limited to, fish piers, lobster impoundments, fish  
processing facilities and floats or piers for the  
storage of gear;

6 (c) A reduction factor of 2% for any slip space  
8 rented or otherwise made available for private use  
by commercial fishing boats for a fee;

10 (d) A reduction factor of 2% for water-dependent  
12 commerce, industry and private uses. Water-dependent  
14 commerce, industry and private uses other than commercial  
16 uses of renewable aquatic resources include, but are not limited to,  
18 all facilities that are functionally dependent  
20 upon a waterfront location, can not reasonably be  
22 located or operated on an upland site or are  
24 essential to the operation of the marine  
26 industry. Such facilities include, but are not  
28 limited to, privately owned piers and docks, cargo  
ports, private boat ramps, shipping and ferry  
terminals, tug and barge facilities, businesses  
that are engaged in watercraft construction,  
maintenance or repair, aquariums and the area  
within marinas occupied by service facilities, gas  
docks, breakwaters and other structures not used  
for slip space;

30 (e) A reduction factor of 4% for any slip space  
32 rented or otherwise made available for private use  
34 for recreational boats for a fee. For facilities  
36 that include slip space under constructive  
38 easement, the rental fee may be reduced  
proportionally by the ratio of linear length of  
slip space within the area under constructive  
easement to the total linear length of all slip  
space within the facility; and

40 (f) A reduction factor of 2% for upland uses and  
42 fill. Upland uses include, but are not limited  
44 to, all uses that can operate in a location other  
46 than on the waterfront or that are not essential  
48 to the operation of the marine industry. These  
facilities include, but are not limited to,  
residences, offices, restaurants and parking  
lots. Fill must include the placement of solid  
material other than pilings or other open support  
structures upon submerged lands.

2 When the director determines that the municipally  
3 assessed value of the adjacent upland is not an  
4 accurate indicator of the value of submerged land, the  
5 director may require the applicant to provide an  
6 appraisal of the submerged land. The appraisal must be  
7 approved by the director;

8 (2) After October 1, 1990, the director may revalue  
9 all existing rents to full fair market rental value.  
10 Rents for all uses except slip space may be adjusted  
11 annually until the full fair market rental value is  
12 reached. Thereafter, the director may revalue rents  
13 for all uses except slip space every 5 years. Rents  
14 for slip space may fluctuate annually depending on the  
15 gross income of the facility;

16 (3) The director may also lease a buffer zone of not  
17 more than 30 feet in width around a permanent structure  
18 located on submerged or intertidal land, provided that  
19 the lease is necessary to preserve the integrity and  
20 safety of the structure and that the Commissioner of  
21 Marine Resources consents to that lease;

22 (4) Any existing or proposed lease may be subleased  
23 for the period of the original lease for the purpose of  
24 providing berthing space for any boat or vessel;

25 (5) No portion of an existing or proposed lease may be  
26 transferred from a person subleasing that portion to  
27 provide berthing space for any boat or vessel except  
28 for a transfer to heirs upon death of the sublessee  
29 holder or a transfer to the original leaseholder  
30 subject to terms agreed to by the lessor and sublessee  
31 at the time of the sublease. This subparagraph does  
32 not apply to any subleasing arrangements entered into  
33 before June 15, 1989; and

34 (6) The director may grant the proposed lease if the  
35 director finds that, in addition to any other findings  
36 that the director may require, the proposed lease:

37 (a) Will not unreasonably interfere with  
38 navigation;

39 (b) Will not unreasonably interfere with fishing  
40 or other existing marine uses of the area;

41 (c) Will not unreasonably diminish the  
42 availability of services and facilities necessary  
43 for commercial marine activities; and

2                    (d) Will not unreasonably interfere with ingress  
4                    and egress of riparian owners.

6                    The bureau shall adopt rules pertaining to this  
8                    subparagraph by March 15, 1990.

10                  B. For dredging, impounded areas and underwater cables and  
12                  pipelines, the director shall develop terms and conditions  
14                  the director considers reasonable.

16                  C. The director shall charge an administrative fee of \$100  
18                  for each lease in addition to any rent.

20                  D. The director may establish a reasonable minimum rent to  
22                  which any lease is subject, not to exceed \$100 per year.

24                  E. Beginning January 1, 1997, the maximum rent to which any  
26                  lease is subject may not exceed \$1,200 per year.

28                  2-A. Lease renewal. A lessee who is in compliance with all  
30                  terms of that person's lease may apply at any time to renew the  
32                  lease. The director shall approve the lease renewal if the  
34                  existing lease complies with or can be amended to comply with all  
36                  applicable laws, rules and public trust principles in effect at  
38                  the time of the renewal application. This subsection applies to  
40                  all leases in effect on the effective date of this subsection and  
42                  to all leases executed on or subsequent to the effective date of  
44                  this subsection.

46                  3. Easements. The director may grant, upon terms and  
48                  conditions the director considers reasonable, assignable  
                     easements for a term not to exceed 30 years for the use of  
                     submerged and intertidal lands for the purposes permitted in  
                     subsection 2. The grantee shall pay an administrative fee of \$50  
                     for each easement at the time of processing and a registration  
                     fee of \$50 due every 5 years. The director may refuse to grant  
                     an easement for the use of submerged and intertidal lands if the  
                     director determines that the easement will unreasonably interfere  
                     with customary or traditional public access ways to or public  
                     trust rights in, on or over the intertidal or submerged lands and  
                     the waters above those lands. The director may grant an easement  
                     for submerged and intertidal lands if a structure:

A. Is for the exclusive benefit of the abutting upland  
                     owner for charitable purposes as defined in the United  
                     States Internal Revenue Code, Section 501, (c) (3);



2 B. Occupies a total of not more than 500 square feet of  
submerged and intertidal land for any lawful purpose and is  
4 permanent; or

6 C. Occupies a total of not more than 2,000 square feet of  
submerged and intertidal land for the exclusive purpose of  
8 commercial fishing activities and is permanent.

10 4. Adjustment of terms. The director may adjust from time  
to time, consistent with the provisions of this section,  
12 conditions applicable to any leasehold or easement entered into  
under this section in any parcel of state-owned submerged or  
14 intertidal land. Rent may not be charged for leases entered into  
before July 1, 1984 if the actual use of the leased land is  
16 eligible for an easement under subsection 3.

18 5. Review of uses. In the case of easements, the director  
shall review from time to time the purposes for which the land  
20 conveyed has actually been used, and, in the event any such  
purpose is found to be inconsistent with the criteria set forth  
22 in subsection 3 for eligibility for an easement, the easement  
must terminate and the director may enter into a leasehold  
24 agreement with the holder of the easement in accordance with  
subsection 2.

26 6. Constructive easements. The owner of any structure  
actually upon submerged and intertidal lands on October 1, 1975  
28 is deemed to have been granted a constructive easement for a term  
of 30 years on the submerged land directly underlying the  
30 structure. Beginning on January 1, 1991, the bureau shall  
undertake a registration program for all structures granted  
32 constructive easements. Constructive easements are subject to  
administrative and registration fees for easements pursuant to  
34 subsection 3. The director shall develop procedures, rules and  
registration forms necessary to accomplish the purposes of this  
36 subsection. The bureau shall complete the registration of  
constructive easements on or before December 31, 1996.

38 7. Consultation. The director shall consult with the  
40 commissioner, the Commissioner of Marine Resources, the  
Commissioner of Inland Fisheries and Wildlife and any other  
42 agencies or organizations the director considers appropriate in  
developing and implementing terms, conditions and consideration  
44 for conveyances under this section. The director may determine  
to make proprietary conveyances under this section solely on the  
46 basis of the issuance of environmental or regulatory permits by  
other appropriate state agencies.

2           8. Rules. The director shall adopt rules necessary and  
appropriate to administer this section.

4           9. Public compensation. When the director determines that  
the public should be compensated for the loss or diminution of  
6 traditional and customary public uses resulting from the  
8 activities proposed by the lessee, the director may negotiate  
10 with the lessee to provide walkways, boat launching ramps,  
12 parking space or other facilities as a condition of the lease.  
The determination of loss or diminution of traditional and  
customary public uses and appropriate public compensation must be  
made in consultation with local municipal officials.

