

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1075

H.P. 793

House of Representatives, March 6, 2007

An Act To Establish the Maine Local Land Trust Fund

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative ADAMS of Portland.
Cosponsored by Representatives: BRYANT of Windham, CANAVAN of Waterville,
CARTER of Bethel, CONNOR of Kennebunk, GROSE of Woolwich, WALCOTT of
Lewiston.

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

2 **Sec. 1. 5 MRSA §6201, sub-§2-A** is enacted to read:

3 **2-A. Local land trust.** “Local land trust” means a nonprofit organization under 26
4 United States code, Section 501(c)(3) that, as provided for in its mission statement,
5 acquires land or interest in land within a defined region of the State to promote
6 stewardship or conservation of land with natural features of value to the people of that
7 region.

8 **Sec. 2. 5 MRSA §6203-B** is enacted to read:

9 **§6203-B. Maine Local Land Trust Fund**

10 **1. Fund established.** The Maine Local Land Trust Fund is established as a
11 nonlapsing fund administered by the board. The fund consists of 5% of abandoned
12 beverage deposit amounts in accordance with Title 32, section 1866-E, subsection 4 and
13 funds received as contributions from private and public sources for the purposes set forth
14 in this section. The fund must be held separate and apart from all other money, funds and
15 accounts. Eligible investment earnings credited to the assets of the fund become part of
16 the assets of the fund.

17 **2. Awarding of grants; match required.** The board shall award grants from the
18 Maine Local Land Trust Fund to local land trusts for the purpose of acquiring land or
19 interest in land for public use. A grant may not exceed 60% of the appraised value of the
20 land or interest in the land. The local land trust submitting an application shall
21 demonstrate that matching funds sufficient to complete the acquisition have been secured
22 prior to distribution of an award from the fund.

23 **3. Eligibility.** To be eligible for a grant from the Maine Local Land Trust Fund, the
24 property proposed for acquisition must:

25 A. Fail to meet the guidelines for property of statewide significance as determined by
26 the board; and

27 B. Be of local significance for public outdoor recreation.

28 **4. Rulemaking.** The board shall establish a process for receiving, reviewing and
29 evaluating applications for grants from the Maine Local Land Trust Fund through
30 rulemaking. The rules must include criteria by which applications are evaluated and may
31 include limitations on the size of parcels eligible for awards and the maximum amount of
32 an award. Rules adopted in accordance with this subsection are routine technical rules as
33 defined in Title 5, chapter 375, subchapter 2-A.

34 **Sec. 3. 32 MRSA §1866-E, sub-§4,** as amended by PL 2003, c. 700, §2 and
35 affected by §6, is further amended to read:

36 **4. Transfer of abandoned deposit amounts.** By the 20th day of each month, an
37 initiator shall turn over to the State Tax Assessor the initiator's abandoned deposit
38 amounts determined pursuant to subsection 3. Those amounts may be paid from the

1 deposit transaction fund. ~~Amounts~~ Ninety-five percent of the amounts collected by the
2 assessor pursuant to this subsection must be treated by the assessor as a tax, as that term
3 is defined by Title 36, section 111, subsection 5, and must be deposited in the General
4 Fund. The remaining 5% must be deposited in the Maine Local Land Trust Fund
5 established in Title 5, section 6203-B.

6

SUMMARY

7 This bill establishes the Maine Local Land Trust Fund to be administered by the Land
8 for Maine's Future Board. Five percent of abandoned beverage container deposits are the
9 source of funding for this grant program. Local land trusts may receive up to 60% in
10 matching funds for eligible land acquisition projects.