

MAINE STATE LEGISLATURE

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Date: 3/19/12

INLAND FISHERIES AND WILDLIFE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1222, L.D. 1613, Bill, "An Act To Strengthen the Relationship between Land Users and Landowners"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 12 MRSA §10108, sub-§3, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §28 and affected by §422, is repealed.

Sec. 2. 12 MRSA §10108, sub-§4, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §29 and affected by §422, is repealed.

Sec. 3. 12 MRSA §10108, sub-§4-A is enacted to read:

4-A. Landowner relations program. The commissioner shall develop and implement a landowner relations program, referred to in this section as "the program."

A. The program must:

(1) Encourage landowners to allow outdoor recreationists access to their property to hunt, fish or engage in other outdoor recreational pursuits;

(2) Foster good relationships between landowners and outdoor recreationists; and

(3) Promote high standards of courtesy, respect and responsibility by outdoor recreationists in their relations with landowners.

B. The commissioner shall appoint a landowner relations coordinator to oversee the program and any other landowner relations activities of the department.

C. To the extent resources allow, the program must include the following elements:

(1) Building and maintaining an educated and motivated group of outdoor recreationists who meet and promote high standards of courtesy, respect and responsibility in their relations with landowners and who are willing to volunteer in program-related projects or efforts to improve landowner relations;

COMMITTEE AMENDMENT

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- 1 (2) Issuing a certificate to persons wishing to support or participate in the
- 2 program. The commissioner may establish a fee for the certificate, which may not
- 3 exceed \$20. All proceeds from the fees must be deposited in the Landowner
- 4 Relations Fund established in section 10265;
- 5 (3) Developing and disseminating to outdoor recreationists a code of ethics or
- 6 other information promoting high standards of courtesy, respect and
- 7 responsibility in their relations with landowners;
- 8 (4) Developing an outreach program that provides educational materials and
- 9 signs and that disseminates information to landowners and land users about
- 10 landowner rights, landowner liability protections, the tradition of allowing
- 11 outdoor recreationists to use private land and law enforcement resources
- 12 available to landowners;
- 13 (5) Engaging organizations and companies representing landowners,
- 14 conservation groups, recreationists, land trusts and other organizations involved
- 15 in outdoor recreation in developing, implementing and publicizing the program;
- 16 (6) Organizing or otherwise promoting landowner appreciation events;
- 17 (7) Working with representatives of various state agencies to promote and
- 18 broaden public access to private lands for recreational use and to enhance
- 19 enforcement of applicable laws; and
- 20 (8) Seeking and developing sources of funding to support the program.

21 **Sec. 4. 12 MRSA §10157, sub-§1, ¶A**, as enacted by PL 2003, c. 655, Pt. B, §36
22 and affected by §422, is amended to read:

- 23 A. ~~Three~~ Four ex officio members:
- 24 (1) The commissioner or the commissioner's designee;
- 25 (2) The Commissioner of Environmental Protection or the commissioner's
- 26 designee; ~~and~~
- 27 (3) The Commissioner of Conservation or the commissioner's designee; and
- 28 (4) The Commissioner of Agriculture, Food and Rural Resources or the
- 29 commissioner's designee;

30 **Sec. 5. 12 MRSA §10265** is enacted to read:

31 **§10265. Landowner Relations Fund**

32 The Landowner Relations Fund, referred to in this section as "the fund," is
33 established within the department as a nonlapsing fund to be used by the commissioner to
34 fund or assist in funding the landowner relations program established pursuant to section
35 10108, subsection 4-A. All funds from fees collected under section 10108, subsection
36 4-A, paragraph C must be deposited in the fund. The fund receives any other funds
37 appropriated or allocated to the fund. The commissioner may accept and deposit into the
38 fund monetary gifts, donations or other contributions from public or private sources for

1 the purposes specified in this section. The fund must be held separate and apart from all
2 other money, funds and accounts.

3 **Sec. 6. 12 MRSA §10903, last ¶**, as enacted by PL 2003, c. 414, Pt. A, §2 and
4 affected by c. 614, §9, is amended to read:

5 Outdoor ethics courses must be scheduled by the Bureau of Warden Service and must
6 be given whenever there are 10 or more persons needing or wanting to take the course.
7 The fee for an outdoor ethics course is \$100, payable 10 working days prior to the start of
8 the course. All fees collected under this section are allocated to the ~~Sport Hunter~~
9 Program landowner relations program established in section 10108, subsection 4,
10 ~~paragraph B~~ 4-A.

