

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2016

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Legislative Document

No. 1629

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H.P. 1106

House of Representatives, March 1, 2016

### **An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund**

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Reported by Representative HICKMAN of Winthrop for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 2015, chapter 267, Pt. GGGG, section 7.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed pursuant to Joint Rule 218.

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

ROBERT B. HUNT  
Clerk

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

2 **PART A**

3 **Sec. A-1. 12 MRSA §1849, sub-§2**, as enacted by PL 1997, c. 678, §13, is  
4 amended to read:

5 **2. Fund established.** All income received by the director from the public reserved  
6 lands, except income provided for in section 1855, must be deposited with the Treasurer  
7 of State to be credited to the Public Reserved Lands Management Fund, which is  
8 established as a nonlapsing fund. Any interest earned on this money must also be  
9 credited to the fund. No expenditure may be made from the fund other than for the  
10 bureau's general operating purposes with respect to management of the public reserved  
11 lands unless the fund has a cash operating balance of at least \$2,500,000 at the start of the  
12 fiscal year during which the expenditure is made.

13 **Sec. A-2. 12 MRSA §1849, sub-§4** is enacted to read:

14 **4. Expenditures from fund.** Expenditures from the Public Reserved Lands  
15 Management Fund are subject to legislative approval in the same manner as are  
16 appropriations from the General Fund. Money in the fund may not be expended without  
17 allocation by the Legislature. The joint standing committee of the Legislature having  
18 jurisdiction over public reserved lands matters must approve and recommend the  
19 allocations to the joint standing committee of the Legislature having jurisdiction over  
20 appropriations and financial affairs.

21 **Sec. A-3. 12 MRSA §1853, sub-§1, ¶F**, as amended by PL 2007, c. 564, §2; PL  
22 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is further amended to read:

23 F. The status of ecological reserves including the acreage of reserved public land  
24 designated as ecological reserves, results of monitoring, scientific research and other  
25 activities related to the bureau's ecological reserves; ~~and~~

26 **Sec. A-4. 12 MRSA §1853, sub-§1, ¶G**, as enacted by PL 2007, c. 564, §2, is  
27 amended to read:

28 G. A description of any changes in allowed uses of the public reserved lands,  
29 including the acreage affected and the reason for the change; ~~and~~

30 **Sec. A-5. 12 MRSA §1853, sub-§1, ¶H** is enacted to read:

31 H. A breakdown of growth and yield in any regional public reserved lands units  
32 established by the bureau, identifying any harvesting that occurred during the  
33 preceding fiscal year in individual management units where yield exceeds annual  
34 growth.

35 **Sec. A-6. 12 MRSA §1859** is enacted to read:

1 **§1859. Funding for educational programs related to logging**

2 **1. Educational grant program established; eligibility.** The bureau shall establish,  
3 maintain and administer an educational grant program, referred to in this section as “the  
4 grant program,” and an application system for the grant program to allow an eligible  
5 public secondary and public postsecondary educational program to apply for an  
6 educational grant under the grant program. Only an educational program at a public  
7 secondary or public postsecondary educational institution that is related to logging,  
8 referred to in this section as “an eligible educational program,” is eligible to receive  
9 funding under the grant program.

10 **2. Grants; source of funds; limits.** An approved eligible educational program may  
11 receive a one-time grant of up to \$50,000 from the grant program. The source of the  
12 funds for the grants is the Public Reserved Lands Management Fund established under  
13 section 1849, subsection 2. Total distributions from the Public Reserved Lands  
14 Management Fund under the grant program may not exceed \$300,000.

15 **3. Permitted use of funding.** An eligible educational program that receives a grant  
16 under the grant program may use the grant in more than one year if such an extended use  
17 is approved by the bureau during the application process. Grants received through the  
18 grant program may be used only for educational purposes, including but not limited to  
19 upgrading existing logging equipment. Any grants issued to an eligible educational  
20 program must supplement, not supplant, existing school funding.

21 **4. Participation of regional managers.** The bureau shall include managers of any  
22 regional public reserved lands units established by the bureau in the process established  
23 for approving the distribution of funds to eligible educational programs under the grant  
24 program and shall ensure that the managers are involved with, or have the option to be  
25 involved with, any eligible educational program that receives funding through the grant  
26 program.

27 **5. Rulemaking.** The bureau shall adopt rules to carry out the purposes of this  
28 section. Rules adopted pursuant to this subsection are routine technical rules as defined  
29 in Title 5, chapter 375, subchapter 2-A.

30 **PART B**

31 **Sec. B-1. Commission established.** Notwithstanding Joint Rule 353, the  
32 Commission To Study the Public Reserved Lands Management Fund, referred to in this  
33 Part as "the commission," is established.