14           10. Aquaculture exemption. A lease for the use of lands  
under this section is not required for the development and  
16 operation of any aquaculture facility if the owner or operator of  
18 the facility has obtained a lease from the Commissioner of Marine  
20 Resources under section 6072. Ancillary equipment and facilities  
22 permanently occupying submerged lands on the lease site and not  
explicitly included in the lease granted by the Commissioner of  
Marine Resources are not exempt from the requirements of this  
section.

24           11. Revenues. All revenues from the bureau's activities  
under this section accrue to the Submerged Lands Fund established  
26 in section 1861.

28           12. Annual report dealing with submerged lands. The bureau  
shall prepare and submit a written report on or before March 1st  
30 of each year to the joint standing committee of the Legislature  
having jurisdiction over submerged lands matters. The report  
32 must include the following information:

34           A. A complete account of the income and expenditures  
pertaining to submerged lands during the preceding calendar  
36 year;

38           B. A summary of the bureau's management activities during  
the preceding calendar year regarding leases, easements and  
40 other appropriate subjects;

42           C. A summary of any Shore and Harbor Management Fund grants  
made under section 1863; and

44           D. A description of the proposed budget, including  
46 allocations for the bureau's dedicated funds and any  
revenues of the bureau from leases and easements for the  
48 following fiscal year.

2 The joint standing committee of the Legislature having  
3 jurisdiction over submerged lands matters shall review the report  
4 and submit a written recommendation regarding the bureau's  
5 proposed budget to the joint standing committee of the  
6 Legislature having jurisdiction over appropriations and financial  
7 affairs on or before March 15th of each year.

8 **§1863. Shore and Harbor Management Fund**

10 1. Creation of fund. The Shore and Harbor Management Fund,  
11 referred to in this section as the "fund," is established as a  
12 nonlapsing fund to support shore and harbor management  
13 improvement activities. The fund is administered by the director.

14 2. Purpose. The purpose of the fund is to support shore  
15 and harbor management improvement activities by providing grants  
16 to municipalities. These activities include but are not limited  
17 to the development of harbor management plans and public access  
18 facilities.

19 3. Revenues. Annual revenues in excess of the operating  
20 expenses of the submerged lands leasing program described in  
21 section 1862 and the expenses of the abandoned watercraft program  
22 described in this subchapter must be deposited in the fund.

23 4. Administration. The director shall develop criteria for  
24 awarding grants under this section. Money in the fund not  
25 immediately required pursuant to this section must be invested by  
26 the Treasurer of State as authorized by Title 5, section 138.  
27 Interest on these investments must be credited to the fund.

28 **§1864. Submerged Lands Advisory Board**

29 1. Appointment and composition. The Submerged Lands  
30 Advisory Board, referred to in this section as the "board" and  
31 established by Title 5, section 12004-I, subsection 24-E,  
32 consists of 8 members. The director serves as an ex officio,  
33 nonvoting member. The 7 other members are appointed by the  
34 Governor as follows:

35 A. One member who is a lessee or grantee of submerged or  
36 intertidal land;

37 B. One member who represents the general public;

38 C. One member who represents anglers, hunters and  
39 recreational boaters;

40 D. One member who represents municipalities;

2 E. One member with expertise in the subject of public trust  
3 as it pertains to the State's submerged and intertidal lands;

4 F. One member who represents commercial fishing; and

6 G. One member who represents marinas.

8 2. Terms. Members of the board serve for 3 years and  
9 continue serving until a successor is duly appointed and  
10 qualified. When a vacancy occurs, the Governor shall fill the  
11 vacancy by appointing a member from the same category as the  
12 member who vacated the board and that member serves on the board  
13 for the remainder of the term.

14 3. Compensation. Board members serve without compensation.

16 4. Purpose. The board shall provide to the director advice  
17 and information on the management of submerged and intertidal  
18 lands, including, but not limited to, the following:

20 A. A fee structure for the leasing of submerged lands that  
21 becomes effective when constructive easements expire;

24 B. The submerged lands lease application process; and

26 C. An appeals process for the director's decisions relating  
27 to submerged and intertidal lands leases and easements.

28 5. Chair and officers. The board shall annually choose one  
29 of its appointed members to serve as chair for a one-year term.  
30 The board may select other officers and designate their duties.  
31 The director may not serve as chair or as an officer.

34 6. Meetings. The board shall meet at least 2 times a  
35 year. The board may also meet at other times at the call of the  
36 chair or the chair's designee or the director or the director's  
37 designee.

38 7. Staffing. The bureau shall provide staffing services to  
39 the board.

42 **§1865. Filled submerged and intertidal lands**

44 1. Legislative intent; purpose. The Legislature finds that  
45 the ownership of certain areas along the State's coast and great  
46 ponds is uncertain because portions of the submerged and  
47 intertidal lands have been filled in so as now not to be subject  
48 to tidal action or below water. These lands were filled prior to  
49 the enactment of Public Law 1975, chapter 287, the Submerged  
50 Lands Act, as recodified by Public Law 1979, chapter 545. It

2 appears that prior to the enactment of the Submerged Lands Act,  
3 and to some degree afterwards, these filled-in portions of the  
4 submerged or intertidal lands have been sold, leased, taxed and  
5 otherwise treated in good faith by municipalities and private  
6 citizens as if they were owned in fee by private parties. Due to  
7 the lack of readily available documentation of the natural  
8 low-water and high-water marks in most areas along the coast and  
9 great ponds, the process of setting the boundaries between  
10 submerged or intertidal lands and the upland would consume  
11 enormous time and expense for the State and the private parties.

12 The Legislature recognizes that the submerged lands are owned by  
13 the State for the benefit of the public. These lands are  
14 impressed with a public trust. This ownership and public trust is  
15 derived from the Massachusetts Colonial Ordinance of 1641-1647.  
16 As a result, submerged land is not, like ordinary private land,  
17 held in fee simple absolute but is impressed with the public  
18 trust, which gives the public's representatives an interest and  
19 responsibility in its development.

20 The Legislature finds that those portions of the submerged and  
21 intertidal lands that have been filled prior to October 1, 1975,  
22 the date the Submerged Lands Act was effective, are substantially  
23 valueless for trust uses and such lands may be disposed of  
24 without impairment of the public trust in what remains. The  
25 public benefit will be promoted by clarifying the status of real  
26 estate titles to such filled lands, thereby permitting full use  
27 and development.

30 **2. Definitions.** As used in this section, unless the  
31 context otherwise indicates, the following terms have the  
32 following meanings.

34 A. "Filled land" means portions of the submerged and  
35 intertidal lands that have been rendered by human activity  
36 to be no longer subject to tidal action or below the natural  
37 low-water mark on October 1, 1975.

38 B. "Intertidal land" means all land affected by the tides  
39 between natural high-water mark and either 100 rods seaward  
40 therefrom or the natural low-water mark, whichever is closer  
41 to the natural high-water mark.

42 C. "Person" means individuals, partnerships, corporations  
43 and other private legal entities, but does not include the  
44 State and its political or government subdivisions or the  
45 Federal Government.

46 D. "Submerged land" means all land affected by the tides  
47 seaward of the natural low-water mark or 100 rods from the  
48 landward boundary of the submerged lands.

2 natural high-water mark, whichever is closer to natural  
3 high-water mark and all land below natural low-water mark  
4 under great ponds.

6 3. Declaration of clear title. Titles to properties and  
7 lands that once were or may have been submerged or intertidal  
8 lands subject to the State's ownership in public trust that were  
9 filled by October 1, 1975 are declared and released to the owners  
10 of any such filled lands by the State free of any claimed  
11 ownership in public trust to the extent the areas of these  
12 properties and lands were not submerged or intertidal lands on  
13 that date.

