

# MAINE STATE LEGISLATURE

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1  
Date: 4-5-06  
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Reported by: Majority

(Filing No. S-559)

3 **Agriculture, Conservation and Forestry**

4 Reproduced and distributed under the direction of the Secretary of the Senate.

5 **STATE OF MAINE**

6 **SENATE**

7 **122ND LEGISLATURE**

8 **SECOND REGULAR SESSION**

9 COMMITTEE AMENDMENT 'A' to S.P. 811, L.D. 2077, Bill, "An Act To Make  
10 Adjustments to the Allagash Wilderness Waterway"

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

13 'Sec. 1. 12 MRSA §1882, as enacted by PL 1997, c. 678, §13, is repealed and the  
14 following enacted in its place:

15 **§1882. Access points and control stations**

16 Except as provided in this section, the bureau may determine the location of access  
17 points, control stations and watercourse crossings within the waterway.

18 **1. Spring, summer and fall motor vehicle access to watercourse. Spring, summer**  
19 **and fall access by motor vehicle to the edge of the watercourse must be maintained at:**

20 A. Chamberlain Thoroughfare Bridge;

21 B. Churchill Dam;

22 C. Umsaskis Lake Thoroughfare;

23 D. Henderson Brook Bridge;

24 E. Michaud Farm; and

25 F. Twin Brooks.

26 **2. Spring, summer and fall access by motor vehicle to existing short trails.**  
27 **Spring, summer and fall access by motor vehicle to short trails existing on the effective**  
28 **date of this subsection and leading to the watercourse must be maintained at:**

29 A. John's Bridge, limited to:

30 (1) Unloading and access during the months of May and September;

31 (2) Day use only with a permit from the bureau;

32 (3) Parking outside the restricted zone; and

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- 1           (4) No vehicle access to the water's edge;
- 2           B. Bissonette Bridge road, over the road existing on the effective date of this
- 3           paragraph to the trail existing on the effective date of this paragraph to the water's
- 4           edge;
- 5           C. Finley Bogan, from the Inn Road to the top of the high bank;
- 6           D. Ramsey Ledge Campsite, limited to the motor vehicle parking area behind
- 7           vegetative screening. Self-contained motor vehicle camping is allowed and canoe
- 8           access is allowed; and
- 9           E. Indian Stream, by the trail existing on the effective date of this paragraph.
- 10          3. Snowmobile access to watercourse. The bureau shall maintain 19 snowmobile
- 11          access points to the watercourse. Snowmobiles are prohibited on Allagash Lake and
- 12          Allagash Stream.

13          4. Permanent watercourse crossings. Notwithstanding section 1876, subsection 1,  
14          only the following six bridges within the waterway are permanent watercourse crossings:

- 15          A. Henderson Brook Bridge;
- 16          B. Reality Bridge, also known as Umsaskis Bridge;
- 17          C. Churchill Dam Bridge;
- 18          D. John's Bridge;
- 19          E. Chamberlain Thoroughfare Bridge; and
- 20          F. Allagash Stream Bridge.

21          Watercourse crossings may not be constructed at the locations of the former Schedule  
22          Brook Bridge or the former Bissonette Bridge. Any right or interest granted to any  
23          person by the State to construct or maintain a bridge at those sites is extinguished.

24          **Sec. 2. Findings of fact.** The Legislature finds that the Henderson Brook Bridge in  
25          the Allagash Wilderness Waterway, which is designated as a wild river pursuant to the  
26          federal Wild and Scenic Rivers Act, 16 United States Code, Section 1273(a)(ii), is a vital  
27          economic link to the Town of Allagash and the surrounding areas, providing access:

- 28          **1. Timber harvesting.** For approved timber harvesting operations of approximately
- 29          150,000 tons of timber annually, with an economic value to the region of over \$6,500,000
- 30          per year;
- 31          **2. Employment.** To enhanced employment for the residents of the region; and
- 32          **3. Recreation.** To recreational activities in the Allagash region.

33          **Sec. 3. Private rights to "ghost bridges" to be extinguished.** The  
34          Department of Conservation, Bureau of Parks and Lands shall identify any private right,  
35          title or interest held by any person to construct or maintain a bridge at the locations of the  
36          former Schedule Brook Bridge or the former Bissonette Bridge, or at any other point  
37          within the Allagash Wilderness Waterway, and shall make every effort to enter into  
38          agreements with those persons to convey all such rights to the bureau on behalf of the  
39          State. Upon conveyance to the State of those rights, all such rights are extinguished.

# COMMITTEE AMENDMENT

R.O.S.

1 Nothing in this section may be construed to interfere with any person's right to lawfully  
2 cross the watercourse as defined in the Maine Revised Statutes, Title 12, section 1872.  
3 The department shall report to the joint standing committee of the Legislature having  
4 jurisdiction over agriculture, conservation and forestry matters on the progress of these  
5 discussions at the time it submits its proposed amendments to the 1999 Allagash  
6 Wilderness Waterway management plan under section 4.

