

# MAINE STATE LEGISLATURE

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DATE: March 20, 2002 L.D. 1922  
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**AGRICULTURE, CONSERVATION AND FORESTRY**

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

COMMITTEE AMENDMENT "A" to S.P. 720, L.D. 1922, Bill, "An Act Concerning Rules of the Bureau of Parks and Lands"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**Sec. 1. 12 MRSA §1801, sub-§2**, as enacted by PL 1997, c. 678, §13, is amended to read:

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

**Sec. 2. 12 MRSA §1803, sub-§1**, as enacted by PL 1997, c. 678, §13, is amended to read:

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

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

B. Public reserved lands, nonreserved public lands and submerged lands and intertidal lands;

C. The Allagash Wilderness Waterway; and

D. Public boating facilities acquired or constructed and maintained pursuant to subchapter IX.

**COMMITTEE AMENDMENT**

2           **Sec. 3. 12 MRSA §1803, sub-§6**, as enacted by PL 1997, c. 678,  
§13, is amended to read:

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

8           A. For the protection and preservation of state parks,  
10 historic sites, the Allagash Wilderness Waterway, public  
boating facilities owned or managed by the bureau, submerged  
12 lands, public reserved lands and nonreserved public lands;

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

16           C. For observance of the conditions and restrictions,  
expressed in deeds of trust or otherwise, of the state  
18 parks, historic sites, the Allagash Wilderness Waterway,  
public boating facilities owned or managed by the bureau,  
20 submerged lands, public reserved lands and nonreserved  
public lands of the State and of monuments thereon; and

22           D. For preservation of the natural beauty, historic  
24 integrity and character of the Allagash Wilderness Waterway.

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

32           **Sec. 4. 12 MRSA §1804, sub-§§4 and 5**, as enacted by PL 1997, c.  
34 678, §13, are amended to read:

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

38           **5. Bureau budget.** Prepare and submit to the commissioner  
40 the budget for the bureau; and

42           **Sec. 5. 12 MRSA §1804, sub-§6** is enacted to read:

44           **6. Restrictions on public access.** Post notice of any  
restrictions to public access at points commonly used to access  
the land or at a facility or structure where such rules and  
46 notices are regularly posted. The director may restrict public  
access to any portion of the land or waters within the bureau's  
48 jurisdiction when the restrictions reasonably relate to

protecting public health, safety or welfare or the economic interests or natural resources of the State.

Sec. 6. 12 MRSA §1806 is enacted to read:

**§1806. Enforcement**

The bureau may coordinate and exercise law enforcement power over the land and water within the bureau's jurisdiction. The provisions in this section apply to law enforcement within the jurisdiction of the bureau.

1. Powers of law enforcement officers. A law enforcement officer may issue a written summons to any person the officer has probable cause to believe has committed or is committing a bureau rule violation, a civil violation or a crime. Any law enforcement officer may detain or arrest, with or without a warrant, any person the officer has probable cause to believe has committed or is committing a crime.

2. Powers of bureau staff or agents. The director may authorize an employee or agent of the bureau to issue a written summons to any person who the employee or agent has probable cause to believe has committed or is committing a civil violation or a crime. The director may authorize an employee or agent of the bureau to detain or arrest any person who the employee or agent has probable cause to believe has committed or is committing a crime. The director shall notify the joint standing committee of the Legislature having jurisdiction over parks and public lands matters in writing prior to adopting a policy that authorizes employees or agents of the bureau to make arrests.

3. Civil violations. Except for violations of section 1880 or rules adopted to implement section 1880, a person who violates a rule adopted by the bureau under this chapter commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

4. Criminal offenses. In addition to offenses designated as crimes elsewhere in statute, a person commits a Class E crime if while within the jurisdiction of the bureau the person in fact:

A. Removes, molests, injures or damages anything natural, material, prehistoric or historic, except as authorized by the bureau or allowed by laws and rules relating to hunting, fishing and trapping;

B. Removes, mutilates, defaces, or destroys a notice or rule posted by the bureau or a lawfully erected monument or marker;

2 C. Mutilates, defaces, destroys, moves off station or sinks  
3 any buoy, beacon or marking device placed by the State  
4 either floating on the waters of the State or permanently  
5 fixed to land or a structure adjacent to the waters of the  
6 State;

8 D. Moors or in any manner fastens a vessel, boat, scow or  
9 raft to any buoy or beacon placed by the State in any waters  
10 of this State or to any permanent structure placed by the  
11 State in any waters of this State except for a dock, wharf  
12 or other structure placed for that purpose;

14 E. Possesses a loaded weapon in violation of park rules or  
15 in areas closed to hunting by rule, law or ordinance;

16 F. Discharges any firearm, bow and arrow, weapon powered by  
17 carbon dioxide cartridges or other weapon within 300 feet of  
18 any picnic area, designated camping area, parking area,  
19 building, shelter or boat launching site or in violation of  
20 park rules or in areas closed to hunting by rule, law or  
21 ordinance;

24 G. Commits unauthorized access by motorized vehicle, boat  
25 or aircraft in violation of bureau rules;

26 H. Violates the requirements for a trip leader permit  
27 issued under section 7322; or

28 I. Enters land or waters to which access has been  
29 restricted under section 1804.

32 **Sec. 7. 12 MRSA §1821**, as enacted by PL 1997, c. 678, §13, is  
34 repealed.