14 4. Confirmation. Any person claiming an interest in such  
15 land may seek confirmation from the bureau that particular land  
16 is filled land and receive a declaration that may be filed in the  
17 appropriate registry of deeds. Such confirmation may not be  
18 construed to create any rights of ownership in any person per se  
19 but is declaratory of the status of the land as to whether it had  
20 been filled by October 1, 1975. The application for confirmation  
21 must be filed on a form prescribed by the bureau, which must  
22 contain the following information:

24 A. Name and address of applicant;

26 B. An accurate legal description of the filled land, proof  
27 that the land was filled by October 1, 1975 and sufficient  
28 details, such as a survey by a registered land surveyor, to  
29 locate the filled land on a map of general acceptability;

30 C. The acreage of the filled land;

32 D. The date acquired;

34 E. Evidence that written notice of the application for  
35 confirmation has been sent to any other owners of record; and

36 F. Other information necessary for the purposes of this  
37 section.

38 A filing fee of \$50 must accompany each application to cover  
39 administrative costs. The money must be deposited and disbursed  
40 in accordance with section 1849 to accomplish the purposes of  
41 this section.

42 5. Filing. The following provisions apply to filing.

44 A. The application may be filed with the bureau at any time.  
45

2 B. If the applicant demonstrates that the land is filled  
4 land as defined in subsection 2, paragraph A, the director  
6 shall issue a declaration to that effect. The director shall  
8 respond to the application within 30 days of the date the  
10 application is received by the director.

12 6. Termination of leases. Any leases entered into by the  
14 director pursuant to section 1862 for filled land are terminated.  
16 Lessees may not be reimbursed for rental paid under such leases.

18 7. Operation of this section; retroactive date. This  
20 section does not create a cause of action on behalf of any person  
22 against the State for damages or otherwise arising out of state  
24 ownership of lands before December 25, 1981. A declaration of  
26 confirmation by the bureau pursuant to subsection 4 does not  
28 constitute a decision by the State as to which claimant, if any,  
30 may have title, and the State, its officers, agents and employees  
32 are not liable to any person by reason of having made or having  
34 refused to make such a declaration. Failure to apply for or  
36 receive confirmation or a declaration under subsection 4 does not  
38 affect any rights granted or released by this section. This  
40 section may not be construed to affect the rules of law otherwise  
42 in force relating to accretion or reliction of filled or other  
44 lands along the great ponds or the coast, nor to either convey or  
46 release rights or interest acquired by the State in filled lands  
48 by gift, purchase or the power of eminent domain or to affect any  
50 obligations, rights or liabilities created by the operation of  
Title 38, sections 480-B to 480-F, 480-Q and 480-R or by permits  
issued under those sections. This section is retroactive to  
October 1, 1975.

32 **§1866. Abandoned watercraft**

34 1. Definitions. As used in this section, unless the  
36 context otherwise indicates, the following terms have the  
38 following meanings.

40 A. "Abandoned watercraft" means any watercraft that is  
42 inoperative and neglected, submerged or partially submerged  
44 or that has been left by the owner in coastal waters without  
46 intention of removal. This term includes motors, electronic  
48 and mechanical equipment and other machinery customarily  
50 used in the operation of watercraft.

B. "Coastal waters" means those waters within the  
jurisdiction of the State under Title 1, section 2,  
including intertidal land as defined in section 572.

C. "Owner" means the person who claims lawful possession of  
a watercraft by legal title or equitable interest in the  
watercraft.

2           D. "Watercraft" means any type of vessel, boat, barge, float  
4           or craft 20 or more feet in length that is used or capable  
6           of use as a means of transportation on water. "Watercraft"  
            includes seaplanes.

8           2. Eligibility. An abandoned watercraft is subject to  
            removal under this section only under the following conditions.

10           A. A permit under Title 38, section 9 has not been granted  
12           by the municipal board or commission entrusted with harbor  
            management for the area.

14           B. A landowner has not granted permission to a watercraft  
16           owner to abandon a watercraft on that landowner's property.

18           C. Notice has been given the director within 120 days of  
            abandonment of watercraft abandoned after July 1, 1993.

20           D. Notice has been given the director before January 1,  
22           1994 of watercraft abandoned for less than 25 years before  
            October 9, 1991.

24           Watercraft that have been abandoned for more than 25 years before  
26           October 9, 1991 are not subject to removal under this section.

28           The municipal board or commission entrusted with harbor  
            management is responsible for the notice requirements under this  
30           subsection.

32           3. Ownership. The municipal board or commission entrusted  
            with harbor management shall attempt to determine the owner of a  
34           watercraft considered by that body to be abandoned.

36           4. Responsibility of the director. The director is  
            responsible for the following.

38           A. After notification under subsection 2, the director  
40           shall investigate any report of an abandoned watercraft and  
42           give notice to the owner if an owner can be identified. The  
44           notice must require the owner to respond within 15 days and  
46           to remove the watercraft from the coastal waters within 60  
48           days of notification by the director or, if the watercraft  
            is icebound, within 60 days of ice-out in the body of water  
            where the watercraft is located. If the owner of a  
            watercraft to whom the director has given notice does not  
            respond to the notice and remove the watercraft within the  
            time period specified or the owner can not be identified or  
50           contacted, the watercraft is considered abandoned.



2 B. Beginning July 1, 1993 the director shall establish and  
4 implement, subject to available funding, a program to remove  
6 from coastal waters those abandoned watercraft that have  
8 been reported under subsection 3. The program must provide  
10 that, if another government agency is responsible for  
12 removal of an abandoned watercraft, the director shall  
14 notify that agency of the existence of that abandoned  
16 watercraft. Funding for removal by the director comes from  
18 funds available from the Submerged Lands Fund established  
20 under section 1861.

12 C. The director may authorize a 3rd party to remove  
14 abandoned watercraft if the director is satisfied that the  
16 work will be completed. Ninety-five percent of the proceeds  
18 from the sale of the salvaged watercraft accrue to the 3rd  
20 party and 5% accrue to the Submerged Lands Fund established  
22 under section 1861.

20 D. Notwithstanding the time periods for owner removal  
22 specified in paragraph A, if the director determines at any  
24 time that a watercraft is a health or safety hazard, the  
26 director may immediately remove the watercraft from the  
28 coastal waters.

26 E. If the director removes a watercraft from coastal waters  
28 under this subsection, the director may sell the  
30 watercraft. Any proceeds from the sale must first be  
32 applied to the costs to the State directly related to the  
34 expense of removal of the watercraft. Any money that  
36 remains may be applied to any liens against the watercraft.  
38 Money that finally remains must accrue to the Submerged  
40 Lands Fund established under section 1861.

34 F. Abandoned watercraft located on intertidal land may not  
36 be removed by the director without the permission of the  
38 landowner.

38 G. The director may adopt rules governing abandoned  
40 watercraft in accordance with Title 5, chapter 375.

42 5. Method of removal. The method of removal of abandoned  
44 watercraft, whether by the owner, by a 3rd party or by the State,  
46 must comply with all state and federal environmental laws.

46 6. Civil action. If the State is not compensated for  
48 removal costs under the provisions of subsection 4, the State may  
bring a civil action against the owner of the abandoned  
watercraft to cover any cost of state removal of the abandoned  
watercraft from coastal waters. The court in its discretion may

award an additional 50% of the cost of removal. The penalty is payable to the submerged lands leasing program pursuant to section 1862.

## SUBCHAPTER VI

### ALLAGASH WILDERNESS WATERWAY

#### §1871. Declaration of policy

Whereas the preservation, protection and development of the natural scenic beauty and the unique character of our waterways, wildlife habitats and wilderness recreation resources for this generation and all succeeding generations; the prevention of erosion, droughts, freshets and the filling up of waters; and the promotion of peace, health, morals and general welfare of the public are the concern of the people of this State, the Legislature declares it to be in the public interest, for the public benefit and for the good order of the people of this State to establish an area known as the Allagash Wilderness Waterway.

#### §1872. Definitions

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

1. Bounds of the watercourse. "Bounds of the watercourse" means the high-water marks of the shorelines of the lakes and ponds, the intervening and connecting waters and the banks of the streams and rivers of the watercourse.

2. Canoe. "Canoe" means a form of small watercraft with no rudder or sails that is long and narrow, sharp on both ends or sharp on one end and blunt on the other end usually propelled by paddles or a small motor.

3. Control station. "Control station" means a regular stopping place maintained by the bureau where users of the waterway may be registered.

