

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 714

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S.P. 252

In Senate, February 14, 2003

### An Act To Establish the Allagash Waterway Advisory Council

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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 KNEELAND of Aroostook.  
Cosponsored by Representative CLARK of Millinocket.

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

4 **Sec. 1. 5 MRSA §12004-I, sub-§3-B** is enacted to read:

6 3-B. Allagash Not 12 MRSA  
7 Conservation Waterway Authorized §1874  
8 Advisory  
9 Council

10 **Sec. 2. 12 MRSA §1874, sub-§§1 to 3** are enacted to read:

12 1. Adherence to plan. The bureau shall administer the  
13 waterway in accordance with the plan entitled "Allagash  
14 Wilderness Waterway Management Plan" approved by the department  
15 on January 27, 1999. This plan may not be amended without  
16 approval of a majority of the entire membership of the Allagash  
17 Waterway Advisory Council.

18 2. Allagash Waterway Advisory Council. The Allagash  
19 Waterway Advisory Council, established by Title 5, section  
20 12004-I, subsection 3-B, shall assist the bureau in the  
21 administration of the waterway. The council consists of the  
22 following members appointed by the Governor:

24 A. The Commissioner of Inland Fisheries and Wildlife, or  
25 the commissioner's designee;

26 B. The Commissioner of Environmental Protection, or the  
27 commissioner's designee;

28 C. A representative of a statewide land conservation  
29 organization;

30 D. A representative of a statewide organization  
31 representing the interests of anglers, trappers and hunters;

32 E. A representative of each owner of land totaling 5,000 or  
33 more acres within the waterway;

34 F. A representative of each sporting camp located within  
35 the waterway;

36 G. A representative of a statewide organization  
37 representing Maine guides;

38 H. A representative of people who use the waterway for  
39 trips longer than 4 days;

40 I. A representative of people who use the waterway for  
41 trips of 4 days or less; and

2 J. A representative of people who use the waterway during  
3 the winter months.

4 The Governor shall designate the chair of the council. Council  
5 members appointed under paragraphs C to J serve terms of 3 years,  
6 except that of those first appointed the Governor shall designate  
7 3 for 3 years, 3 for 2 years and 2 for one year.

8 3. Rules. Notwithstanding section 1803, subsection 6,  
9 rules adopted by the bureau governing the waterway must be:

10 A. Unless otherwise approved by the Legislature, consistent  
11 with the plan adopted pursuant to this section; and

12 B. Adopted as major substantive rules pursuant to Title 5,  
13 chapter 375, subchapter 2-A.

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15  
16  
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18 **SUMMARY**

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21 This bill requires the Department of Conservation, Bureau of  
22 Parks and Lands to manage the Allagash Wilderness Waterway in  
23 accordance with the current management plan, which was adopted by  
24 the Department of Conservation on January 27, 1999. This bill  
25 creates the Allagash Waterway Advisory Council and provides that  
26 amendments to the plan require the approval of the council. This  
27 bill also clarifies that rules adopted by the bureau for  
28 administration of the waterway are major substantive rules that  
29 are subject to legislative review and approval and that rules  
30 must be consistent with the plan.