

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1321

H.P. 899

House of Representatives, April 14, 2015

**An Act To Expand the Landowner Relations Program at the
Department of Inland Fisheries and Wildlife**

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ESPLING of New Gloucester.
Cosponsored by Representative: McCABE of Skowhegan.

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

2 **Sec. 1. 12 MRSA §10108, sub-§4-A, ¶C,** as enacted by PL 2011, c. 576, §3, is
3 amended to read:

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

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

9 (2) Issuing a certificate to persons wishing to support or participate in the
10 program. The commissioner may establish a fee for the certificate, which may not
11 exceed \$20. All proceeds from the fees must be deposited in the Landowner
12 Relations Fund established in section 10265;

13 (3) Developing and disseminating to outdoor recreationists a code of ethics or
14 other information promoting high standards of courtesy, respect and
15 responsibility in their relations with landowners;

16 (4) Developing an outreach program that provides educational materials and
17 signs and that disseminates information to landowners and land users about
18 landowner rights, landowner liability protections, the tradition of allowing
19 outdoor recreationists to use private land and law enforcement resources
20 available to landowners;

21 (5) Engaging organizations and companies representing landowners,
22 conservation groups, recreationists, land trusts and other organizations involved
23 in outdoor recreation in developing, implementing and publicizing the program;

24 (6) Organizing or otherwise promoting landowner appreciation events;

25 (7) Working with representatives of various state agencies to promote and
26 broaden public access to private lands for recreational use and to enhance
27 enforcement of applicable laws; ~~and~~

28 (8) Seeking and developing sources of funding to support the program; ~~and~~

29 (9) Enhancing landowners' relationships with outdoor recreationists, including
30 ATV riders, archeologists, aestheticians, bicyclists, bird watchers, children at
31 play, conservationists, dog walkers, dual sport motorcyclists, preservationists,
32 equestrians, anglers, foragers, geocachers, geologists, hang gliders, hikers,
33 hunters, mushers, paddle sport enthusiasts, photographers, rock climbers, runners,
34 scouts, sledders, skiers, snowmobilers, snowshoers, spelunkers, trappers, walkers
35 and all nonprofit organizations representing these various stakeholders by using
36 the agency's e-mail list and other methods and providing ongoing education
37 about good landowner relations.

38 **Sec. 2. 12 MRSA §10108, sub-§4-B** is enacted to read:

39 **4-B. Keep Maine Clean program.** The commissioner shall develop and implement
40 a Keep Maine Clean program to recruit volunteers to pick up trash along roads and in

1 fields and forests while engaging in outdoor recreation. The commissioner shall recruit
2 volunteers for the program from outdoor recreationists, the media and other for-profit and
3 nonprofit organizations, and shall build a database of volunteers and encourage their
4 participation in the program. The commissioner shall promote the program through a
5 publicly accessible website, e-mail and a monthly e-mail newsletter to volunteers,
6 including stories about the program's sponsors, volunteers, contests, good landowner
7 relations and other helpful information.

8 The commissioner shall seek sponsorship of the Keep Maine Clean program from
9 businesses, groups representing outdoor recreationists and other individuals and groups.
10 The commissioner may accept money, goods or services donated to the department for
11 the program. Money, goods and services accepted by the commissioner under this
12 subsection may be used only for program activities, including providing gifts to program
13 volunteers and promoting and marketing the program.

14 **Sec. 3. 12 MRSA §10157, sub-§1**, as amended by PL 2013, c. 405, Pt. D, §11, is
15 repealed.

16 **Sec. 4. 12 MRSA §10157, sub-§1-A** is enacted to read:

17 **1-A. Appointment and composition.** The Landowners and Sportsmen Relations
18 Advisory Board, referred to in this chapter as "the advisory board" and established by
19 Title 5, section 12004-I, subsection 49-C, consists of the following members:

20 A. Eleven members, appointed by the Commissioner of Inland Fisheries and
21 Wildlife:

22 (1) One representative of a statewide small woodland owners association;

23 (2) One representative of a large landowners association;

24 (3) One representative of a statewide farmers organization;

25 (4) Three representatives of sportsmen;

26 (5) Two representatives of outdoor recreationists;

27 (6) Two representatives of environmentalist organizations; and

28 (7) One representative of land trust organizations.

29 **Sec. 5. 12 MRSA §10157, sub-§§2 and 3**, as enacted by PL 2003, c. 655, Pt. B,
30 §36 and affected by §422, are amended to read:

31 **2. Terms.** ~~Members of the advisory board, including the ad hoc members, serve for~~
32 ~~3 years, except that, initially, the first 3 landowner representative members appointed and~~
33 ~~the first 3 land user representative members appointed serve 3 years; the next 3~~
34 ~~landowner representative members appointed and the next 3 land user representative~~
35 ~~members appointed serve 2 years; and the remaining landowner and land user~~
36 ~~representative members appointed serve for one year. When a vacancy occurs, the~~
37 ~~Governor~~ Commissioner of Inland Fisheries and Wildlife shall fill the vacancy by
38 appointing a member from the same category as the member who vacated the advisory
39 board and that new member continues to serve for the remainder of the term.

1 **3. Chair; election of board officers.** The members of the advisory board shall
2 annually elect one of its members as chair and one of its members as vice-chair. The
3 chair is responsible for scheduling at least 3 advisory board meetings a year and for
4 preparing the agenda for each meeting.

5 **Sec. 6. 12 MRSA §10157, sub-§§5 and 6,** as enacted by PL 2003, c. 655, Pt. B,
6 §36 and affected by §422, are amended to read:

7 **5. Staffing of advisory board.** The department shall provide administrative and
8 staff support to the advisory board. Department staff shall attend all meetings of the
9 advisory board.

10 **6. Meetings.** The advisory board shall hold ~~quarterly~~ 3 meetings each year.
11 Additional meetings may be held as necessary to conduct the business of the advisory
12 board. At least once per year, the advisory board and the department shall convene a
13 group of stakeholders to discuss any landowner and outdoor recreationist issues and to
14 provide recommendations to the department and the advisory board for improvements to
15 the landowner relations program.

16 **Sec. 7. 12 MRSA §10157, sub-§7, ¶E,** as amended by PL 2011, c. 208, §2, is
17 further amended to read:

18 E. Conduct an organizational review of the advisory board every 5 years. This
19 review must be designed to provide the information necessary to ascertain whether
20 the advisory board has the membership required by subsection ~~1~~ 1-A and the advisory
21 board is fulfilling its duties. If the review indicates that the advisory board does not
22 have the correct representational membership, a subcommittee of the members of the
23 advisory board must be convened to recommend to the commissioner appropriate
24 changes. At any time, the advisory board may recommend to the commissioner ways
25 to improve the advisory board's membership or function, and the commissioner shall
26 act upon those recommendations; ~~and~~

27 **Sec. 8. 12 MRSA §10157, sub-§7, ¶F,** as enacted by PL 2011, c. 208, §3, is
28 amended to read:

29 F. Establish a protocol to contact and work with the courts to identify public service
30 opportunities for a person who has violated a litter law under Title 17, section
31 2264-A; ~~and~~

32 **Sec. 9. 12 MRSA §10157, sub-§7, ¶G** is enacted to read:

33 G. Issue an annual report that includes the following:

34 (1) A summary of the major accomplishments of the program over the last year
35 and plans for the coming year;

36 (2) A summary of how the department administrative and staff support time was
37 spent, including any time spent by the landowner relations coordinator on matters
38 unrelated to landowner relations;