4. Emergency use. "Emergency use" means a use resulting from unforeseen circumstances that calls for immediate action to protect persons or property.

5. Herbicide. "Herbicide" means a substance or mixture of substances used to destroy, dessicate, defoliate or prevent the growth of unwanted vegetation.

6. Lock Dam Lot. "Lock Dam Lot" means a certain lot or parcel of land described as follows:

2 Beginning at a point on the East town line of Township 7, Range  
4 13 on the south bank of the thoroughfare between Chamberlain and  
6 Eagle Lakes, said point beginning 4 + 26.25 chains northerly of  
8 the southeast corner of the town;

10 Thence in a generally southwesterly direction a distance of 30  
12 chains, more or less, to a point on the easterly shore of  
14 Chamberlain Lake, south of Lock Dam, so-called;

16 Thence northwesterly by and along the easterly shore of  
18 Chamberlain Lake about 13 chains, more or less to a point;

20 Thence northeasterly a distance of 40 chains, more or less, to a  
22 point on the east line of said township;

24 Thence southerly along said east line of the township to the  
26 point of beginning, containing 40 acres, more or less.

28 The aforesaid parcel of land containing 40 acres is that on which  
30 the said Lock Dam and improvements are presently located.

32 7. Management plan. "Management plan" means a plan of  
34 timber harvesting operations for areas within the Allagash  
36 Wilderness Waterway.

38 8. Restricted zone. "Restricted zone" means a land area of  
40 from 400 feet to 800 feet that extends in all directions from the  
42 bounds of the watercourse and includes all land areas within the  
44 bounds of the watercourse and all additional areas that may be  
46 added by mutual agreement between the director and private  
48 property owners.

50 9. Telos Dam Lot. "Telos Dam Lot" means a certain lot or  
parcel of land situated in Township 6, Range 11, WELS, being  
known as the Telos Dam Lot, being a square lot 20 chains on each  
side. The aforesaid parcel of land containing 40 acres, more or  
less, is that on which the said Telos Dam and improvements are  
presently located.

10. Timber harvesting operation. "Timber harvesting  
operation" means the cutting and removal of trees from their  
growing site and the attendant operation of mobile or portable  
chipping mills and of cutting and skidding machinery, including  
the creation and use of skid trails, skid roads and winter haul  
roads and the construction or creation of land management roads.

11. Visible from the watercourse. "Visible from the  
watercourse" means able to be seen by a person at any point on  
the watercourse from Churchill Dam north without the aid of any  
magnifying devices.

2           **12. Watercourse.** "Watercourse" means the bodies of water  
4 consisting of lakes, rivers and streams extending from Telos Lake  
6 Dam northerly to the confluence of West Twin Brook and Allagash  
8 River, a distance of approximately 85 miles, and bodies of water  
10 consisting of lakes and streams extending from where Allagash  
12 Stream crosses the west boundary of T. 8, R. 14 easterly to the  
14 inlet of Allagash Stream with Chamberlain Lake, a distance of  
16 approximately 10 miles. The watercourse includes Telos Lake,  
18 Round Pond (T. 6, R. 11), Chamberlain Lake, Eagle Lake, Churchill  
20 Lake, the Allagash River, Umsaskis Lake, Long Lake, Harvey Pond,  
22 Round Pond (T. 13, R. 12), the Allagash Stream, Allagash Lake and  
24 all intervening and connecting bodies of water.

26           **13. Use.** "Use" means an activity of any form, kind or  
28 description.

30           **14. Watercraft.** "Watercraft" means any type of vessel,  
32 boat, canoe or craft used or capable of being used as a means of  
34 transportation on waters, other than a seaplane.

### 36 **§1873. Establishment; area**

38           **1. Allagash Wilderness Waterway.** The Allagash Wilderness  
40 Waterway, in this subchapter called the "waterway," is  
42 established. The area of the waterway includes the watercourse  
44 as defined in section 1872, subsection 12 and all land area and  
46 all waters within one mile of the bounds of the watercourse as  
48 defined in section 1872, subsection 1.

50           **2. Watercourse.** The watercourse within the waterway is  
52 established covering an area as defined in section 1872,  
54 subsection 12.

56           **3. Restricted zone.** A restricted zone within the waterway  
58 is established, covering an area as defined in section 1872,  
60 subsection 8, to preserve, protect and develop the maximum  
62 wilderness character of the watercourse. The boundaries of the  
64 restricted zone must be determined by the bureau after survey.  
66 The bureau shall establish a minimum width of 400 feet from the  
68 bounds of the watercourse as the width of the restricted zone if  
70 in the bureau's discretion that 400-foot width can preserve,  
72 protect and develop the maximum wilderness character of the  
74 watercourse. The bureau shall determine a greater width up to 800  
76 feet as the width of the restricted zone if in the bureau's  
78 discretion the greater width is necessary to preserve, protect  
80 and develop the maximum wilderness character of the watercourse.

### 82 **§1874. Administration**

2        The bureau shall administer the waterway under this  
3        subchapter, with the exception of powers to control activities  
4        previously delegated by law to the department's Bureau of  
5        Forestry, the Department of Inland Fisheries and Wildlife and  
6        the Board of Environmental Protection.

7        **§1875. Control of water areas; permitted and prohibited uses**

8        **1. Power watercraft.** Power watercraft may be used in the  
9        waterway only as follows.

10        **A. Watercraft equipped with power propulsion of any kind or**  
11        **any other motorized equipment are allowed on Telos Lake,**  
12        **Round Pond (T. 6, R. 11) and Chamberlain Lake as permitted**  
13        **by rule of the bureau.**

14        **B. Canoes equipped with one motor not to exceed 10**  
15        **horsepower are allowed in the waterway except on Allagash**  
16        **Lake and Allagash Stream.**

17        **C. Except as permitted by paragraphs A and B, watercraft**  
18        **equipped with power propulsion are not allowed in the**  
19        **waterway.**

20        **2. Landing of aircraft.** The landing of aircraft within the  
21        waterway is prohibited, except for:

22        **A. Emergency use;**

23        **B. Necessary use by state agencies and departments;**

24        **C. Use within landing areas and for purposes designated by**  
25        **the bureau; and**

26        **D. Landing of aircraft when water areas are frozen, except**  
27        **as permitted by rule of the bureau.**

28        **3. Motor-driven snowsleds.** The use of motor-driven  
29        snowsleds is prohibited within the waterway except as permitted  
30        by rule of the bureau.

31        **§1876. Control of land areas**

32        **1. Structures.** New structures or expansions of existing  
33        structures are not permitted within the restricted zone, except  
34        those structures essential to state service agencies, those  
35        structures determined by the bureau to be essential in  
36        maintaining water level controls and temporary structures  
37        determined by the bureau to be necessary for watercourse crossing

2 and access. All existing structures must be removed except those  
determined necessary by the bureau to carry out the intent of  
this subchapter.

4  
6 **2. New construction.** New construction within 1/4 mile of  
the restricted zone may be done only with the prior approval of  
the bureau.

8  
10 **3. Camps.** Other than structures permitted under subsection  
1, camps are prohibited within the restricted zone. Existing  
commercial sporting camps must be acquired by the bureau and may  
12 be leased back to the present owners or others on terms and  
conditions determined by the bureau. As of July 25, 1984, the  
14 bureau may not change the existing type of use of Jalbert's  
Sporting Camps on Round Pond and Nugents Sporting Camps on  
16 Chamberlain Lake or destroy or abandon those camps without  
legislative approval.

18  
20 **§1877. Authority to acquire property by eminent domain or  
otherwise**

22 The bureau may acquire, on behalf of the State, land,  
improvements or any interest therein and water and power rights  
24 within the boundaries of the waterway or adjacent thereto by  
purchase, lease or gift and to enter into agreements concerning  
26 the same. Any land acquired that is adjacent to the waterway  
becomes part of the waterway. The bureau is authorized to accept  
28 and receive gifts and bequests of money or other property,  
including funds from the Federal Government, for purposes  
30 consistent with the intent of the Legislature in establishing the  
waterway.

