

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND THIRTEENTH LEGISLATURE**  
**FIRST REGULAR SESSION**

**December 3, 1986 to June 30, 1987**

**Chapters 1-542**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Twin City Printery**  
**Lewiston, Maine**  
**1987**

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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§386. State Lottery Fund; creation

There is created and established a separate fund to be known as the "State Lottery Fund," to be deposited in such depositories as the Treasurer of State may select. These funds shall consist of all revenue received from the sale of lottery tickets or shares, agents' license fees and all other money credited or transferred to that fund from any other fund or source pursuant to law.

§387. State Lottery Fund; appropriation of money

1. Appropriation. The money in the State Lottery Fund shall be appropriated only:

A. For the payment of prizes to the holders of winning lottery tickets or shares;

B. For the expense of the division in its operation of the lottery; and

C. For payment to the General Fund.

2. Apportionment. The money in the State Lottery Fund shall be apportioned so that not less than 45% of the total ticket sales received in the lottery will be disbursed as prizes to holders of winning tickets. All other money, less reasonable costs for the proper administration of the State Lottery, shall be the State's share.

§388. Maine state income tax; prizes exempt

The prizes received pursuant to this chapter shall be exempt from the Maine state income tax.

**Sec. 3. Transition.** The following provisions apply to the transition from the Maine Revised Statutes, Title 8, chapter 14 to chapter 14-A.

1. **Personnel.** This Act shall have no effect on terms of appointments of the commission members or employees of the commission or the bureau.

2. **Funds and equipment.** Notwithstanding the provisions of the Maine Revised Statutes, Title 5, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in an account or fund or subdivision of an account or fund created by or administered under Title 8, chapter 14, shall be transferred to the proper place under this Act by the State Controller on the request of the commission and the State Budget Officer and with the approval of the Governor.

3. **Agreements, leases, contracts, authorizations or licenses.** All agreements, leases, contracts, authorizations or licenses issued under the Maine Revised Statutes, Title 8, chapter 14, prior to the effective date of this Act shall continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

4. **Rules.** All current rules of the commission shall remain in force and effect until rescinded, amended or otherwise changed by the commission.

Effective September 29, 1987.

## CHAPTER 506

H.P. 995 — L.D. 1341

## AN ACT to Establish the Land for Maine's Future Fund.

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

Sec. 1. 5 MRSA c. 353 is enacted to read:

## CHAPTER 353

## LAND FOR MAINE'S FUTURE FUND

§6200. Findings

The Legislature finds that Maine is blessed with an abundance of natural resources unique to the north-eastern United States; that these natural resources provide Maine residents and visitors to the State with an unparalleled diversity of outdoor recreation opportunities during all seasons of the year and a quality of life unmatched in this nation; that the continued availability of public access to these recreation opportunities and the protection of the scenic and natural environment are essential for preserving the State's high quality of life; that public acquisition programs have not kept pace with the State's expanding population and changing land use patterns so that Maine ranks low among the states in publicly owned land as a percentage of total state area; that rising land values are putting the State's real estate in shoreland and resort areas out of reach to most Mainers and that sensitive lands and resources of statewide significance are currently not well protected and are threatened by the rapid pace of development; and that public interest in the future quality and availability for all Maine people of lands for recreation and conservation is best served by significant additions of lands to the public domain.

The Legislature further finds that Maine's private, nonprofit organizations, local conservation commissions, local governments and federal agencies have made significant contributions to the protection of the State's natural areas and that these agencies should be encouraged to further expand and coordinate their efforts by working with state agencies as "cooperating entities" in order to help acquire, pay for and manage new state acquisitions of high priority natural lands.

The Legislature declares that the future social and economic well-being of the citizens of this State depends upon maintaining the quality and availability of natural

areas for recreation, hunting and fishing, conservation, wildlife habitat, vital ecologic functions and scenic beauty and that the State, as the public's trustee, has a responsibility and a duty to pursue an aggressive and coordinated policy to assure that this Maine heritage is passed on to future generations.

#### §6201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Appraised value. "Appraised value" means the fair market value of property without the consideration of the effect, if any, of dedication or other preservation-related restrictions.

2. Cooperating entities. "Cooperating entities" means those private nonprofit organizations, municipal conservation commissions, local governments, federal agencies or other bodies designated by the Land for Maine's Future Board pursuant to section 6203, as able to assist the State in the acquisition or management of conservation lands.

3. Matching funds. "Matching funds" means any combination of public and private funds used in conjunction with the Land for Maine's Future Fund for the purpose of this chapter, including, but not limited to: Private contributions of cash or securities; money from municipal or other public agencies; money from a federal matching program, subject to the limitations of applicable federal and state laws, in an amount authorized by the federal program; contributions of real property, or interest in real property, that serves the acquisition needs of the State as determined by the Land for Maine's Future Board; in-kind contributions; or any combination thereof. Contributions of land or interest in land shall be valued, for purposes of this section, in the amount of their appraised value.