34 **Sec. B-2. Commission membership.** The commission consists of the following  
35 members:

36 1. Two members of the Senate, appointed by the President of the Senate, including  
37 one member from each of the 2 parties holding the largest number of seats in the  
38 Legislature;

1           2. Three members of the House of Representatives, appointed by the Speaker of the  
2 House, including at least one member from each of the 2 parties holding the largest  
3 number of seats in the Legislature;

4           3. Four members appointed by the President of the Senate as follows:

5           A. A commercial wood harvester;

6           B. A state-licensed forester;

7           C. A scientist who has studied forest health and management; and

8           D. A representative of the tourism industry;

9           4. Four members appointed by the Speaker of the House as follows:

10          A. A representative of a conservation organization;

11          B. An individual who represents outdoor recreation interests;

12          C. A representative of commercial timber holdings in the State; and

13          D. A representative of a sportsman's group;

14          5. The Commissioner of Agriculture, Conservation and Forestry, or the  
15 commissioner's designee; and

16          6. The Director of the Bureau of Parks and Lands within the Department of  
17 Agriculture, Conservation and Forestry, or the director's designee.

18          **Sec. B-3. Chairs.** The first-named Senate member is the Senate chair and the first-  
19 named House of Representatives member is the House chair of the commission.

20          **Sec. B-4. Appointments; convening of commission.** All appointments must  
21 be made no later than 30 days following the effective date of this Part. The appointing  
22 authorities shall notify the Executive Director of the Legislative Council once all  
23 appointments have been completed. After appointment of all members, the chairs shall  
24 call and convene the first meeting of the commission within 45 days. If 30 days or more  
25 after the effective date of this Part a majority of but not all appointments have been made,  
26 the chairs may request authority and the Legislative Council may grant authority for the  
27 commission to meet and conduct its business.

28          **Sec. B-5. Duties.** The commission shall meet a minimum of 2 times to review,  
29 study and analyze:

30           1. The proper use of the Public Reserved Lands Management Fund established in the  
31 Maine Revised Statutes, Title 12, section 1849 and its possible expansion to other uses;

32           2. The proper sustainable harvest levels on state land and how best to maintain those  
33 levels;

34           3. How best to manage public lands to preserve forests for recreation, wildlife habitat  
35 and public use while ensuring a healthy working forest;

1 4. After reviewing data and current science, how best to manage the State's public  
2 lands to deal with possible pest and disease issues;

3 5. Investments in public lands to increase access to public lands and spur rural  
4 economic development;

5 6. The impact of outdoor recreation on the State's tourism economy and the role  
6 public lands play in that economy; and

7 7. Any other issues the commission feels necessary to protect and manage public  
8 lands and the funds derived from those public lands.

9 **Sec. B-6. Staff assistance.** The Legislative Council shall provide necessary  
10 staffing services to the commission.

11 **Sec. B-7. Report.** No later than November 2, 2016, the commission shall submit a  
12 report of its findings and recommendations to date, including suggested legislation, to the  
13 Joint Standing Committee on Agriculture, Conservation and Forestry.

## 14 SUMMARY

15 This bill implements the recommendations of the Commission To Study the Public  
16 Reserved Lands Management Fund.

17 The committee has not taken a position on the substance of the commission's plan or  
18 this bill and by reporting this bill out the committee is not suggesting and does not intend  
19 to suggest that it agrees or disagrees with any aspect of the commission's plan or this bill.  
20 The committee is reporting the bill out for the sole purpose of turning the commission's  
21 proposal into a printed bill that can be referred to the committee for an appropriate public  
22 hearing and subsequent processing in the normal course. The committee is taking this  
23 action to ensure clarity and transparency in the legislative review of the commission's  
24 proposal.

25 Part A prohibits any expenditures from the Public Reserved Lands Management Fund  
26 other than for the general operations of the Department of Agriculture, Conservation and  
27 Forestry, Bureau of Parks and Lands with respect to management of public reserved  
28 lands, unless the fund has at least \$2,500,000 at the start of the fiscal year.

29 Additionally, it gives the joint standing committee of the Legislature having  
30 jurisdiction over public reserved lands matters the authority to approve all expenditures  
31 from the Public Reserved Lands Management Fund. This authority was repealed by  
32 Public Law 2013, chapter 368, Part LLLL, section 2.

33 It requires the bureau's annual report dealing with public reserved lands to include a  
34 breakdown of growth and yield in any regional public reserved lands units, identifying  
35 any harvesting that occurred during the preceding fiscal year in individual management  
36 units where yield exceeds annual growth.

1           It directs the bureau to establish an educational grant program to provide one-time  
2 grants to eligible public secondary and postsecondary institutions for educational  
3 programs related to logging. Funding for the grants comes from the Public Reserved  
4 Lands Management Fund.

5           Part B reestablishes the Commission To Study the Public Reserved Lands  
6 Management Fund, which was originally established in Public Law 2015, chapter 267,  
7 Part GGGG to review and analyze issues regarding the Public Reserved Lands  
8 Management Fund and the proper harvest levels on state land.