32  
34 Within the restricted zone, the bureau may acquire by  
eminent domain on behalf of the State any land, improvements or  
36 any interest therein and water and power rights, specifically  
excluding Telos Dam Lot and Lock Dam Lot and water and power  
rights connected therewith; however, the power and authority of  
38 the bureau as otherwise provided to accomplish the purposes of  
this subchapter apply to Telos Dam Lot and Lock Dam Lot.

40  
42 **§1878. Manner of acquisition by eminent domain**

44 Acquisition of property by the bureau by eminent domain  
pursuant to section 1877 must be made in the manner provided in  
Title 35-A, chapter 65.

46  
48 **§1879. Initial plan for acquisition**

50 As soon as possible after availability of funds after  
December 29, 1966 the bureau shall proceed to acquire title in

2 fee simple to land within the restricted zone. The bureau shall  
3 acquire within the restricted zone any other rights the bureau  
4 determines necessary or convenient to accomplish the purposes of  
5 this subchapter. Nothing contained in this section and no action  
6 under this section may limit any of the powers or authority of  
7 the bureau under this subchapter.

8 **§1880. Control of timber harvesting operations**

10 1. Restricted zone. Timber harvesting operations are not  
11 permitted within the restricted zone, except:

12 A. By direction of the bureau for the purpose of  
13 maintaining healthy forest conditions; or

14 B. By direction of the bureau for the purpose of correcting  
15 situations arising from natural disasters.

16 The spraying of herbicides is prohibited within the restricted  
17 zone. No person may fly any aircraft equipped to spray  
18 herbicides lower than 500 feet above ground level over any  
19 portion of the restricted zone.

20 2. Waterway outside restricted zone. A person may not  
21 commence a timber harvesting operation in the waterway outside  
22 the restricted zone without consultation with or, when required  
23 under paragraph B, written approval from the bureau. A person may  
24 not commence any herbicide application in the waterway outside  
25 the restricted zone and visible from the watercourse without  
26 written approval from the bureau under paragraph B.

27 A. Before a timber harvesting operation is commenced in the  
28 waterway outside the restricted zone, a management plan must  
29 be submitted to the bureau. The plan must contain:

30 (1) A description of the proposed timber harvesting  
31 operation that includes the type of cutting;

32 (2) The amount of timber proposed to be removed;

33 (3) The time of year of cutting and removal;

34 (4) The location of principal haul roads and crossings  
35 in the waterway to be used in connection with the  
36 proposed timber harvesting operation;

37 (5) A plan for reforestation;

38 (6) A stand table indicating species composition, size  
39 class and health of the original and residual stands;

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- (7) Expected date of reentry;
- (8) Pesticide or other chemical treatment planned, excluding the use of herbicides before December 1, 1990; and
- (9) A plan for mitigating evidence of harvesting.

When a permit is not required under paragraph B, those who are submitting the management plan shall cooperate with the bureau to address any concerns of the bureau.

B. When the bureau determines that a timber harvesting operation or herbicide application is proposed for an area in the waterway outside the restricted zone and visible from the watercourse, that operation may commence only with approval from the bureau. A request for approval on a form provided by the bureau must be completed and signed by the applicant. This paragraph may not be construed to excuse the applicant from obtaining other permits required by law.

C. The bureau shall, within 30 days of receipt of a form requesting approval, either approve in writing the proposed timber harvesting or herbicide application upon terms and conditions the bureau determines are appropriate and reasonable or disapprove the request, setting forth in writing the reasons therefor. If a decision is not made within the 30 days, the request for the timber harvesting operation or herbicide application is considered approved under the provisions of the management plan submitted.

D. The bureau shall approve a timber harvesting operation or herbicide application when it finds that the management plan provides for the silvicultural alternative that:

- (1) Produces the least adverse impact upon the natural character of the area in the waterway outside the restricted zone and visible from the watercourse for which the timber harvesting operation or herbicide application is proposed; and
- (2) Is economically feasible, except that an applicant may waive the requirement of a finding of economic feasibility.

E. Notwithstanding the provisions of paragraph D, the bureau may not deny approval for the removal of trees that are dead, dying or damaged by natural causes.



2 F. Before disapproving a request for approval or imposing  
3 terms and conditions under paragraph C, the bureau shall  
4 have the request for approval and the management plan  
5 reviewed by an experienced professional forester.

6 **§1881. Use of roads**

7  
8 1. New roads. The bureau has sole control of access to the  
9 waterway from any public road.

10  
11 2. Existing roads. Existing private roads within the  
12 waterway remain privately owned as existing. The bureau may  
13 direct the discontinuance or relocation of any portion of such a  
14 road that is within the restricted zone at the expense of the  
15 bureau.

16  
17 **§1882. Access points and control stations**

18  
19 The bureau may determine the location of access points,  
20 control stations and watercourse crossings within the waterway.

21 **§1883. Rules**

22  
23 The bureau may from time to time establish rules it  
24 determines necessary and desirable for the protection and safety  
25 of the public and for the proper observance of the conditions and  
26 restrictions of this subchapter. The rules must provide for  
27 proper observance of rules of appropriate human behavior to  
28 preserve the natural beauty and wilderness character of the  
29 waterway. The rules may provide for the registration of users of  
30 the waterway and the bureau may collect fees for the use of the  
31 waterway and its services.

32  
33 Rules governing the waterway must be adopted pursuant to  
34 Title 5, chapter 375, subchapter II.

35 **§1884. Enforcement, inspection and penalties for violations**

36  
37 Rules and permits issued by the bureau under this subchapter  
38 have the force and effect of law. No timber harvesting operation  
39 may be undertaken except in conformance with this subchapter.

40  
41 For the purposes of inspection and to ensure compliance with  
42 permits issued or adopted by the bureau, authorized bureau staff  
43 or consultant personnel may conduct investigations, examinations,  
44 tests and site evaluations that are determined to be necessary to  
45 verify information presented to the bureau and may obtain access  
46 to any lands and structures regulated under this subchapter.

2 Any person who violates any provision of this subchapter  
3 other than section 1880 or rules adopted or permits issued under  
4 section 1880 commits a Class E crime.

5  
6 A person who violates any provision of section 1880, except  
7 as otherwise provided in this paragraph, or rules adopted or  
8 permits issued under that section commits a civil violation for  
9 which a forfeiture of up to \$1,000 for each day of the violation  
10 may be adjudged. A person who willfully or knowingly falsifies  
11 any statement contained in a management plan or application under  
12 section 1880 commits a civil violation for which a forfeiture of  
13 up to \$1,000 may be adjudged. A person who violates the  
14 herbicide provisions of section 1880 is subject to the penalties  
15 of Title 22, section 1471-J.

16 In addition, the bureau may in the name of the State  
17 institute any appropriate action, injunction or other proceeding  
18 to prevent, restrain, correct or abate any violation of this  
19 subchapter or of the rules or permits issued under it. This  
20 action may include, but is not limited to, proceedings to revoke  
21 or suspend any bureau permit or approval taken before the  
22 Administrative Court in accordance with Title 4, section 1151,  
23 subsection 2 and Title 4, sections 1152 to 1157 or,  
24 notwithstanding the provisions of Title 5, section 10051, before  
25 the Superior Court, as part of an enforcement action brought by  
26 the bureau.

27 **§1885. Possession of weapons**

28  
29 It is unlawful for any person to discharge within the  
30 boundaries of the waterway between May 1st and October 1st any  
31 firearm, bow and arrow or weapon powered by CO2 cartridges. This  
32 does not apply to law enforcement officers or persons authorized  
33 to do so under rules of the bureau. Any person who violates this  
34 section must be punished as provided in this subchapter.  
35

36 **§1886. Police supervision**

37  
38 The bureau shall exercise police supervision over the  
39 waterway. The agents or representatives of the bureau designated  
40 for that purpose by the director, and any other law enforcement  
41 officer, are authorized to arrest with or without warrant any  
42 person within the State who is committing, or to detain until a  
43 warrant has been obtained any person within the State who has  
44 been seen by said agents, representatives or officers committing,  
45 any offense against the state laws or any violation of any rule  
46 of the bureau within the waterway.  
47

48  
49 An authorized agent or representative of the bureau making  
50 an arrest for any violation of this subchapter may accept the

2 personal recognizance of the prisoner in a sum not exceeding \$250  
3 and a deposit in money to the amount of the recognizance for the  
4 prisoner's appearance before the appropriate District Court or  
5 Superior Court on a specified date. The authorized agent or  
6 representative shall immediately report each recognizance and  
7 forward each deposit to the court to which the recognizance is  
8 returnable.

