

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 244

H.P. 177

House of Representatives, January 31, 2017

**An Act To Clarify the Use of State Lands Designated for  
Conservation or Recreation Purposes**

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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 "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative CHAPMAN of Brooksville.

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

2 **Sec. 1. 12 MRSA §598, sub-§5**, as amended by PL 2011, c. 278, §4 and c. 657,  
3 Pt. W, §5, is further amended to read:

4 **5. Substantially altered.** "Substantially altered," in the use of designated lands,  
5 means changed so as to significantly alter physical characteristics in a way that frustrates  
6 the essential purposes for which that land is held by the State. The essential purposes of  
7 state parks, historic sites, public access sites, facilities for boats and the Allagash  
8 Wilderness Waterway are the protection, management and improvement of these  
9 properties for public recreation, conservation, scenic values, nature appreciation, historic  
10 preservation and interpretation, public access and related purposes. The essential  
11 purposes of public reserved and nonreserved lands are the protection, management and  
12 improvement of these properties for the multiple use objectives established in section  
13 1847. The essential purposes of lands acquired through the Land for Maine's Future  
14 Board that are not held by the Department of Inland Fisheries and Wildlife or by the  
15 Department of Agriculture, Conservation and Forestry are the protection, management  
16 and improvement of those lands for recreation, conservation, farming, open space, plant  
17 and animal habitat, scenic values, public access and related purposes. The essential  
18 purposes of state-owned wildlife management areas and game farms are the protection,  
19 management and improvement of those properties for fish and wildlife habitat and  
20 propagation, hunting, trapping, fishing, recreation, propagation and harvesting of forest  
21 and other natural products and related purposes. "Substantially altered" does not mean the  
22 conveyance of an access right by easement in accordance with section 1814-A. For the  
23 purposes of this chapter, the use of designated lands for the mining of minerals, as those  
24 terms are defined in section 549-A, subsections 6 and 7, constitutes a substantial  
25 alteration in use.

26 **SUMMARY**

27 This bill clarifies that, for the purposes of the Constitution of Maine, Article IX,  
28 Section 23, the use of designated lands for the mining of minerals constitutes a substantial  
29 alteration in use. Article IX, Section 23 provides that "state park land, public lots or other  
30 real estate held by the State for conservation or recreation purposes and designated by  
31 legislation implementing this section may not be reduced or its uses substantially altered  
32 except on the vote of 2/3 of all the members elected to each House."