7 **Sec. 4. Submission of management plan for review.** No later than January  
8 15, 2007, the Department of Conservation, Bureau of Parks and Lands shall submit all  
9 changes proposed to the 1999 Allagash Wilderness Waterway management plan to the  
10 joint standing committee of the Legislature having jurisdiction over agriculture,  
11 conservation and forestry matters for review. The department may proceed with  
12 improvements proposed in the plan that were begun prior to the effective date of this Act,  
13 but may not begin any other improvements proposed in the plan until the committee  
14 completes its review. Following completion of its review, the committee may report out  
15 a bill to the First Regular Session of the 123rd Legislature on any matter pertaining to the  
16 management of the Allagash Wilderness Waterway.

17 **Sec. 5. Study.** The Commission to Study the Henderson Brook Bridge in the  
18 Allagash Wilderness Waterway, referred to in this section as "the commission," is  
19 established.

20 **1. Commission membership.** The commission consists of 15 members, appointed  
21 as follows:

- 22 A. Two members of the Senate, appointed by the President of the Senate;
- 23 B. Three members of the House of Representatives, appointed by the Speaker of the  
24 House;
- 25 C. Seven members appointed by the Governor, as follows:
- 26 (1) Three persons, each representing a statewide environmental organization;
- 27 (2) One person representing the interests of the Friends of the Allagash;
- 28 (3) One person representing the interests of J.D. Irving, Limited;
- 29 (4) One person representing the interests of Clayton Lake Woodlands; and
- 30 (5) One person representing the interests of Seven Islands Land Company;
- 31 D. The Commissioner of Conservation, or the commissioner's designee;
- 32 E. The Executive Director of the Sportsman's Alliance of Maine, or the executive  
33 director's designee; and
- 34 F. The representative of the National Park Service, Boston Support Office having  
35 responsibility for assistance to the State on matters pertaining to the Allagash  
36 Wilderness Waterway under the National Park Service's Rivers, Trails and  
37 Conservation Program, or that person's designee.

38 In appointing legislative members, the Speaker of the House and the President of the  
39 Senate shall ensure that not more than 3 of the 5 appointed Legislators are members of  
40 the same political party. The Governor shall make his appointments from names  
41 recommended to the Governor by the organizations referenced in paragraph C.

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- 1       **2. Chairs.** The first-named Senate member is the Senate chair of the commission  
2 and the first-named House of Representatives member is the House chair of the  
3 commission.
- 4       **3. Appointments.** All appointments must be made no later than 30 days following  
5 the effective date of this Act. The appointing authorities shall notify the Executive  
6 Director of the Legislative Council once all appointments have been completed. Within  
7 15 days after appointment of all members, the chairs shall call and convene the first  
8 meeting of the commission.
- 9       **4. Duty.** The duty of the commission is to make recommendations on the design of a  
10 bridge to replace the existing Henderson Brook Bridge within the Allagash Wilderness  
11 Waterway. In performing this duty, the commission shall consider the economic,  
12 environmental and aesthetic issues associated with the design, the specific location of the  
13 bridge within the immediate area of the existing bridge, approaches to the bridge and the  
14 configuration of a motor vehicle access site to the watercourse at the bridge. The  
15 commission shall consider designs that locate the bridge abutments away from the edge  
16 of the watercourse to the extent that is within economic and engineering constraints. In  
17 conducting its study, the commission shall consult with engineering professionals  
18 experienced in bridge design and construction, including, but not limited to, design  
19 professionals affiliated with the Advanced Engineered Wood Composites Center at the  
20 University of Maine.
- 21       **5. Staff assistance.** The Legislative Council shall provide necessary staffing  
22 services to the commission.
- 23       **6. Compensation.** Legislative members of the commission are entitled to receive  
24 the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and  
25 reimbursement for travel and other necessary expenses related to their attendance at  
26 authorized meetings of the commission. Public members not otherwise compensated by  
27 their employers or other entities that they represent are entitled to receive reimbursement  
28 of necessary expenses and, upon a demonstration of financial hardship, a per diem equal  
29 to the legislative per diem for their attendance at authorized meetings of the commission.
- 30       **7. Report.** The commission shall submit a preliminary report to the Joint Standing  
31 Committee on Agriculture, Conservation and Forestry no later than November 1, 2006  
32 and shall submit a final report including its findings and recommendations to the joint  
33 standing committee of the Legislature having jurisdiction over agriculture, conservation  
34 and forestry matters no later than January 15, 2007. The commission is authorized to  
35 introduce legislation related to its report to the First Regular Session of the 123rd  
36 Legislature at the time of submission of its final report.
- 37       **8. Extension.** Upon request by the commission, the Legislative Council may grant a  
38 limited extension of time for the commission to complete its study and make its final  
39 report.
- 40       **9. Commission budget.** The Department of Conservation, Bureau of Parks and  
41 Lands shall, no later than 15 days following the effective date of this Act, transfer to the  
42 Executive Director of the Legislative Council sufficient funds to fund all per diem and  
43 expense costs for legislative members of the commission. All other costs of the  
44 commission, including per diem and expenses for other members, must be funded by the

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1 bureau from within existing resources. The commission shall hold at least 6 meetings.  
 2 The Executive Director of the Legislative Council shall administer any funds received by  
 3 the commission. The executive director shall notify the chairs of the commission when  
 4 sufficient funding has been received. Within 10 days after its first meeting, the  
 5 commission shall present a work plan and proposed budget to the Legislative Council for  
 6 its approval. The commission may not incur expenses that would result in the  
 7 commission's exceeding its approved budget.