4. Stewardship account. "Stewardship account" means an account held separate and apart from all other money, funds and accounts of a state agency for the purposes of management of land owned in fee or less-than-fee simple meeting the criteria established in section 6207.

#### §6202. Land for Maine's Future Board

The Land for Maine's Future Board, as established in chapter 379, shall be an Executive Department Board and shall be referred to in this chapter as the "board."

#### §6203. Land for Maine's Future Fund

1. Fund established. There is established a fund to be known as the Land for Maine's Future Fund, hereinafter called the "fund." The fund shall consist of the proceeds from the sale of any bonds authorized for the purposes of this chapter and any funds received as con-

tributions from private and public sources. The fund shall be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund shall become part of the fund assets. Any balance remaining in the fund at the end of any fiscal year shall be carried forward for the next fiscal year.

2. Fund available. The fund shall be available to state agencies and designated cooperating entities upon authorization of the Land for Maine's Future Board for the purposes identified in subsection 3.

3. Fund proceeds. The proceeds of the fund may be applied and expended to:

A. Acquire property or an interest in property which is determined by the board to be of state significance under the guidelines of this chapter; and

B. Fund minor capital improvements on acquired lands to improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property.

#### §6204. Board composition

1. Composition. The board shall consist of 9 members, 4 of whom shall be appointed private citizens and 5 of whom shall be permanent members. The permanent members shall be the Commissioner of Conservation; the Commissioner of Inland Fisheries and Wildlife; the Commissioner of Transportation; the Commissioner of Agriculture, Food and Rural Resources and the Director of the State Planning Office.

2. Appointments. The 4 appointed private citizen members shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over natural resources and to confirmation by the Legislature.

3. Qualifications. The 4 appointed members shall be selected based on their knowledge of the State's natural resources and landscape and their commitment to land conservation. Appointments shall be made to provide broad geographic representation.

4. Terms; compensation. The appointed members shall be appointed to staggered 4-year terms. The initial appointments shall be as follows: One member for a 2-year term; one member for a 3-year term; and 2 members for 4-year terms. Appointed members shall be allowed to serve no more than 2 consecutive terms. The appointed members shall receive the legislative per diem pursuant to chapter 375.

5. Chairman. The chairman of the Land for Maine's Future Board shall be appointed by the Governor.

6. Assistance. The Department of Conservation; the Department of Inland Fisheries and Wildlife; the Depart-

ment of Transportation; the Department of Agriculture, Food and Rural Resources; and the State Planning Office and all other state agencies shall provide staff support and assistance as deemed necessary by the board to fulfill the objectives established by this chapter. If agency assistance is not available, consultants may be hired from the proceeds of the Land for Maine's Future Fund to assist the board in carrying out its responsibilities.

#### §6205. Board meetings; rules and administrative proceedings

1. Meetings. The board shall meet at least 4 times each year at the call of the chairman.

2. Rules. The board, acting in accordance with Title 5, section 8052, may adopt rules it deems necessary for the conduct of its business.

3. Compensation. Appointed members shall receive compensation equal to legislative per diem and travel expenses as allowed under Title 5, section 12004, subsection 8, while engaged in board activities.

4. Quorum. A quorum of the board for the transaction of business shall be 6 members.

5. Personal bias. Upon filing in good faith by a party of a timely charge of bias or personal financial interest, direct or indirect, of a member in a proceeding requesting that member to disqualify himself, that member shall determine the matter as a part of the record.

#### §6206. Board responsibilities

The purpose of the board is to:

A. Complete, by June 1988, an assessment of the State's public land acquisition needs which shall be conducted with opportunities for participation by interested state agencies and the public and to develop a strategy and guidelines, based on this assessment, for use in allocating the proceeds from the Land for Maine's Future Fund;

B. By September 1988, report the board's findings, strategy and guidelines to the joint standing committee of the Legislature having jurisdiction over natural resources;

C. Receive and review funding requests from state agencies and cooperating entities for acquisition projects meeting state guidelines;

D. Authorize distribution of proceeds from the fund for land acquisitions in accordance with the approved strategy; and

E. Report biennially to the Legislature on expenditures of the fund and revisions to the strategy and guidelines.

#### §6207. Acquisition criteria

1. Distribution of funds. The board shall authorize the distribution of funds from the Land for Maine's Future Fund to state agencies and cooperating entities as set forth in section 6203, subsection 3, for the acquisition of natural lands which meet the criteria set forth in this chapter.

