

MAINE STATE LEGISLATURE

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Date: 6/5/17

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 789, L.D. 1126, Bill, "An Act To Support Tourism on Public Reserved Lands by Leasing Sites to Commercial Sporting Camps"

Amend the bill by striking out the title and substituting the following:

'An Act Relating to the Use and Leasing of Public Reserved Lands'

Amend the bill by inserting after the title and before the enacting clause the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, bear hunting begins on August 28th and the bear baiting season begins on July 29th and certain clarifications in law relating to the placement of bait on public reserved lands need to be made before this season begins to avoid confusion and to ensure that persons who make a living as bear hunting guides are not negatively affected; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,'

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

'Sec. 1. 12 MRSA §1847, sub-§5 is enacted to read:

5. Bear baiting permitted. The bureau shall adopt rules permitting bear baiting on public reserved lands consistent with its land management responsibilities. The rules must permit bear baiting at sites that are accessible by road and sites that are not accessible by road but are accessible by water. Rules adopted under this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

1 **Sec. 2. Amendment of bear baiting rules; permits.** Within 120 days of the
2 effective date of this Act, the Department of Agriculture, Conservation and Forestry,
3 Bureau of Parks and Lands shall amend its rules governing bear baiting on public lands,
4 adopted pursuant to its general responsibilities under the Maine Revised Statutes, Title
5 12, section 1802, to conform to the specific requirements of Title 12, section 1847,
6 subsection 5. The bureau shall issue a permit to place bear bait on public reserved land at
7 a site not accessible by road but accessible by water to any licensed Maine guide who
8 applies in 2017 for such a permit if the applicant held such a permit for that site in 2016
9 and has not since become ineligible to obtain a permit to place bear bait on public
10 reserved land, unless the bureau finds there is a valid land management reason for not
11 issuing such a permit. If the bureau makes that finding, it must provide the licensed
12 Maine guide a written explanation of that reason. If the permit is denied for a valid land
13 management reason, the bureau shall work with the applicant to seek to find a suitable
14 alternative site that meets the needs of the applicant.

15 **Sec. 3. Law governing lease of certain land in T16 R6.** This section governs
16 the leasing of certain public reserved land in Township 16, Range 6.

17 **1. Definitions.** As used in this section, the following terms have the following
18 meanings.

19 A. "Director" means the Director of the Bureau of Parks and Lands within the
20 Department of Agriculture, Conservation and Forestry.

21 B. "Class A restaurant" has the same meaning as in the Maine Revised Statutes, Title
22 28-A, section 2, subsection 15, paragraph R.

23 C. "Current lease" means the leasehold interest current as of the effective date of this
24 Act in the sporting camp lot.

25 D. "Sporting camp lot" means the public reserved land in Township 16, Range 6 that,
26 current as of the effective date of this Act, is the subject of a lease from the State to
27 Eagle Lake Sporting Camps.

28 **2. Renewal of current lease for 30 years.** Notwithstanding the Maine Revised
29 Statutes, Title 12, section 1852, subsection 5 or any other provision of law to the
30 contrary, the director shall amend the current lease to change the term from 15 years to 30
31 years. All other terms of the lease remain the same. The director shall issue a new lease
32 incorporating this change.

33 **3. Renewal options.** Notwithstanding the Maine Revised Statutes, Title 12, section
34 1852, subsection 5 or any other provision of law to the contrary, the leasehold interest in
35 the sporting camp lot may be renewed for successive terms of 30 years each in
36 accordance with the following.

37 A. The lessee may request a renewal under this subsection at any time during the 10
38 calendar years prior to the end of the term of any then-existing 30-year lease.

39 B. The director shall renew the lease if the land continues to be used for a year-round
40 sporting camp or Class A restaurant and lodge open to the public and if the lessee is
41 in compliance with all terms and conditions of the lease and all other applicable laws
42 and rules of the State. The director, upon receiving a request under paragraph A,
43 must, within a reasonable time, either grant the renewal in accordance with this

subsection or explain to the leaseholder the reasons why the conditions of this paragraph have not been met.

