

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)

MA
R. 019

L.D. 1761

DATE: May 9, 2001

(Filing No. S-162)

AGRICULTURE, CONSERVATION AND FORESTRY

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
120TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 585, L.D. 1761, Bill, "An Act to Enhance Governance of the Allagash Wilderness Waterway"

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

'Resolve, Establishing the Committee to Study and Make Recommendations to Enhance the Governance of the Allagash Wilderness Waterway'

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, the Allagash Wilderness Waterway was established by the Maine Legislature in 1966 as a pristine recreational and scenic wilderness area to be preserved for enjoyment by future generations of Maine citizens and visitors; and

Whereas, the Allagash Wilderness Waterway was designated as a state-owned and state-managed "wild" component of the National Wild and Scenic Rivers System in 1970 in recognition of the outstanding recreational values of the waterway; and

Whereas, in January 1999, after 2 years of work and after significant public comment, the Department of Conservation

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 585, L.D. 1761

2 adopted a management plan for the waterway to guide its
operations over the next 10 years; and

4 **Whereas,** some are now questioning the consistency of the
State's management of the waterway since the early 1970s with its
6 designation under the federal Wild and Scenic Rivers Act and the
State's enabling statute and feel that further legislative
8 guidance is needed to guide the department's management of this
important resource; and

10 **Whereas,** this resolve establishes a legislative committee to
12 study the issues relating to the Allagash Wilderness Waterway; and

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

20 **Sec. 1. Committee established. Resolved:** That the Committee to
Study and Make Recommendations to Enhance the Governance of the
22 Allagash Wilderness Waterway, referred to in this resolve as the
"committee," is established; and be it further

24 **Sec. 2. Committee membership. Resolved:** That the committee
26 consists of 15 members as follows:

28 1. The President of the Senate shall appoint 2 Senators;
the Speaker of the House of Representatives shall appoint 5
30 members of the House. When making the appointments, the
President of the Senate and the Speaker of the House shall each
32 appoint at least one member of a party that does not hold the
majority of seats in that body, and they shall give preference to
34 members who serve on the Joint Standing Committee on Agriculture,
Conservation and Forestry. Furthermore, when making the
36 appointments, they each shall appoint at least one Legislator who
represents a legislative district that includes land within the
38 Allagash Wilderness Waterway;

40 2. The Director of the Northeast Region of the National
Park Service or the director's designee;

42 3. The chair of the Maine Land Use Regulation Commission or
44 the chair's designee;

46 4. The Commissioner of Conservation or the commissioner's
designee;

48 5. The Governor shall appoint 5 public members to the
50 committee as follows:

COMMITTEE AMENDMENT

R. O. S.

COMMITTEE AMENDMENT "A" to S.P. 585, L.D. 1761

- 2 A. A person representing a landowner who owns land adjacent
3 to the waterway;
- 4
- 6 B. A person who resides in either Northern Penobscot
7 County, Piscataquis County or Aroostook County;
- 8
- 10 C. A person representing the interests of sportsmen;
- 12 D. A person representing commercial guides; and
- 14 E. A person representing environmental interests; and be it
15 further

16 **Sec. 3. Committee chairs. Resolved:** That the first named
17 Senator is the Senate chair of the committee and the first named
18 member of the House is the House chair of the committee; and be
19 it further

20 **Sec. 4. Appointments; convening of committee. Resolved:** That
21 all appointments must be made no later than 30 days following the
22 effective date of this resolve. The appointing authorities shall
23 notify the Executive Director of the Legislative Council once all
24 appointments have been made. When the appointment of all members
25 has been completed, the chairs of the committee shall call and
26 convene the first meeting of the committee, which must be no
27 later than August 1, 2001; and be it further

28 **Sec. 5. Duties. Resolved:** That the committee shall gather
29 information and request necessary information from public and
30 private entities on the history and establishment of the Allagash
31 Wilderness Waterway, including the history of the State's
32 application for and federal acceptance of wild river status, the
33 State's management of the waterway and the implementation of the
34 provisions in the 1999 Allagash Wilderness Waterway Management
35 Plan relating to foot and vehicular access and structures in view
36 of the waterway's enabling statute and its status as a
37 state-owned and state-administered component of the National Wild
38 and Scenic River System. The committee shall hold a minimum of 5
39 meetings at locations to be determined by the chairs. Geographic
40 locations of meetings must be chosen to accommodate participation
41 by landowners and people using the Allagash Wilderness Waterway;
42 and be it further

43 **Sec. 6. Staff assistance. Resolved:** That, upon approval of the
44 Legislative Council, the Office of Policy and Legal Analysis
45 shall provide necessary staffing services to the committee. The
46 Legislative Information Office shall provide clerical support to
47 the committee, including sending notice of all meetings

COMMITTEE AMENDMENT

R.O.S.