9  
10 If such a person fails to appear in court on the day  
11 specified either in person or by counsel, the court shall order  
12 the recognizance and money deposited forfeited and shall enter  
13 that person's default and notify the bureau of the default and  
14 forfeiture.

#### 15 **§1887. Jurisdiction**

16  
17 The District Court and the Superior Court have original and  
18 concurrent jurisdiction in all prosecutions under this subchapter  
19 and the rules adopted under section 1883. Any person arrested  
20 for violating this subchapter or those rules may be taken before  
21 the District Court in the division where the offense was  
22 committed, or, if the District Court in an adjoining division is  
23 the nearest court to the place of violation, original and  
24 concurrent jurisdiction is given to that District Court to hear  
25 and try such a case.

#### 26 **§1888. Employees**

27  
28 The bureau shall fix the duties of and employ permanently or  
29 part-time any employees and other personnel, subject to the Civil  
30 Service Law, the bureau considers necessary in the discharge of  
31 its duties under this subchapter.

#### 32 **§1889. Allocation of funds**

33  
34 Except for revenues resulting from an increase in fees in  
35 the waterway that, as provided in this chapter, accrue to a  
36 dedicated revenue account to be used for capital improvements in  
37 the waterway, all money received by the bureau with respect to  
38 the operation and management of the waterway must be deposited  
39 with the Treasurer of State to be credited to the General Fund.

#### 40 **§1890. Appeals**

41  
42 Any applicant for a timber harvesting permit who is  
43 aggrieved by a decision of the bureau relating to timber  
44 harvesting operations may appeal in accordance with Title 5,  
45 chapter 375, subchapter VII.

**SUBCHAPTER VII**

**MAINE TRAILS SYSTEM**

**§1892. Maine Trails System**

The director shall establish trails on state-owned lands and encourage the establishment of trails on private lands by government agencies and private organizations. The director is authorized to negotiate and acquire any interests determined necessary to establish and protect trails and, after consultation with interested parties, to designate certain trails as components of the Maine Trails System. In order to satisfy the purposes of this subchapter, the elements of any trail corridor must include a right-of-way and may include facilities and buffer areas. The director may acquire fee or lesser interest, such as scenic easement, in the rights-of-way and less-than-fee interest in buffer areas adjacent to the rights-of-way in order to protect the trails from incompatible developments. In all cases, such interest must be acquired to ensure both access to the trail and maintenance of appropriate conditions.

If all reasonable efforts to acquire lands or interests therein by negotiation have failed and public exigency requires it, the director, with the consent of the Governor and the commissioner, may utilize the power of eminent domain to acquire any land determined necessary to provide passage via the most direct or practicable connecting trail right-of-way across such lands; however, not more than 25 acres in any one mile may be acquired without consent of the owner and that owner and adjacent landowners may not be precluded from using motorized vehicles across such trails to maintain reasonable access to their fee or other interests in land.

The director may enter into agreements with private organizations and government agencies to provide for the maintenance of established trails. Local and regional government agencies and private organizations are encouraged to assume the primary responsibility for the establishment, maintenance and administration of local trails. When necessary, the director shall coordinate the efforts of government agencies and private organizations to establish, maintain and administer trails that are regional in character.

The director may adopt rules governing the use of the Maine Trails System as necessary to maintain the purposes of this subchapter and compatibility with federal regulations.

**1. Maine Trails System.** The Maine Trails System consists of:

2 A. Trails designated to provide a variety of recreation  
4 opportunities. Recreation trails may be limited to foot,  
6 horse or other nonmotorized means of transportation or  
motorized means of transportation or a combination, as  
determined appropriate by the director;

8 B. Trails providing for the appreciation of natural and  
10 primitive areas and for the conservation of significant  
12 scenic, historic, natural or cultural qualities of the areas  
14 through which the trails pass and offering primarily the  
16 experience of solitude and self-reliance in natural or  
18 near-natural surroundings. Rights-of-way and buffer areas  
20 may be established and maintained to further that  
22 experience, and no use or development is permitted that  
24 threatens the primitive character of the land. Nothing in  
26 this subchapter may be construed as excluding from a  
28 primitive trail system areas of development if such areas  
are determined by the director to be relatively  
insignificant compared to the system as a whole or if that  
development either is not likely to remain or leave a  
lasting mark or is integral to the trail system itself.  
Primitive trails may be restricted to foot traffic,  
including hiking, snowshoeing and skiing, except in those  
areas where the trails are on existing roads. The  
Appalachian Trail is included as a primitive trail in the  
Maine Trails System and other trails may also be included;  
and

30 C. Camp sites, shelters and related public-use and  
32 management facilities to the extent that they do not  
interfere with the nature and purposes of the trails they  
serve.

## 34 **SUBCHAPTER VIII**

### 36 **OFF-ROAD RECREATIONAL VEHICLE DIVISION**

#### 38 **§1893. Off-road Recreational Vehicle Division**

40 1. Division established. There is established within the  
42 bureau the Off-road Recreational Vehicle Division, referred to in  
44 this subchapter as the "division." The division includes the  
following.

46 A. Within available funds, the snowmobile program shall  
48 develop and maintain snowmobile trails and provide  
educational and informational materials for the use of  
operators of snowmobiles. The bureau may charge a reasonable  
50 fee for such services and materials when the money credited

2 to it under chapter 715, subchapter II is insufficient to  
3 satisfy the demand for those services and materials. All  
4 fees collected must be deposited in the bureau's Snowmobile  
5 Trail Fund. The bureau shall administer the Snowmobile  
6 Trail Fund and the snowmobile program's other activities  
7 must be conducted pursuant to Title 12, section 7824,  
8 subsection 4. The Snowmobile Trail Fund receives funding  
9 as provided in Title 12, chapter 715, subchapter II and  
10 Title 36, section 2903-B.

11 B. The bureau shall administer the ATV Recreational  
12 Management Fund established under section 7854, subsection 4  
13 for the purposes given in that subsection and for the  
14 acquisition of land to be used for ATV trails. The bureau  
15 may adopt rules in accordance with Title 5, chapter 375,  
16 subchapter II for the issuance of grants-in-aid from the  
17 fund and to further define alpine tundra areas pursuant to  
18 section 7851, subsection 2-A. Additional funding for the  
19 ATV Recreational Management Fund is as provided in Title 36,  
20 section 2903-C.

## 22 SUBCHAPTER IX

### 24 PUBLIC FACILITIES FOR BOATS

#### 26 §1894. Duties of director relating to public facilities for 27 boats

28 The director shall acquire, construct and maintain, within  
29 the funds available, public facilities for boats in the waters of  
30 the State, including but not limited to launching ramps, parking  
31 sites and access roads. Waters of the State include any waters  
32 within the territorial limits of the State and the marginal sea  
33 adjacent to the State.

34 The director shall decide where to locate the facilities and  
35 which facilities the Department of Transportation shall construct.

36 The director shall decide when hazards to boating exist and  
37 mark the waters of the State, within the funds available, by  
38 placement of aids to navigation and regulatory markers on the  
39 waters consistent with the rules provided in this section and  
40 section 1803, subsection 4.

41 In carrying out the purposes of this subchapter, the bureau  
42 and its authorized agents and employees may enter upon any lands,  
43 waters or premises in the State to make surveys and examinations  
44 it determines necessary or convenient, and such entry is not  
45 considered trespass.

2       The director may make rules for the uniform marking of the  
3 water areas of this State that are not otherwise regulated  
4 through the placement of aids to navigation and regulatory  
5 markers. No city, county or person may mark the waters of this  
6 State in any manner that conflicts with the marking system  
7 prescribed by the director.