C. A renewal granted under this subsection commences at the end of the term of the then-existing lease.

4. Transfer. The director may authorize, on reasonable terms and conditions, a transfer of the leasehold interests in the sporting camp lot to another entity if the Eagle Lake Sporting Camps business is sold to another entity, as long as the sale of the business is at an appraised fair market value and the sporting camp lot continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public, as specified in the lease agreement, and the transferee agrees to comply with all terms and conditions of the lease and all other applicable laws and rules of the State.

This section takes effect 90 days after the adjournment of the First Regular Session of the 128th Legislature.'

Amend the bill by inserting at the end before the summary the following:

'Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.'

SUMMARY

This amendment replaces the bill and changes the title to reflect the content of the amendment.

Current law does not expressly address bear baiting on public reserved lands. The Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands has adopted rules under its general authority to manage public lands to provide a permitting system for bear baiting on public lands. The rules do not specifically address bear baiting at sites that are not accessible by road but are accessible by water. The bureau has recently determined that permits will no longer be issued for sites accessible by water.

This amendment requires the bureau to amend its rules expressly to permit bear baiting at sites that are not accessible by road but are accessible by water. It also requires the bureau to issue a permit to place bear bait at a site not accessible by road but accessible by water to any licensed Maine guide who applies in 2017 for such a permit if the applicant held such a permit for that site in 2016 and has not become ineligible for such a permit, unless the bureau finds there is a valid land management reason placement of bait at the site is no longer feasible and the bureau provides the applicant a written explanation of that reason. If the permit is denied for a valid land management reason, the bureau must work with the applicant to seek to find a suitable alternative site that meets the needs of the applicant.

This amendment directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to issue a revised lease of land in Township 16, Range 6 current as of the effective date of this Act from the State to Eagle Lake Sporting Camps, that changes its term from 15 years to 30 years, notwithstanding the limitation in current law for such leases to be no longer than 15 years. The amendment also provides for successive renewals for terms of 30 years each as long as the land continues to be used for a year-round sporting camp or Class A restaurant and

1 lodge open to the public, as specified in the lease agreement, and the lessee complies with
2 all other terms and conditions of the lease and all other applicable laws and rules of the
3 State. The lessee may request such a 30-year renewal during the 10 calendar years prior
4 to the end of the term of any then-existing lease. A renewal commences at the end of the
5 term of the then-existing lease. The director is also authorized to allow, on reasonable
6 terms and conditions, a transfer of the leasehold interests to another entity if the Eagle
7 Lake Sporting Camps business is sold to another entity, as long as the sale of the business
8 is at an appraised fair market value and the leased land continues to be used for a
9 year-round sporting camp or Class A restaurant and lodge open to the public, as specified
10 in the lease agreement, and the transferee agrees to comply with all terms and conditions
11 of the lease and all other applicable laws and rules of the State.

12 This amendment also adds an emergency preamble and emergency clause to the bill,
13 but the provisions relating to the Eagle Lake Sporting Camps take effect 90 days after the
14 adjournment of the First Regular Session of the 128th Legislature.

15 **FISCAL NOTE REQUIRED**

16 **(See attached)**



Revised: 06/01/17 *mac*

128th MAINE LEGISLATURE

LD 1126

LR 1454(02)

An Act To Support Tourism on Public Reserved Lands by Leasing Sites to Commercial Sporting Camps

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

A(H-417)

Fiscal Note

Future biennium revenue increase - Other Special Revenue Funds

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional costs to Department of Agriculture, Conservation and Forestry from amending the rules regarding bear baiting on public reserved lands to include sites that are accessed by water only are anticipated to be minor and can be absorbed within budgeted resources. Provisions in the bill that amend lease terms of certain parcels of public reserved land would result in an increase in Other Special Revenue Funds revenue. The amount of revenue received will not be known until the current lease is renewed.