

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1823

H.P. 1366

House of Representatives, June 5, 2001

Resolve, to Create a Commission to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands, Including Camp Lot Lease Arrangements and Public Enjoyment.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative JONES of Greenville.

Under suspension of the rules, cosponsored by President MICHAUD of Penobscot and Representatives: BRANNIGAN of Portland, BUNKER of Kossuth Township, CARR of Lincoln, CLARK of Millinocket, COLWELL of Gardiner, COWGER of Hallowell, LaVERDIERE of Wilton, McGLOCKLIN of Embden, McKEE of Wayne, PINEAU of Jay, STANLEY of Medway, Senators: DAVIS of Piscataquis, KNEELAND of Aroostook, MARTIN of Aroostook.

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

4
6 **Whereas,** individuals from out of state have recently
purchased large tracts of land in the State, including a recent
purchase of over 20,000 acres of land in the unorganized
territory around Moosehead Lake, known as the Township of East
Middlesex; and

10
12 **Whereas,** there is a long, historic, traditional relationship
between landowners and holders of recreational and seasonal
leases of camp lots; and

14
16 **Whereas,** there is a long history and tradition of public
access along private roads, recreation trails and rights-of-way
to great ponds; and

18
20 **Whereas,** one landowner is now terminating and restricting
the existing leases on that individual's land and may close off
all public access to the land; and

22
24 **Whereas,** such a shift in the traditional relationship
between a person leasing a camp lot in the woodlands and
wildlands of the State and the landowner may have a negative
economic impact on the State; and

28 **Whereas,** this legislation establishes the Commission to
Study Issues Concerning Changes to the Traditional Uses of Maine
Forests and Lands, which is charged with the duties of assessing
the economic and societal impact of the elimination and
restriction of camp lot lease arrangements in the State and of
developing a plan to address this problem; and

34
36 **Whereas,** in order for the appointing authorities to make
their appointments and for the commission to have sufficient time
to conclude its work, it is necessary for this legislation to
take effect immediately; and

40 **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

46 **Sec. 1. Commission established. Resolved:** That the Commission
to Study Issues Concerning Changes to the Traditional Uses of
Maine Forests and Lands, referred to in this resolve as the
"commission," is established; and be it further

50

2 **Sec. 2. Commission membership. Resolved:** That the commission
consists of the following 7 members:

4 1. Two members of the Senate, appointed by the President of
the Senate, who shall give preference to members representing the
6 unorganized territories, one from the Joint Standing Committee on
State and Local Government and one from the Joint Standing
8 Committee on Natural Resources;

10 2. Three members of the House of Representatives, appointed
by the Speaker of the House, who shall give preference to members
12 representing the unorganized territories, one member from the
Joint Standing Committee on Agriculture, Conservation and
14 Forestry; one member from the Joint Standing Committee on
Taxation; and one member from the Joint Standing Committee on
16 Judiciary;

18 3. The Commissioner of Conservation or the commissioner's
designee; and

20 4. One representative from the Maine Land Use Regulation
22 Commission, appointed by the Governor; and be it further

24 **Sec. 3. Chairs. Resolved:** That the first named Senate member
is the Senate chair of the commission and the first named House
26 of Representatives member is the House chair of the commission;
and be it further

28 **Sec. 4. Appointments; meetings. Resolved:** That all
30 appointments must be made no later than 30 days following the
effective date of this resolve. The Executive Director of the
32 Legislative Council must be notified by all appointing
authorities once the selections have been made. When the
34 appointment of all members has been completed, the chairs of the
commission shall call and convene the first meeting of the
36 commission within 30 days of being notified that all appointments
have been made; and be it further

38 **Sec. 5. Duties. Resolved:** That the commission shall study the
40 economic and societal impact of the termination of camp lot lease
arrangements and of the public enjoyment of state lands,
42 including the lands of the unorganized territory, and develop a
plan to preserve the traditional camp lot lease arrangements in
44 and public enjoyment of state lands.

46 1. In conducting the study, the commission shall:

48 A. Review the history of and recent changes to camp lot
lease arrangements in state lands, including those of the
50 unorganized territory;

- 2 B. Review the history of public enjoyment of and access to
state lands, including those of the unorganized territory,
4 examining public access through private roads; trails,
including snowmobile, hiking and multiple-use recreation
6 trails; and rights-of-way to great ponds;
- 8 C. Assess the economic impact of the termination of camp
lot leases and of the closing of public access;
- 10 D. Assess the economic impact of attempts to circumvent
12 Maine tax law by avoidance of real estate transfer taxes and
maintenance of land for tree growth, thereby paying only
14 tree growth taxes; and
- 16 E. Research issues of colonial law and any other legal
implications arising in this context.
- 18 2. The commission shall develop a plan to:
- 20 A. Preserve the traditional camp lot lease arrangements in
22 the state lands being purchased by private individuals;
- 24 B. Ensure compensation for individuals whose camp lot
leases are terminated;
- 26 C. Preserve public enjoyment of and access to the state
28 lands being purchased by private individuals; and
- 30 D. Ensure adherence to Maine tax law.

32 The plan must, to the extent possible, build upon current efforts
and must include an estimate of the costs associated with
34 implementing it; and be it further

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

40 **Sec. 7. Compensation. Resolved:** That the members of the
42 commission who are Legislators are entitled to the legislative
per diem, as defined in the Maine Revised Statutes, Title 3,
44 section 2, and reimbursement for necessary expenses incurred for
their attendance at authorized meetings of the commission. Other
46 members of the commission who are not otherwise compensated by
their employers or other entities that they represent are
48 entitled to receive reimbursement of necessary expenses incurred
for their attendance at authorized meetings; and be it further

50

2 **Sec. 8. Report. Resolved:** That the commission shall submit
its report, including the plan required by section 5 of this
4 resolve, together with any necessary implementing legislation, to
the Second Regular Session of the 120th Legislature no later than
6 November 1, 2001. If the commission requires a limited extension
of time to conclude its work, it may apply to the Legislative
8 Council, which may grant the extension; and be it further

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

20 **Sec. 10. Appropriation. Resolved:** That the following funds are
22 appropriated from the General Fund to carry out the purposes of
this resolve.

24

2001-02

26 **LEGISLATURE**

28 **Commission to Study Issues Concerning**
30 **Changes to the Traditional Uses of Maine**
32 **Forests and Lands**

34 Personal Services	\$1,100
All Other	1,800

36 Provides funds for the per diem and expenses
of legislative members of the Commission to
38 Study Issues Concerning Changes to the
Traditional Uses of Maine Forests and Lands
40 and to print the required report.

42 **LEGISLATURE**
44 **TOTAL**

\$2,900

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

48

FISCAL NOTE

2001-02

APPROPRIATIONS/ALLOCATIONS

General Fund \$2,900

The Legislature will require an additional General Fund appropriation of \$2,900 in fiscal year 2001-02 for the per diem and expenses of legislative members of the Commission to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands and to print the required report.

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

The Maine Land Use Regulation Commission within the Department of Conservation will incur some minor additional costs to participate in the Commission to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands. These costs can be absorbed within the commission's existing budgeted resources.

SUMMARY

This resolve creates the Commission to Study Issues Concerning Changes to the Traditional Uses of Maine Forests and Lands.