8 **Sec. 6. Appropriations and allocations.** The following appropriations and  
 9 allocations are made.

10 **LEGISLATURE**

11 **Study Commissions - Funding 0444**

12 Initiative: Allocates funds for the per diem and expenses of legislative members of the  
 13 Commission To Study the Henderson Brook Bridge in the Allagash Wilderness  
 14 Waterway. Funds are provided through a transfer from the Department of Conservation  
 15 to the Legislature.

17 <b>OTHER SPECIAL REVENUE FUNDS</b>	2005-06	2006-07
18 Personal Services	\$0	\$1,650
19 All Other	\$0	\$3,000
20		
21 <b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	\$0	\$4,650

22

23 **SUMMARY**

24 This amendment replaces the bill. The amendment lists in statute the locations within  
 25 the Allagash Wilderness Waterway of motor vehicle access points to the watercourse,  
 26 requires that there be 19 snowmobile access points to the watercourse and lists the 6  
 27 permanent watercourse crossings in the waterway. The amendment also prohibits any  
 28 future construction of bridges at the sites of the former Bissonette Bridge and Schedule  
 29 Brook Bridge and extinguishes any right granted by the State to any person for the  
 30 construction of such bridges. The amendment also directs the Department of  
 31 Conservation, Bureau of Parks and Lands to identify any persons claiming to have a  
 32 private right to build such bridges and to make all efforts to acquire those rights on behalf  
 33 of the State, at which time those rights would also be extinguished.

34 The amendment also includes legislative findings of fact that the Henderson Brook  
 35 Bridge is a vital link to the Town of Allagash and the surrounding areas, providing access  
 36 for timber harvesting operations, enhancing employment for the residents of the region  
 37 and providing recreational activities.

38 The amendment also directs the Bureau of Parks and Lands to submit its proposed  
 39 amendments to the 1999 Allagash Wilderness Waterway management plan to the joint  
 40 standing committee of the Legislature having jurisdiction over agriculture, conservation  
 41 and forestry matters by January 15, 2007 for review. The bureau may proceed with

**R.F.S.**

1 improvements proposed in the plan that were begun prior to the effective date of this Act,  
2 but may not begin any other improvements proposed in the plan until the committee  
3 completes its review. Following its review of the plan, the committee is authorized to  
4 report out a bill on any matter relating to the management of the Allagash Wilderness  
5 Waterway.

6 The amendment also creates a 15-member commission to study the design for a  
7 replacement of the existing Henderson Brook Bridge within the Allagash Wilderness  
8 Waterway. All costs of the commission are funded by the Bureau of Parks and Lands.  
9 The commission consists of 5 Legislators, 3 representatives of environmental  
10 organizations, one member of the Friends of the Allagash, 3 landowners engaged in  
11 timber harvesting and land management, a representative of the Sportsman's Alliance of  
12 Maine, the Commissioner of Conservation or the commissioner's designee and a  
13 representative of the National Park Service, Boston Support Office. The commission is  
14 required to submit a preliminary report to the Joint Standing Committee on Agriculture,  
15 Conservation and Forestry by November 1, 2006 and to submit its final report by January  
16 15, 2007.

17  
18

**FISCAL NOTE REQUIRED**  
**(See attached)**



# 122nd MAINE LEGISLATURE

LD 2077

LR 3087(02)

## An Act to Make Adjustments to the Allagash Wilderness Waterway

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

### Fiscal Note

Current costs - Legislative Study  
 Current costs - Other Special Revenue Funds

	2005-06	2006-07	Projections 2007-08	Projections 2008-09
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$0	\$4,650	\$0	\$0
<b>Transfers</b>				
Other Special Revenue Funds	\$0	\$0	\$0	\$0

#### Legislative Study

The bill includes an allocation of Other Special Revenue Funds to the Legislature in fiscal year 2006-07 in the amount of \$4,650 for the costs of the per diem and expenses for legislative members of the Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway. These funds are to be transferred to the Legislature from the Department of Conservation.

#### Fiscal Note

The bill specifies that expenses incurred as a result of the bill will be funded by the Bureau of Parks and Lands within the Department of Conservation within existing resources. The bureau estimates that their costs could be as high as \$20,000 and that this expense can be funded through existing Other Special Revenue Fund resources. Additional costs associated with the Department of the Attorney General can be absorbed by the department utilizing existing budgeted resources.