36 **Sec. 8. 12 MRSA §1832, sub-§§2 and 3**, as enacted by PL 1997, c.  
37 678, §13, are repealed.

38 **Sec. 9. 12 MRSA §1841, sub-§4**, as enacted by PL 1997, c. 678,  
39 §13, is repealed.

42 **Sec. 10. 12 MRSA §1846, sub-§§2 and 3**, as enacted by PL 1997,  
43 c. 678, §13, are repealed.

44 **Sec. 11. 12 MRSA §1857, sub-§4**, as enacted by PL 1997, c. 678,  
45 §13, is repealed.

48 **Sec. 12. 12 MRSA §1862, sub-§8**, as enacted by PL 1997, c. 678,  
49 §13, is repealed.

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2           **Sec. 13. 12 MRSA §1867, sub-§4**, as enacted by PL 1997, c. 678,  
§13, is repealed.

4           **Sec. 14. 12 MRSA §1867, sub-§6**, as enacted by PL 2001, c. 391,  
§3, is amended to read:

6           **6. Pulpwood salvage exemption.** A person who has been  
8 granted a charter or other specific authorization by the  
Legislature prior to June 30, 1998 to erect and maintain piers  
10 and booms to collect and store pulpwood in waters over submerged  
lands may salvage the pulpwood stored in compliance with that  
12 charter and is exempt from subsections 3,--4- and 5 ~~of--this~~  
section and rules pertaining to pulpwood salvage adopted under  
14 section 1803, as long as, prior to conducting a pulpwood salvage  
operation, that person:

16           A. Provides documentation satisfactory to the bureau of the  
18 legislative charter or approval specifically authorizing  
pulpwood storage at the proposed salvage site;

20           B. Attests that the salvaged pulpwood is to be processed at  
22 a mill owned by that person;

24           C. Obtains all applicable permits required by local, state  
and federal agencies having jurisdiction over the salvage  
26 activity; and

28           D. Provides a plan acceptable to the bureau that results in  
substantial improvements or benefits to public trust rights  
30 or uses on that or a related body of water.

32 Pulpwood salvaged under a plan approved and implemented in  
accordance with the terms of this subsection is the property of  
34 the person authorized to collect and store pulpwood at the  
salvage site. A person who salvages pulpwood under this  
36 subsection shall comply with the provisions of the approved plan  
and with all applicable permitting requirements and other legal  
38 requirements pertaining to the salvage activity. Pulpwood  
salvaged under this section may be processed only at a mill owned  
40 by the person authorized to collect and store pulpwood at the  
salvage site.

42           **Sec. 15. 12 MRSA §1883**, as enacted by PL 1997, c. 678, §13,  
44 is repealed.

46           **Sec. 16. 12 MRSA §1884**, as amended by PL 1999, c. 547, Pt. B,  
§28 and affected by §80, is further amended to read:  
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**§1884. Enforcement, inspection and penalties for violations**

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

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

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

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

In addition, the bureau may in the name of the State institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation of this subchapter or of the ~~rules or~~ permits issued under it or rules adopted under section 1803. This action may include, but is not limited to, proceedings to revoke or suspend any bureau permit or approval taken before the District Court in accordance with Title 4, section 152, subsection 9 and Title 4, chapter 5 or, notwithstanding the provisions of Title 5, section 10051, before the Superior Court, as part of an enforcement action brought by the bureau.

**Sec. 17. 12 MRSA §§1885, 1886 and 1887**, as enacted by PL 1997, c. 678, §13, are repealed.

**Sec. 18. 12 MRSA §1895, sub-§§1 and 2**, as enacted by PL 1997, c. 678, §13, are repealed.

**Sec. 19. 12 MRSA §§1899-A, 1899-B and 1899-C**, as enacted by PL 1997, c. 678, §13, are repealed.





COMMITTEE AMENDMENT "A" to S.P. 720, L.D. 1922

2 the general provisions for the bureau found in the Maine Revised  
Statutes, Title 12, chapter 220, subchapter I.

4 It also adds a fiscal note to the bill.