2. Determination of state significance. In determining whether a proposed acquisition shall be funded, in full or in part, by the Land for Maine's Future Fund, the board shall consider whether the site is of state significance and:

A. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, wetlands, fragile mountain areas or lands with other conservation or recreation values;

B. Is habitat for plant or animal species or natural communities considered rare, threatened or endangered in the State; or

C. Provides public access to recreation opportunities or those natural resources identified in this section.

3. Priorities. Whenever possible, the fund shall be used for land acquisition projects when matching funds are available from cooperating entities, provided that the proposed acquisition meets all other criteria set forth in this chapter. Priority shall also be given to those projects which conserve lands with multiple outstanding resource or recreation values or a single exceptional value, provide geographic representation and build upon or connect existing holdings.

4. Nonqualifying expenditures. The board shall not fund:

A. Facilities for organized recreational activities, including, but not limited to, ballparks, tennis courts or playgrounds;

B. Capital improvements on any publicly owned facilities, except for those lands acquired with fund money and then only for necessary access improvements up to a maximum of 5% of the particular property's appraised value; and

C. The acquisition of land which primary use value has been and will be as commercially harvested or harvestable forest land.

#### §6208. Municipal approval

1. Approval. Approval by the elected municipal officials shall be required when more than 1% of a municipality's state valuation is considered for acquisition under the bond issue.

2. Transactions. Any transaction under which land is to be taken by eminent domain and exceeds either 50 acres or \$100,000 shall be subject to approval by elected municipal officials in which municipality the land is located.

§6209. Ownership; title; management

1. Fund; uses. The fund may be used for the acquisition of real property in both fee and less-than-fee simple interest, including, but not limited to, conservation easements, access easements, scenic easements, other permanent interests in land and long-term leases of at least 99 years, provided that those acquisitions are primarily natural lands meeting the criteria set forth in this chapter.

2. Title. Title to all lands acquired pursuant to this chapter shall be vested solely in the State. Management responsibilities for the acquired lands may be contracted by the land-owning state agency to cooperating entities, subject to appropriate lease arrangements, upon the recommendation of the agency's commissioner and approval of the board.

3. Matching funds. For projects when matching funds include cash not derived from a bond request, an allocation of up to 20% of the appraised value of the acquired land or the amount of cash, whichever is less, may be put into the stewardship account of the state agency holding title to the land.

4. Payments. Payments from the fund may be made to cooperating entities for qualifying lands acquired on behalf of the State, provided that a state agency has issued to the cooperating entity a letter of intent requesting assistance in the acquisition. Upon submission to the state agency of a cooperating entity's direct expenses for acquisition and related costs of an authorized acquisition, the board shall authorize payment of those expenses, provided that the total of all expenses does not exceed the appraised value of the acquired property. Expenses shall be paid at intervals during the acquisition process, as determined by the board.

5. Land evaluated. All lands acquired with fund money shall be evaluated for rare, threatened or endangered species of plants and animals, exemplary natural communities, features of historic significance and other high priority natural features and ecologic functions as determined by the board, with reference to the best inventory data available to the State. Subsequent management by state agencies holding properties found to have such important features and functions shall reflect the objective of maintaining and protecting those features and functions.

6. Legislative approval. No lands acquired under this chapter shall be sold or used for purposes other than those stated in this chapter, unless approved by a 2/3 majority of the Legislature.

Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶(20-A) is enacted to read:

(20-A)	Natural Resources	Land for Maine's Future Board	Legislative Per Diem and Expenses for Appointed Members	5 MRSA §6202
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Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1987-88	1988-89
<u>EXECUTIVE DEPARTMENT</u>		
State Planning Office: Land for Maine's Future Board		
Personal Services	\$1,320	\$1,320
All Other	\$1,500	\$1,500
Total	\$2,820	\$2,820
Provides funds for the 4 appointed members' per diem and travel.		

Sec. 4. Sunset provision. Unless the referendum for a bond issue in an amount not to exceed \$40,000,000 for the purposes of financing the acquisition of land for conservation, outdoor recreation and wildlife is approved by the voters in November 1987, this Act is repealed on November 15, 1987.

Effective September 29, 1987.

## CHAPTER 507

H.P. 1352 — L.D. 1846

### AN ACT to Change the Basis of Telecommunication Taxation.

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

Sec. 1. 36 MRSA §§457 and 458 are enacted to read:

§457. State tax on telecommunications personal property

1. Tax imposed. A state tax is imposed on telecommunications personal property at the rate of 21 mills for the 1988 taxable year and 27 mills in each taxable year thereafter.

2. Determination of just value. The tax imposed by this section is imposed upon the just value of the property.

3. Collection. The State Tax Assessor shall assess, collect and deposit in the General Fund the tax on telecommunications personal property owned or leased