

# MAINE STATE LEGISLATURE

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MAJORITY  
AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1593, L.D. 2096, "Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements"

Amend the resolve 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 State Planning Office in the fall of 2001 convened a working group with duties that closely approximate the responsibilities envisioned in this resolve; and

**Whereas,** this group has engaged the services of a consulting attorney and is close to finalizing its guidelines for easements; and

**Whereas,** membership of the working group approximates that of the working group envisioned in this resolve with the exception of a Legislator; and

**Whereas,** participation by a Legislator in the final meetings of the working group is essential to assure that the intent of this resolve has been adequately addressed; 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. Participation in working group. Resolved:** That the  
3 Director of the State Planning Office, within the Executive  
4 Department, expeditiously shall conclude the deliberations of the  
5 working group convened by the director to develop a set of  
6 principles to be addressed when any agency of the State is  
7 considering a conservation easement to be acquired in whole or in  
8 part with state funding. The chairs of the Joint Standing  
9 Committee of Agriculture, Conservation and Forestry shall  
10 appoint one Legislator who served on the Committee to Study  
11 Access to Private and Public Lands in Maine established by Joint  
12 Study Order 2001, H.P. 1387 to participate in the working group;  
13 and be it further

14           **Sec. 2. Process to be developed by working group. Resolved:** That  
15 the working group described in section 1 shall continue its  
16 efforts to develop a process to be used by state agencies  
17 involved in negotiating any conservation easement to be acquired  
18 with state funds. The process must include provisions for:

19           1. Legal review by the Attorney General or the Attorney  
20 General's designee; and

21           2. Public comment on a proposed easement. The working  
22 group shall identify a process for the release of information to  
23 the public, including a description of the proposed project, a  
24 summary of provisions to be included in the easement, a draft of  
25 the proposed easement and public notice with an address and  
26 deadline for submitting comments on the proposed easement. The  
27 working group shall develop guidelines for holding public  
28 meetings on projects as part of the process. In developing this  
29 process, the working group shall make recommendations regarding  
30 the protection of information to preserve the State's negotiating  
31 position; and be it further

32           **Sec. 3. Criteria for easements to be developed by working group.**  
33 **Resolved:** That the working group described in section 1 shall  
34 continue and finalize its work on developing criteria for  
35 acquiring public access rights when acquiring interest in a  
36 property using state funds. For easements in which the right to  
37 harvest timber is retained by the landowner, the criteria must  
38 include, at a minimum, the right of the public to use the  
39 property for traditional, nonmotorized recreation including  
40 fishing, hiking, hunting, snowshoeing and nature observation.

41           The working group shall continue and finalize its work on  
42 developing model language to be used for negotiating a major  
43 conservation easement when state funds are used to acquire the  
44 easement. When the right to harvest timber is retained by the  
45 landowner, the model language must provide that the forest be

2 managed to maintain the property's potential to provide fiber and  
3 timber and that forest management operations on the land use best  
4 management practices. The working group shall finalize  
5 guidelines being developed for evaluating the advisability and  
6 cost of including additional enforceable conditions to ensure  
7 sustainable forest management. These guidelines must also  
8 provide definitions and specify measures for monitoring  
9 compliance; and be it further

10 **Sec. 4. Notices and report. Resolved:** That the Director of the  
11 State Planning Office, within the Executive Department, shall  
12 provide members of the Joint Standing Committee on Agriculture,  
13 Conservation and Forestry with notices of all remaining meetings  
14 of the working group. No later than January 15, 2003, the  
15 director shall report to the joint standing committee of the  
16 Legislature having jurisdiction over public lands matters with a  
17 summary of the group's activities and the guidelines and  
18 processes established in accordance with this resolve.

19 **Sec. 5. Appropriations and allocations. Resolved:** That the  
20 following appropriations and allocations are made.

21 **LEGISLATURE**

22 **Legislature**

23 Initiative: Provides funds for the per diem and expenses of  
24 one legislator who served on the Committee to Study Access to  
25 Private and Public Lands in Maine to participate in a working  
26 group.

27	<b>General Fund</b>	<b>2001-02</b>	<b>2002-03</b>
28	Personal Services	\$0	\$220
29	All Other	0	250
30			
31	Total	<u>\$0</u>	<u>\$470</u>

32 **LEGISLATURE**

33 **DEPARTMENT TOTAL**

34		<b>2001-02</b>	<b>2002-03</b>
35	<b>GENERAL FUND</b>	<b>\$0</b>	<b>\$470</b>

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

38 Further amend the bill by inserting at the end before the  
39 summary the following:

40 **FISCAL NOTE**

41 **50**

**2002-03**