8       The director shall remove, within the funds available, minor  
9 hazards to boating when the director determines that removal of  
10 the minor hazard or obstacle is necessary for the safe passage of  
11 watercraft. The bureau and its authorized agents and employees,  
12 in carrying out the purpose of this paragraph, may enter upon any  
13 lands with the owner's permission, waters and premises in the  
14 State for the purpose of removing minor hazards or obstacles as  
15 it determines necessary or convenient in the discharge of its  
16 duties, and such entry is not considered trespass.

17       If, after written request from the governing body of any  
18 city or town, the bureau either declines to mark a waterway or is  
19 unable to mark a waterway, then the governing body of the city or  
20 town may mark hazards to boating on waterways within its  
21 jurisdiction. The bureau is deemed to have declined to mark a  
22 particular waterway if the bureau does not respond to a request  
23 within 30 days.

24       The bureau may at any time reverse a decision not to mark a  
25 certain waterway or portion of that waterway and replace any  
26 existing markings in accordance with rules of uniform marking  
27 adopted by the bureau.

28       The director shall conduct periodic analyses of the State's  
29 gasoline tax as specified in Title 36, section 2903-A. The  
30 director shall seek the advice of the Department of Inland  
31 Fisheries and Wildlife, the Department of Marine Resources and  
32 the Department of Transportation regarding such analyses and  
33 those departments shall cooperate in the design and conduct of  
34 the analyses.

35       **§1895. Powers of the bureau relating to public facilities for**  
36 **boats**

37       In carrying out the purposes of this subchapter, the bureau  
38 has and shall exercise the following powers and authority:

39       1. Exercise police supervision. To exercise police  
40 supervision over public facilities acquired, constructed and  
41 maintained pursuant to this subchapter in the same manner and to  
42 the same extent that the bureau may exercise police supervision  
43 over state parks and historic sites under section 1821;

2           **2. Establish rules.** To establish rules it determines  
3           necessary:

4           A. For the protection and preservation of public facilities  
5           acquired, constructed and maintained pursuant to this  
6           subchapter;

8           B. For the protection and safety of the public; and

10          C. For observance of the conditions and restrictions  
11          expressed in deeds of trust or otherwise of any such public  
12          facilities;

14          **3. Lease and agreements with United States.** With the  
15          consent of the Governor, to negotiate and execute any lease or  
16          other agreement for the administration, maintenance, supervision,  
17          use and development of state boat facilities within the meaning  
18          of this subchapter, acquired and owned by the Federal Government,  
19          upon such terms and conditions as are considered advantageous to  
20          the people of this State and consistent with this subchapter.  
21          With the consent of the Governor, the bureau may accept on behalf  
22          of the State deeds of gift or other conveyances to lands or  
23          interests in lands suitable for administration, maintenance,  
24          supervision, use and development as state boat facilities under  
25          this subchapter. Such lands or interests in lands, when so  
26          acquired, whether title is in the United States or otherwise, are  
27          subject to administration, maintenance, supervision, use and  
28          development by the bureau under this subchapter during the terms  
29          of any such lease or agreement. With respect to such lands or  
30          interests in land that are included in any lands or interests in  
31          land acquired and owned by the Federal Government and  
32          administered under this subchapter, the State shall retain  
33          concurrent jurisdiction with the Federal Government. Any civil  
34          or criminal process issuing under the authority of this State may  
35          be executed on those lands in the same manner and to the same  
36          effect as if those lands were privately owned, and exclusive  
37          jurisdiction in and to those lands reverts to the State when they  
38          cease to be owned by the Federal Government. Such lands are  
39          exempt from all taxes and assessments while they are the property  
40          of the Federal Government;

42          **4. Cooperate with government agencies.** To cooperate with  
43          federal agencies in the planning, development, maintenance and  
44          use of recreation areas and to assist state, county and municipal  
45          agencies in the study and planning of their recreation areas and  
46          programs; and

48          **5. Federal funds.** To accept and receive funds from the  
49          Federal Government for all purposes relating to activities under  
50          this subchapter. The Treasurer of State is the appropriate fiscal



2 officer to receive such federal funds. These federal funds must  
3 be credited to the Boating Facilities Fund to carry out the  
4 purposes of this subchapter.

6 **§1896. Boating Facilities Fund**

8 There is created within the bureau the Boating Facilities  
9 Fund, referred to in this subchapter as the "fund." The fund, as  
10 funded under Title 36, section 2903-A, must be available to the  
11 director in carrying out the duties of the bureau under this  
12 subchapter. This fund is a continuous carrying account.

14 **§1897. Fees**

16 The director may charge reasonable fees for the services  
17 provided under this subchapter. Such fees must be used to  
18 supervise and manage public facilities for boats. The director  
19 may set aside no more than 10% of those fees per year as a  
20 reserve fund for repairs and maintenance of those facilities and  
21 for marking the waters where in the director's judgment a hazard  
22 to boating exists.

24 When it is essential for public safety, the director may  
25 prepare, print and distribute navigation charts and publications  
26 and may charge a reasonable fee for them.

28 When it is in the State's best interest, the director may  
29 charge reasonable amounts for the actual costs of providing  
30 materials and services associated with the construction and  
31 repair of boating facilities.

32 **§1898. Leases**

34 The director may lease for a period not exceeding 30 years,  
35 on conditions the director determines necessary, parking lots and  
36 nearby sites for the purpose of having, constructing and  
37 maintaining by the lessees restaurants, gift shops, marinas and  
38 the like. The income from such leases must be credited to the  
39 fund.

40 The director may lease from individuals, corporate  
41 organizations, political subdivisions and quasi-public  
42 organizations land or buildings, or both, for indeterminate  
43 periods not to exceed 99 years for the purpose of constructing  
44 and maintaining boating facilities.

46 **§1899. Grants-in-aid**

48 The director may make grants-in-aid to political  
49 subdivisions and others for the acquisition, construction and  
50 operation of boating facilities.

2 maintenance of public boating facilities and supporting  
3 facilities on terms the director determines necessary. When such  
4 a grant-in-aid is made to others, within the boundaries of an  
5 organized town, it must be with the concurrence of the municipal  
6 officers of that town.

8 **§1899-A. Violation of rules and regulations**

10 A person who violates any rule or any notice posted by the  
11 bureau in conformity with this subchapter or who intentionally  
12 mutilates, defaces or destroys any monument or marker or other  
13 structure lawfully erected within the borders of public boating  
14 facilities is guilty of a Class E crime. For the purposes of this  
15 section "monument or marker" does not include monuments or  
16 markers placed by the State as aids to navigation or for the  
17 purpose of regulating watercraft.

18 **§1899-B. District and Superior Courts have concurrent**  
19 **jurisdiction**

20 The District Court and the Superior Court shall have  
21 concurrent jurisdiction in all prosecutions under any provision  
22 of this subchapter. Any person arrested for violating this  
23 subchapter may be taken before the District Court in the division  
24 where the offense was committed or in any adjoining division.  
25 Jurisdiction in such cases is granted to the District Court to be  
26 exercised in the same manner as if the offense had been committed  
27 in that division.

30 **§1899-C. Illegal acts**

32 A person who moors a vessel, boat, scow or raft to any buoy,  
33 beacon or permanent structure placed by the State in any waters  
34 of this State or in any manner makes fast thereto is guilty of a  
35 Class E crime.

36 A person who intentionally destroys, defaces, damages, moves  
37 off station or sinks any buoy, beacon or marking device placed by  
38 the State either floating on the waters of the State or  
39 permanently fixed to land or structures adjacent to the water  
40 areas of the State is guilty of a Class E crime.

42 **Sec. 14. 12 MRSA §5016**, as enacted by PL 1995, c. 502, Pt. E,  
43 §28, is repealed.

46 **Sec. 15. 12 MRSA §7759, sub-§3, ¶A**, as repealed and replaced  
47 by PL 1995, c. 217, §1, is amended to read:

48 A. Sixty percent of the balance must be deposited in the  
49 Maine State Parks Fund established in section 610 1825,  
50 subsection 2; and

2           **Sec. 16. 12 MRSA §9341**, as repealed and replaced by PL 1985,  
c. 696, §1, is repealed.

