

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1761

S.P. 585

In Senate, March 30, 2001

An Act to Enhance Governance of the Allagash Wilderness Waterway.

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 MARTIN of Aroostook.
Cosponsored by Representative BUNKER of Kossuth Township and
Senator KNEELAND of Aroostook, Representatives: CARR of Lincoln, DUNLAP of Old
Town, LUNDEEN of Mars Hill, McGLOCKLIN of Embden, MICHAUD of Fort Kent.

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

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Sec. 1. 5 MRSA §12004-G, sub-§12-A is enacted to read:

<u>12-A.</u>	<u>Allagash</u>	<u>Not</u>	<u>12 MRSA</u>
<u>Environment/</u>	<u>Wilderness</u>	<u>Authorized</u>	<u>§1874-A</u>
<u>Natural</u>	<u>Waterway</u>		
<u>Resources</u>	<u>Advisory</u>		
	<u>Council</u>		

Sec. 2. 12 MRSA §683, first ¶, as corrected by RR 1999, c. 1, §15, is amended to read:

The Maine Land Use Regulation Commission, as established by Title 5, section 12004-D, subsection 1 to carry out the purposes stated in section 681, is created within the Department of Conservation, and in this chapter called the "commission." The Except as provided in section 685-F, the commission is charged with implementing this chapter in all of the unorganized and deorganized areas of the State. The commission consists of 7 public members, none of whom may be state employees, who must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over conservation matters and to confirmation by the Legislature, for staggered 4-year terms. Appointees to the commission must be familiar with the needs and issues affecting the commission's jurisdiction. All appointees must reside in the commission's jurisdiction; work in the commission's jurisdiction; be a former resident or be retired after working within the commission's jurisdiction for a minimum of 5 years; or have expertise in commerce and industry, fisheries and wildlife, forestry or conservation issues as they affect the commission's jurisdiction. In selecting appointees, the Governor shall actively seek and give consideration to persons residing in or near the unorganized areas of the State and to persons residing on unorganized coastal islands. At least 2 members must be residents within the commission's jurisdiction. A county commissioner, county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the commission. If a county or municipality is a participant in an adjudicatory proceeding before the commission, a commissioner, official or employee from that county or municipality may not participate in that proceeding.

Sec. 3. 12 MRSA §685-F is enacted to read:

§685-F. Allagash Wilderness Waterway

2 This chapter does not apply to the restricted zone of the
3 Allagash Wilderness Waterway defined and established in
4 accordance with section 1872, subsection 8 and section 1873,
5 subsection 3.

6 **Sec. 4. 12 MRSA §1874-A** is enacted to read:

8 **§1874-A. Allagash Wilderness Waterway Advisory Council**

10 **1. Appointment.** The Allagash Wilderness Waterway Advisory
11 Council, established by Title 5, section 12004-G, subsection 12-A
12 and referred to in this section as the "council," consists of 7
13 members appointed by the Governor as follows:

14 A. One representative of a regional sportsmen's group in
15 Aroostook County;

16 B. One representative of a regional sportsmen's group in
17 Penobscot County or Piscataquis County;

18 C. One resident of Piscataquis County;

19 D. One resident of Aroostook County;

20 E. One representative of a sportsmen's group with statewide
21 membership;

22 F. One guide or sporting camp owner who uses the waterway
23 for commercial purposes; and

24 G. One landowner or representative of a landowner with land
25 in or adjacent to the waterway.

26 **2. Terms.** A member of the council serves for 3 years and
27 continues serving until a successor is duly appointed and
28 qualified. When a vacancy occurs, the Governor shall fill the
29 vacancy by appointing a member from the same category as the
30 member who vacated the council and that member serves on the
31 council for the remainder of the term.

32 **3. Compensation.** Council members serve without
33 compensation.

34 **4. Purpose.** The council shall provide to the director
35 advice and information on the management of and issues relating
36 to the waterway.

37 **5. Chair and officers.** The council shall annually choose
38 one of its appointed members to serve as chair for a one-year
39 term. The council may select other officers and designate their
40 positions.

2 duties. The director may not serve as chair or as an officer.

4 6. Meetings. The council shall meet at least 2 times a
6 year. The council may also meet at other times at the call of
8 the chair or the chair's designee or the director or the
10 director's designee.

12 7. Staffing. The bureau shall provide staffing services to
14 the council.

16 **Sec. 5. 12 MRSA §1882**, as enacted by PL 1997, c. 678, §13, is
18 amended to read:

20 **§1882. Access points and control stations**

22 The bureau may determine the location of access points,
24 control stations and watercourse crossings within the waterway.
26 The bureau shall periodically review use of the access points
28 authorized in this section. The bureau may make recommendations
30 to the joint standing committee of the Legislature having
32 jurisdiction over public lands matters concerning the
34 establishment of additional or relocation of existing authorized
36 access points within the waterway. Location of access points,
38 control stations and watercourse crossings within the waterway
40 are not subject to review by or to the permitting requirements of
42 the Maine Land Use Regulation Commission.

44 1. Access points authorized for year-round use by motor
46 vehicles. Access to the waterway by motor vehicle is authorized
48 throughout the year at the following points:

32 A. Chamberlain Thoroughfare Bridge;

34 B. Churchill Dam;

36 C. Umsaskis Lake Thoroughfare;

38 D. Henderson Brook Bridge;

40 E. Michaud Farm;

42 F. Twin Brooks; and

44 G. John's Bridge.

46 Notwithstanding this subsection, if the forestry industry
48 eliminates a bridge at any point identified in paragraphs A to G,
then access at that point is terminated.

2 2. Access points authorized for winter use by motor
3 vehicles and snowmobiles. Access by snowmobiles, as defined in
4 section 7821, and motor vehicles is authorized during the winter
5 at the points recommended as access points in the Allagash
6 Wilderness Waterway Management Plan prepared by the bureau and
7 approved by the commissioner in January of 1998.

8 3. Authorized land trails to access watercourse. If an
9 activity was listed as an allowed use of a trail in Table 8 of
10 the Allagash Wilderness Waterway Management Plan published by the
11 bureau and approved by the commissioner in January of 1998, the
12 bureau may not prohibit the activity on a trail in accordance
13 with that plan.

16 SUMMARY

18 This bill removes land within the restricted zone of the
19 Allagash Wilderness Waterway from oversight and permitting
20 requirements of the Maine Land Use Regulation Commission. It
21 establishes the Allagash Wilderness Advisory Council to advise
22 the Department of Conservation, Bureau of Parks and Lands on
23 issues relating to the waterway. It establishes in statute the
24 authorized access points to the waterway.