

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

Handwritten initials or mark in the top left corner.

STATE LAW LIBRARY  
AUGUSTA, MAINE

L.D. 2486

DATE: 4-5-00

(Filing No. H-1057)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1775, L.D. 2486, Bill, "An Act Concerning Access Fees on Tree Growth Lands"

Amend the bill by striking out the title and substituting the following:

**'Resolve, to Establish a Legislative Committee to Study Access to Private and Public Land in Maine'**

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

**'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and**

**Whereas, this resolve establishes the Legislative Committee to Study Access to Private and Public Lands in Maine; and**

**Whereas, the charge of this committee is vital to the interests of Maine citizens and camp and business owners in this State; and**

**Whereas, the spring months begin the seasons of peak use of the Maine woods for Maine citizens and tourists and, therefore, are the optimal time for the committee to study access issues; and**

**Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it**

**COMMITTEE AMENDMENT**

2 **Sec. 1. Study committee established. Resolved:** That the  
Legislative Committee to Study Access to Private and Public Lands  
4 in Maine, referred to in this resolve as the "committee," is  
established; and be it further

6 **Sec. 2. Committee membership. Resolved:** That the committee  
consists of 3 members of the House appointed by the Speaker of  
8 the House and 2 Senators appointed by the President of the  
Senate. Appointments by each presiding officer must include at  
10 least one member of a party that does not hold the majority of  
seats in that body and at least one member who serves on the  
12 Joint Standing Committee on Agriculture, Conservation and  
Forestry; and be it further

14 **Sec. 3. Committee chair. Resolved:** That the first-named member  
of the House of Representatives is the chair of the committee and  
16 that member must serve on the Joint Standing Committee on  
Agriculture, Conservation and Forestry; and be it further

20 **Sec. 4. Appointments; convening of committee. Resolved:** That all  
appointments must be made no later than 30 days following the  
22 effective date of this resolve. The appointing authorities shall  
notify the Executive Director of the Legislative Council once all  
24 appointments have been made. When the appointment of all members  
has completed, the chair of the committee shall call and convene  
26 the first meeting of the committee, which must be no later than  
August 1, 2000; and be it further

28 **Sec. 5. Duties. Resolved:** That the committee shall hold a  
30 minimum of 6 meetings at locations to be determined by the chair.  
Geographic locations of meetings must be chosen to accommodate  
32 maximum participation by landowners and people using lands beyond  
existing checkpoints. The committee shall gather information and  
34 request necessary data from public and private entities in order  
to:

36  
38 1. Estimate the number of people accessing land and the  
number of acres of land beyond checkpoints operated by  
40 landowners and landowner associations, categorize the  
various uses of those lands and assess environmental damage  
42 and costs to landowners associated with public access to  
those lands;

44 2. Determine the number of acres of land managed by the  
Bureau of Parks and Lands within the Department of  
46 Conservation or the Department of Inland Fisheries and  
Wildlife that are commonly accessed via roads on which  
48 checkpoints are located and fees are charged;

3. Review existing fee structures for accessing lands beyond checkpoints operated by landowners or landowner associations and compare these fees and systems of public access to access and fee systems in other states; and

4. Assess the need for legislation to ensure reasonable access to the public resources of this State; and be it further

**Sec. 6. Staff assistance. Resolved:** That upon approval of the Legislative Council, the Office of Policy and Legal Analysis shall provide necessary staffing services to the committee; and be it further

**Sec. 7. Compensation. Resolved:** That the members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses related to their attendance at meetings to fulfill their duties as charged; and be it further

**Sec. 8. Report. Resolved:** That the committee shall submit its report together with any recommended implementing legislation to the joint standing committee of the Legislature having jurisdiction over parks and lands no later than November 1, 2000. The joint standing committee of the Legislature having jurisdiction over parks and lands may report out legislation during the First Regular Session of the 120th Legislature concerning the findings and recommendations of the committee; and be it further

**Sec. 9. Budget. Resolved:** That the chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for approval. The committee may not incur expenses that would result in the committee exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee's budget, expenditures incurred and paid and available funds; and be it further

**Sec. 10. Allocation. Resolved:** That the following funds are allocated from the General Fund to carry out the purposes of this resolve.

2000-01

LEGISLATURE

2 **Legislative Committee to Study**  
3 **Access to Private and Public**  
4 **Lands in Maine**

6 Personal Services \$1,650  
7 All Other 2,000

8  
9 Provides funds for the per  
10 diem and expenses of  
11 legislative members of the  
12 Legislative Committee to  
13 Study Access to Private and  
14 Public Lands in Maine and to  
15 print the required report.

16 **LEGISLATURE**  
17 **TOTAL** \$3,650

20 **Emergency clause.** In view of the emergency cited in the  
21 preamble, this resolve takes effect when approved.'

22 Further amend the bill by inserting at the end before the  
23 summary the following:

26 **FISCAL NOTE**

28 **2000-01**

30 **APPROPRIATIONS/ALLOCATIONS**

32 General Fund \$3,650

34 This resolve includes a General Fund appropriation of \$3,650  
35 in fiscal year 2000-01 for the Legislature for the per diem and  
36 expenses of legislative members of the Legislative Committee to  
37 Study Access to Private and Public Lands in Maine and to print  
38 the required report.

40 The additional costs associated with providing staffing  
41 assistance to the committee during the interim between  
42 legislative sessions can be absorbed by the Legislature utilizing  
43 existing budgeted resources.

44 The Department of Conservation and the Department of Inland  
45 Fisheries and Wildlife will incur some minor additional costs to  
46 provide data to the committee. These costs can be absorbed by  
47 the departments utilizing existing budgeted resources.'

50

2  
4  
6  
8  
10

**SUMMARY**

This amendment replaces the original bill with a resolve. The resolve creates the Legislative Committee to Study Access to Private and Public Lands in Maine and charges the committee with gathering information and studying issues relating to access to lands beyond checkpoints operated by landowners and landowner associations.