4           **Sec. 17. 12 MRSA §9342**, as amended by PL 1985, c. 696, §2, is  
6 further amended to read:

8           **§9342. Seasonal use only**

10           No person may place any trailer, camper, shelter or tent  
12 from May 1st to November 30th at any public campsite maintained  
or authorized pursuant to section ~~9341 1825~~, subsection 4 and  
14 keep that trailer, camper, shelter or tent so located, vacant or  
occupied, for more than 14 days in any 30-day period. Persons  
16 already having placed a trailer, camper, shelter or tent at such  
a campsite for more than 14 days shall remove any such item and  
18 leave at the request of the commissioner, ~~his~~ the commissioner's  
designee or any fish and wildlife warden.

20           **Sec. 18. 14 MRSA §8104-A, sub-§1, ¶E**, as enacted by PL 1987,  
c. 740, §4, is amended to read:

22           E. Watercraft, as defined in Title 12, section 662 ~~1872~~,  
24 subsection ~~12 14~~;

26           **Sec. 19. 14 MRSA §8104-A, sub-§2, ¶A**, as amended by PL 1995,  
c. 630, §1, is further amended to read:

28           A. The construction, ownership, maintenance or use of:

30                   (1) Unimproved land;

32                   (2) Historic sites, including, but not limited to,  
34 memorials, as defined in Title 12, section 601 ~~1801~~,  
subsection ~~1 5~~;

36                   (3) Land, buildings, structures, facilities or  
38 equipment designed for use primarily by the public in  
connection with public outdoor recreation; or

40                   (4) Dams;

42           **Sec. 20. 15 MRSA §1025**, as amended by PL 1995, c. 356, §4, is  
44 further amended to read:

46           **§1025. Law enforcement officers**

48           A law enforcement officer making a warrantless arrest under  
50 Title 17-A, section 15 may, without fee, take the personal  
recognizance of any defendant for appearance on a charge of a

2 Class D or Class E crime. If authorized, a law enforcement  
3 officer may, without fee, take the personal recognizance with  
4 deposit in accordance with Title 12, section 675 1886; Title 12,  
5 section 7053, subsection 2, paragraph C; and Title 12, section  
6 9707. The law enforcement officer's authority under this section  
7 continues as long as the arrestee remains in the officer's  
8 custody.

9 **Sec. 21. 25 MRSA §2801-B, sub-§1, ¶B,** as amended by PL 1989,  
10 c. 936, §2 and PL 1995, c. 502, Pt. E, §30, is further amended to  
11 read:

12 B. Agents or representatives of the Department of  
13 Conservation, Bureau of Parks and Lands, whose law  
14 enforcement powers are limited to those specified in Title  
15 12, section ~~602~~-~~subsection-5~~ 1821; or

16 **Sec. 22. 36 MRSA §1503, sub-§1-A,** as enacted by PL 1983, c.  
17 572, §§6 and 12, is amended to read:

18 1-A. **Canoe.** "Canoe" has the same definition as that set  
19 out in Title 12, section 662 1872, subsection 1 2.

20 **Sec. 23. 38 MRSA c. 1, sub-c. VIII,** as amended, is repealed.  
21

## 22 SUMMARY

23 This bill clarifies the establishment, powers and duties of  
24 the Bureau of Parks and Lands and its various programs in the  
25 Department of Conservation. The bill completes a legislative  
26 requirement for review of the statutes relating to the former  
27 Bureau of Parks and Recreation and the former Bureau of Public  
28 Lands in order to make certain procedures and practices  
29 consistent within the new Bureau of Parks and Lands without  
30 altering the essential missions, powers and purposes of the 2  
31 former bureaus. The bill does not grant any new rule-making  
32 authority to the bureau and, therefore, does not invoke the  
33 provisions of the Maine Revised Statutes, Title 5, chapter 375,  
34 subchapter II-A. This bill also repeals certain provisions of  
35 law and consolidates various bureau programs into one chapter  
36 while not altering the essential purposes and practices of these  
37 programs as established in current law. The Maine Revised  
38 Statutes, Title 12, chapter 220 accomplishes the following.  
39

40 1. Subchapter I sets the definitions for the new bureau and  
41 the various classes of lands in its jurisdiction. This  
42 subchapter uses language from existing law to establish the  
43 bureau, to specify powers of the bureau and the director and to  
44 give the bureau the authority to accept donations, gifts, grants  
45 and bequests of money or other personal property.  
46

2           2.    Subchapter II uses language from existing law to  
3 specifically define the powers of the new bureau with regard to  
4 state parks and historic sites. Substantive changes from current  
5 law that are proposed in this subchapter are as follows.

6           A.   Consent of the Commissioner of Conservation is added to  
7 that of the Governor for the charging of user fees,  
8 acquisition and conveyance of state parks and historic sites  
9 and the granting of licenses and permits for use of state  
10 park and historic site lands.

11           B.   The bureau is given specific authority to transfer  
12 management of state park and historic site lands to other  
13 agencies or accept such responsibility from other agencies  
14 with the consent of the Commissioner of Conservation and the  
15 Governor.

16           C.   Language is deleted that prohibits searches of dwellings  
17 and railroad cars.

18           D.   Specific authority is given to the bureau to administer  
19 the Forest Recreation Resource Fund and to receive income  
20 from campsites administered under this program on all lands  
21 within its jurisdiction for that fund, which presently  
22 receives income only from bureau lands.

23           E.   Language is added to existing law to clarify that  
24 administration of the state park campsite reservation system  
25 by a private contractor is permissible.

26           F.   Obsolete language is deleted regarding control of fires,  
27 real estate subject to flowage, lifeguard training, an  
28 official bureau seal and care of certain properties  
29 transferred from the Federal Government.

30           3.    Subchapter III uses language from existing law to  
31 specifically define the powers of the new bureau with regard to  
32 nonreserved public lands. Minor changes include the addition of  
33 the words "nonreserved public lands" where needed to clearly  
34 distinguish such lands from public reserved lands and the  
35 reordering of existing subsections into a format that is  
36 consistent with the one used for public reserved lands.  
37 Substantive changes from current law in this subchapter are as  
38 follows.

39           A.   It adds a general policy on public access to nonreserved  
40 lands similar to the one that already exists for public  
41 reserved lands.

42           B.   It establishes that the Nonreserved Public Lands  
43 Management Fund accrues interest in the same manner as the  
44 Public Reserved Lands Management Fund.

2 C. It requires the director to give notice of proposed  
3 sales of nonreserved public lands similar to the notice  
4 required for public reserved lands.

6 4. Subchapter IV uses language from existing law to  
7 specifically define the powers of the new bureau with regard to  
8 public reserved lands. Minor changes include the addition of the  
9 words "public reserved lands" where needed to clearly distinguish  
10 such lands from nonreserved public lands and the reordering of  
11 existing subsections into a format that is consistent with the  
12 one used for the nonreserved public lands. There are no  
13 substantive changes from current law in this subchapter.

14 5. Subchapter V uses language from existing law to combine  
15 the sections that apply to submerged and intertidal lands and  
16 abandoned watercraft from 2 chapters into a single subchapter.  
17 There are no substantive changes from current law.

20 6. Subchapter VI contains language from existing law  
21 regarding the Allagash Wilderness Waterway to clarify that the  
22 waterway is a program of the new bureau. This subchapter  
23 provides no substantive change from existing law except that, to  
24 be consistent with penalties for violation of rules on other  
25 bureau lands, violation of rules regarding the waterway is  
26 changed from a civil violation to a Class E crime.

28 7. Subchapter VII retains existing language regarding the  
29 Maine Trails System. The only substantive change from existing  
30 law is that the Commissioner of Conservation's consent is added  
31 to that of the Governor as a requirement for land acquisition.

32 8. Subchapter VIII consolidates language from existing law  
33 and formally establishes the Off-Road Recreational Vehicle  
34 Division within the new bureau. Permitted use of the ATV  
35 Recreational Management Fund is expanded to include land  
36 purchases for use as ATV trails.

38 9. Subchapter IX moves the provisions of law that establish  
39 the public facilities for boats from Title 38 to Title 12 and  
40 makes necessary technical corrections.

42 The bill also changes references in the Maine Revised  
43 Statutes to coincide with the new chapter, updates obsolete  
44 language and makes technical corrections. It also removes  
45 reference to specific punishments for Class E crimes.