

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 99

H.P. 85

House of Representatives, January 18, 2011

**An Act To Allow the Use of Public Funds for the Repair and  
Maintenance of Private Roads and Bridges and To Ensure Public  
Access to the Seboomook Lake Region**

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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 "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative DUNPHY of Embden. (BY REQUEST)

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

2 **Sec. 1. 12 MRSA §1803, sub-§5**, as enacted by PL 1997, c. 678, §13, is amended  
3 to read:

4 **5. Distribution of information.** At the expense of the State, may cause copies of  
5 sections or parts of sections of this chapter and of other laws of the State relating to the  
6 administration of public lands to be printed and freely distributed. The bureau may  
7 prepare tracts or circulars of information on the administration of public lands, which  
8 must be available for distribution; ~~and~~

9 **Sec. 2. 12 MRSA §1803, sub-§6**, as amended by PL 2001, c. 604, §3, is further  
10 amended to read:

11 **6. Rules.** From time to time shall adopt, amend, repeal and enforce reasonable rules  
12 necessary to carry out the duties assigned to it, including, but not limited to, rules:

13 A. For the protection and preservation of state parks, historic sites, the Allagash  
14 Wilderness Waterway, public boating facilities owned or managed by the bureau,  
15 submerged lands, public reserved lands and nonreserved public lands;

16 B. For the protection and safety of the public;

17 C. For observance of the conditions and restrictions, expressed in deeds of trust or  
18 otherwise, of the state parks, historic sites, the Allagash Wilderness Waterway, public  
19 boating facilities owned or managed by the bureau, submerged lands, public reserved  
20 lands and nonreserved public lands of the State and of monuments thereon; and

21 D. For preservation of the natural beauty, historic integrity and character of the  
22 Allagash Wilderness Waterway.

23 All rules of the bureau must be adopted in accordance with Title 5, chapter 375,  
24 subchapter ~~H~~ 2; ~~and~~

25 **Sec. 3. 12 MRSA §1803, sub-§7** is enacted to read:

26 **7. Public access.** For the purpose of providing public access, may, with the consent  
27 of the commissioner and agreement of the owners, repair and maintain, or cause to be  
28 repaired and maintained, a private road, private way or bridge to provide motor vehicle  
29 access to:

30 A. Nonreserved public lands;

31 B. Public reserved lands; or

32 C. Private lands on which an easement guaranteeing public access for recreational  
33 uses is held.

34 **Sec. 4. Access to the Seboomook Lake region; direction to the**  
35 **Department of Conservation.** The Department of Conservation shall negotiate an  
36 agreement with owners of land along an approximately 13-mile section of Northern Road  
37 in Soldiertown Township, West Middlesex Canal Grant and Pittston Academy Grant in

1 Somerset County for the repair and maintenance of this segment of Northern Road to  
2 facilitate year-round motor vehicle access to lands managed by the Department of  
3 Conservation, Bureau of Parks and Lands in the Seboomook Lake region and to Pittston  
4 Farm.

5 The Department of Conservation shall pursue exhaustively all opportunities to  
6 negotiate an agreement with landowners by participating in any process by which an  
7 agreement might reasonably be solicited and obtained.

8 **SUMMARY**

9 For the purpose of providing public access, this bill authorizes the Department of  
10 Conservation, Bureau of Parks and Lands to repair and maintain, or cause to be repaired  
11 and maintained, a private road, private way or bridge to provide motor vehicle access to  
12 nonreserved public lands, public reserved lands or private lands on which an easement  
13 guaranteeing public access for recreational uses is held. The bill also directs the  
14 Department of Conservation to negotiate an agreement with owners of land along an  
15 approximately 13-mile section of Northern Road in Somerset County for the purpose of  
16 providing year-round motor vehicle access to public lands in the Seboomook Lake region  
17 and to historic Pittston Farm, which is on the National Register of Historic Places.