

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2096

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H.P. 1593

House of Representatives, February 1, 2002

**Resolve, to Promote the Interests of the People of Maine when Public  
Funds are Used to Acquire Conservation Easements.**

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Reported by Representative McGLOCKLIN for the Committee to Study Access to Private and Public Lands in Maine pursuant to Joint Order 2001, H.P. 1387.

Reference to the Joint Standing Committee on Agriculture, Conservation and Forestry suggested and printing ordered under Joint Rule 218.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

2           **Sec. 1. Convening working group. Resolved:** That the Director of  
3 the State Planning Office, within the Executive Department, shall  
4 convene a working group to develop a set of principles to be  
5 addressed when any agency of the State is considering a  
6 conservation easement to be acquired in whole or in part with  
7 state funding. The director shall invite the Department of  
8 Agriculture, Food and Rural Resources, the Department of  
9 Conservation, the Department of Inland Fisheries and Wildlife,  
10 the Office of the Attorney General, the Atlantic Salmon  
11 Commission and members of the Joint Standing Committee on  
12 Agriculture, Conservation and Forestry to participate in the  
13 working group; and be it further

14           **Sec. 2. Process to be developed by working group. Resolved:** That  
15 the working group created pursuant to section 1 shall develop a  
16 process to be used by state agencies involved in negotiating any  
17 conservation easement to be acquired with state funds. The  
18 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, a public hearing on the draft to be held  
26 at a location to encourage participation by residents in the area  
27 of the project, and public notice with an address and deadline  
28 for submitting comments on the proposed easement. In developing  
29 this process, the working group shall make recommendations  
30 regarding the protection of information to preserve the State's  
31 negotiating position; and be it further

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

41           The working group shall develop model language to be used  
42 for negotiating a major conservation easement when state funds  
43 are used to acquire the easement. When the right to harvest  
44 timber is retained by the landowner, the model language must  
45 provide that the forest be managed to maintain the property's  
46 potential to provide fiber and timber and that forest management

2 operations on the land use best management practices. The  
3 working group shall develop guidelines for evaluating the  
4 advisability and cost of including additional enforceable  
5 conditions to ensure sustainable forest management. These  
6 guidelines must also provide definitions and specify measures for  
7 monitoring compliance; and be it further

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

18  
19 **SUMMARY**

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21 This resolve requires the Director of the State Planning  
22 Office to convene a working group to develop a process for state  
23 agencies to use when negotiating conservation easements to be  
24 acquired with state funds. The working group is charged with  
25 developing criteria for acquiring public access rights and  
26 guidelines for stipulations regarding forest management when the  
27 landowner retains the right to harvest timber. The Director of  
28 the State Planning Office is required to report to the joint  
29 standing committee of the Legislature having jurisdiction over  
30 public lands matters no later than January 15, 2003.