

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1419

S.P. 497

March 15, 2007

An Act To Implement the Recommendations of the Allagash Wilderness Waterway Working Group

(EMERGENCY)

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 MARTIN of Aroostook. (GOVERNOR'S BILL)
Cosponsored by Representative PIEH of Bremen and Senators: NUTTING of Androscoggin,
SHERMAN of Aroostook, Representatives: EBERLE of South Portland, EDGECOMB of
Caribou, JACKSON of Allagash, KOFFMAN of Bar Harbor, LUNDEEN of Mars Hill,
MAREAN of Hollis.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** Governor John E. Baldacci established the Allagash Wilderness
4 Waterway Working Group by executive order in June 2006 and the recommendations of
5 the working group were presented to the Governor on February 8, 2007; and

6 **Whereas,** certain recommendations will aid in the long-term governance,
7 management and oversight structure for this vital resource and will help to bring stability,
8 peace and prestige to its management; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore,

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

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

15 **3-D.**

16 <u>Conservation</u>	<u>Allagash</u>	<u>Expenses/Legislative</u>	<u>12 MRSA §1891</u>
17	<u>Wilderness</u>	<u>per diem</u>	
18	<u>Waterway</u>		
19	<u>Advisory Council</u>		

20 **Sec. 2. 12 MRSA §1891** is enacted to read:

21 **§1891. Allagash Wilderness Waterway Advisory Council; established**

22 There is established the Allagash Wilderness Waterway Advisory Council, referred to
23 in this section as "the council," pursuant to Title 5, section 12004-I, subsection 3-D.

24 **1. Duties.** The council shall:

25 A. Meet at least twice annually;

26 B. Work with the manager of the waterway in developing and maintaining a strategic
27 plan for the waterway and advancing the mission and goals of the waterway; and

28 C. Report annually to the Director of the Bureau of Parks and Lands regarding the
29 state of the waterway and at other times as it is determined necessary by the council.

30 **2. Members.** The council consists of 7 members including:

31 A. One representative of the United States Department of the Interior, National Park
32 Service;

33 B. One public member;

- 1 C. One member with knowledge and experience in sustainable forest management
2 who is a private landowner, or an employee of the landowner, whose holdings abut
3 the waterway;
- 4 D. One member with knowledge and experience in wilderness recreation;
- 5 E. One member with knowledge and experience in natural resources planning and
6 management;
- 7 F. One member with knowledge and experience in fisheries or wildlife conservation;
8 and
- 9 G. One member with knowledge and experience in cultural and historic preservation.

10 The members shall annually elect a chair from among the members. The chair is
11 responsible for scheduling, preparing the agenda of and presiding at meetings.

12 **3. Appointment.** The Governor shall appoint the 6 members described in subsection
13 2, paragraphs B to G. The Governor shall invite the Northeast Regional Director of the
14 National Park Service within the United States Department of the Interior to designate the
15 member described in subsection 2, paragraph A.

16 **4. Terms.** Council members serve terms of 5 years and may serve no more than 2
17 terms.

18 **Sec. 3. 12 MRSA §1891-A** is enacted to read:

19 **§1891-A. Allagash Wilderness Waterway Permanent Endowment Fund**

20 The Treasurer of State shall establish a dedicated, nonlapsing account called the
21 Allagash Wilderness Waterway Permanent Endowment Fund and shall manage the
22 account as a state-held trust. Subject to the approval of the Governor, the commissioner
23 may accept funds from any source and may accept gifts in trust to be credited to the
24 Allagash Wilderness Waterway Permanent Endowment Fund. Interest earned on
25 investments in the fund must be credited to the fund. With the advice of the Allagash
26 Wilderness Waterway Advisory Council under section 1891, the director may expend
27 money from the fund for purposes consistent with section 1871 and an approved
28 waterway management plan.

29 **Sec. 4. 12 MRSA §1891-B** is enacted to read:

30 **§1891-B. Reporting**

31 The commissioner shall annually report to the joint standing committee of the
32 Legislature having jurisdiction over conservation matters regarding the state of the
33 waterway, including its mission and goals, administration, education and interpretive
34 programs, historic preservation efforts, visitor use and evaluation, ecological conditions
35 and natural character enhancements, general finances, income, expenditures and balance
36 of the Allagash Wilderness Waterway Permanent Endowment Fund, the department's
37 annual budget request for the waterway operation in the coming fiscal year and current
38 challenges and prospects for the waterway.

1 **Sec. 5. Management as separate region.** The Department of Conservation shall
2 administer and manage the Allagash Wilderness Waterway as a separate region within the
3 Bureau of Parks and Lands.

4 **Sec. 6. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 12,
5 section 1891, subsection 4 and in order to ensure a certain level of continuity of service
6 on the Allagash Wilderness Waterway Advisory Council, the Commissioner of
7 Conservation shall, in making the initial appointments for the advisory council, appoint 2
8 members to 3-year terms, 2 members to 4-year terms and 2 members to 5-year terms. The
9 legislative committee approval requirements of Title 12, section 1891, subsection 3 apply
10 to initial and subsequent appointments. An initial term of 3 or 4 years is considered a full
11 term for purposes of calculating the term limitation in Title 12, section 1891, subsection
12 4.

13 **Sec. 7. Appropriations and allocations.** The following appropriations and
14 allocations are made.

15 **CONSERVATION, DEPARTMENT OF**
16 **Advisory Council**

17 Initiative: Allocates for the per diem of the Allagash Wilderness Waterway Advisory
18 Council.

19			
20	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
21	All Other	\$1,925	\$1,925
22			
23	OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,925	\$1,925

24 **Emergency clause.** In view of the emergency cited in the preamble, this
25 legislation takes effect when approved.

26 **SUMMARY**

27 This bill establishes an independent advisory council to represent the public interest
28 in the Allagash Wilderness Waterway and to provide counsel to the manager of the
29 waterway and the Director of the Bureau of Parks and Lands within the Department of
30 Conservation. The bill elevates the status of the waterway in the department by making it
31 a separate region within the bureau. It creates an endowment fund to support capital
32 acquisitions and improvements, historic, cultural and educational programs and facilities.
33 The bill requires an annual report by the Commissioner of Conservation to the
34 Legislature.