11 **Sec. 7. 29-A MRSA §456-C, sub-§3, ¶A**, as enacted by PL 2007, c. 703, §6, is
12 amended to read:

13 A. Eighteen dollars credited as follows:

14 (1) Fifty percent to the fish hatchery maintenance fund established in Title 12,
15 section 10252;

16 (2) Fifteen percent to the Boat Launch Facilities Fund established in Title 12,
17 section 10261;

18 (3) Ten percent to the Maine Endangered and Nongame Wildlife Fund
19 established in Title 12, section 10253; and

20 (4) Twenty-five percent to the ~~Support Landowners Program~~ landowner relations
21 program in Title 12, section 10108, subsection 4, ~~paragraph A~~ 4-A;

22 **Sec. 8. Landowners and Sportsmen Relations Advisory Board.** Pursuant to
23 the Maine Revised Statutes, Title 12, section 10157, subsection 7, paragraph E, the
24 Landowners and Sportsmen Relations Advisory Board shall review its membership and,
25 if necessary, recommend changes in the advisory board's representational membership to
26 the Commissioner of Inland Fisheries and Wildlife. The commissioner shall report to the
27 joint standing committee of the Legislature having jurisdiction over inland fisheries and
28 wildlife matters by January 15, 2013 on any recommended changes in the advisory
29 board's membership. The committee may submit a bill regarding the advisory board to
30 the First Regular Session of the 126th Legislature.

31 **Sec. 9. Appropriations and allocations.** The following appropriations and
32 allocations are made.

33 **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**

34 **Landowner Relations Fund N129**

35 Initiative: Establishes the Landowner Relations Fund and transfers allocation from the
36 Sport Hunter Program and Support Landowners Program, which are both repealed in this
37 legislation.

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	Personal Services	\$0	\$3,799
3	All Other	\$0	\$62,262
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$66,061

6 **Sport Hunter Program 0827**

7 Initiative: Eliminates the Sport Hunter Program and transfers allocation to the Landowner
8 Relations Fund.

9	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
10	Personal Services	\$0	(\$2,848)
11	All Other	\$0	(\$10,905)
12			
13	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$13,753)

14 **Support Landowners Program 0826**

15 Initiative: Eliminates the Support Landowners Program and transfers allocation to the
16 Landowner Relations Fund.

17	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
18	Personal Services	\$0	(\$951)
19	All Other	\$0	(\$51,357)
20			
21	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$52,308)

22	INLAND FISHERIES AND WILDLIFE,		
23	DEPARTMENT OF		
24	DEPARTMENT TOTALS	2011-12	2012-13
25			
26	OTHER SPECIAL REVENUE FUNDS	\$0	\$0
27			
28	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0
29			

30 **SUMMARY**

31 This amendment replaces the concept draft. This amendment repeals the laws
32 governing the supersport certificate and the landowner relations program in the
33 Department of Inland Fisheries and Wildlife and replaces them with a new provision
34 directing the Commissioner of Inland Fisheries and Wildlife to establish a broader and
35 more inclusive landowner relations program. The amendment authorizes the
36 commissioner to establish and issue for a fee a certificate to persons wishing to be
37 recognized as supporting the program. The amendment establishes the Landowner

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1 Relations Fund to receive all fees from the sale of certificates as well as any other funds
2 allocated or appropriated to the fund and any contributions from public or private sources.
3 This amendment also adds the Commissioner of Agriculture, Food and Rural Resources
4 to the ex officio members of the Landowners and Sportsmen Relations Advisory Board.
5 The amendment adds an appropriations and allocations section.

6 **FISCAL NOTE REQUIRED**

7 **(See attached)**



125th MAINE LEGISLATURE

LD 1613

LR 2422(02)

An Act To Strengthen the Relationship between Land Users and Landowners

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-793)
Committee: Inland Fisheries and Wildlife
Fiscal Note Required: Yes

Fiscal Note

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$0	\$0	\$0
Revenue				
Other Special Revenue Funds	\$0	\$3,750	\$3,750	\$3,750

Fiscal Detail and Notes

This legislation establishes the Landowner Relations Fund within the Department of Inland Fisheries and Wildlife and repeals the Sport Hunter and Support Landowners Programs within the department. The bill includes a combined Other Special Revenue Funds deallocation to the two repealed programs of \$66,061 beginning in fiscal year 2012-13 and a corresponding Other Special Revenue Funds allocation of \$66,061 to the new Fund beginning in fiscal year 2012-13. This deallocation and allocation is based upon the final approved allocations through the 125th Legislature, 1st Special Session.

The legislation also repeals the super sport certificate and creates the landowner relations certificate, resulting in a net increase in Other Special Revenue Funds revenue to the department of \$3,750 beginning in fiscal year 2012-13. This analysis is based upon average actual sales during the last 5 years and assumes that sales of the new landowner relations certificate will increase by 15% over the repealed super sport certificate based upon increased efforts in this area as outlined in the legislation.