COMMITTEE AMENDMENT "A" to S.P. 585, L.D. 1761

2 of the committee to all members of the Joint Standing Committee
3 on Agriculture, Conservation and Forestry. Upon request by the
4 chairs, the Department of Conservation shall provide information
5 and other services to the committee relating to the Allagash
6 Wilderness Waterway; and be it further

7 **Sec. 7. Compensation. Resolved:** That legislative members of
8 the committee are entitled to receive the legislative per diem as
9 defined in the Maine Revised Statutes, Title 3, section 2 and
10 reimbursement for travel and other necessary expenses related to
11 their attendance at authorized meetings of the committee. Other
12 members of the committee not otherwise compensated by their
13 employers or entities that they represent are entitled to receive
14 reimbursement of necessary expenses for their attendance at
15 authorized meetings of the committee; and be it further
16

17 **Sec. 8. Report. Resolved:** That the committee shall submit a
18 report that contains its findings and recommendations, including
19 any necessary implementing legislation, to the Second Regular
20 Session of the 120th Legislature no later than December 5, 2001.
21 The report must make recommendations regarding the statutes
22 governing the Allagash Wilderness Waterway, the 1999 management
23 plan for the waterway and the waterway's designation under the
24 federal Wild and Scenic Rivers Act, 16 United States Code,
25 Sections 1271 to 1287. If the committee requires a limited
26 extension of time to complete its study and make its report, it
27 may apply to the Legislative Council, which may grant an
28 extension. Upon submission of its required report, the committee
29 terminates; and be it further
30

31 **Sec. 9. Budget. Resolved:** That the chairs of the committee,
32 with assistance from the committee staff, shall administer the
33 committee's budget. Within 10 days after its first meeting, the
34 committee shall present a work plan and proposed budget to the
35 Legislative Council for approval. The committee may not incur
36 expenses that would result in the committee's exceeding its
37 approved budget. Upon request from the committee, the Executive
38 Director of the Legislative Council shall promptly provide the
39 committee chairs and staff with a status report on the
40 committee's budget, expenditures incurred and paid and available
41 funds; and be it further
42

43 **Sec. 10. Appropriation. Resolved:** That the following funds are
44 appropriated from the General Fund to carry out the purposes of
45 this resolve.
46

2001-02

48

LEGISLATURE

COMMITTEE AMENDMENT

2 **Committee to Study and Make Recommendations**
3 **to Enhance the Governance of the Allagash**
4 **Wilderness Waterway**

6 Personal Services \$1,925
7 All Other 6,900

8
9 Provides funds for the per diem and expenses
10 of legislative members and other eligible
11 members of the Commission to Study and Make
12 Recommendations to Enhance the Governance of
13 the Allagash Wilderness Waterway and to
14 print the required report.

16 **LEGISLATURE**
17 **TOTAL** \$8,825

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

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

24 **FISCAL NOTE**

26 **2001-02**

28 **APPROPRIATIONS/ALLOCATIONS**

30 General Fund \$8,825

32 The Legislature will require an additional General Fund
33 appropriation of \$8,825 in fiscal year 2001-02 for the per diem
34 and expenses of legislative members and other eligible members of
35 the Committee to Study and Make Recommendations to Enhance the
36 Governance of the Allagash Wilderness Waterway and to print the
37 required report.

38 The additional costs associated with providing staffing
39 assistance to the committee during the interim between
40 legislative sessions can be absorbed by the Legislature utilizing
41 existing budgeted resources. If an extension of the reporting
42 deadline is granted and the committee requires staffing
43 assistance during the legislative session, the Legislature may
44 require an additional General Fund appropriation to contract for
45 staff services.

46 The Department of Conservation will incur some minor
47 additional costs to participate in the Committee to Study and
48

R. W. S.

COMMITTEE AMENDMENT "A" to S.P. 585, L.D. 1761

2 Make Recommendations to Enhance the Governance of the Allagash
Wilderness Waterway and to provide assistance to the committee.
4 These costs can be absorbed within the department's existing
budgeted resources.'

6
8

SUMMARY

10 This amendment changes the bill to a resolve and establishes
the Committee to Study and Make Recommendations to Enhance the
12 Governance of the Allagash Wilderness Waterway. It also adds an
appropriation section and a fiscal note to the bill.

COMMITTEE AMENDMENT