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*Testimony of Representative Sophie Warren Presenting*  
**L.D. 1093, An Act to Direct the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to Prevent the Use of the Term "State Park" by Nonstate Parks**

*Before the Joint Standing Committee on Agriculture, Conservation and Forestry*

Good afternoon, Chair Talbot Ross, Chair Pluecker, and respected colleagues of the Joint Standing Committee on Agriculture, Conservation and Forestry. I appreciate the opportunity to present **L.D. 1093, An Act to Direct the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands to Prevent the Use of the Term "State Park" by Nonstate Parks**.

This bill comes before you at the request of my constituent, Marilyn, who has brought to my attention what I believe is a legitimate problem: In my town, there is a park called "Scarborough Beach State Park"<sup>1</sup>, which confuses locals who buy a pass to this beach, then find it is not a state park pass that can be used at other state parks<sup>2</sup>. This is because Scarborough Beach is technically not a state park, though it uses this term and benefits from other references to being such, it is privately run by the Black Point Resource Management LLC. Over the years since I have begun serving my community in the Maine Legislature, I have received complaints such as those that follow, and have received confirmation from Scarborough Beach staff that these complaints as follows were based on events or management decisions that did or currently occur:

*"We were a little surprised and dismayed to discover this week that Scarborough beach now charges Seniors \$5 each to access the park, where it had been free with proof of age. I understand they operate under different guidelines due to the lease agreement [with] the state...."*<sup>3</sup>

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<sup>1</sup> For reference, here is a link to Scarborough Beach State Park, the park being referenced in my community as a state park: <https://www.scarboroughbeachstatepark.com>.

<sup>2</sup> See Title 12 MSRA section 1801 (5), (7).

<sup>3</sup> For reference, see under Fees: "If you are a Maine resident and 65 years of age or older, you are admitted free with proof of age, no park pass needed." Via [https://apps1.web.maine.gov/cgi-bin/online/park\\_pass/public/step01](https://apps1.web.maine.gov/cgi-bin/online/park_pass/public/step01).

*“The management is charging admission starting March 13 unlike the other Maine State Parks will charge admission by Memorial Day.”*

*“The beach pass purchased at Scarborough Beach State Park is not valid for admission at the other state parks.”*

*“...One major concern is that the beach facility is not being operated as a state park. A Maine State beach pass is not accepted at Scarborough Beach ‘State Park.’”*

*“The facilities, e.g. one inadequate shower and up keep of toilet facilities is below standard in comparison to other Maine State Parks.”*

The attempt with this bill is to direct the state to resolve this issue by directing all relevant entities doing this to make changes to provide more clarity to those who visit sites like Scarborough Beach that they are not visiting a state park and they are not buying a pass for entrance to that park that is transferable to other state parks<sup>4</sup>, like the also local Crescent Beach State Park or Two Lights State Park down the street from Scarborough Beach, and prevent future private/non-state parks from using the term "state park" where it is not technically accurate to avoid confusion and ensure transparency for all Maine residents and consumers<sup>5</sup>.

I want to clarify this bill offers two distinct remedies depending on whether the relevant entity is currently using in its name the term “State Park”:

**Section 1** concerns prospective remedy. Prospectively, no non-state park shall be allowed to use the term state park in their title. I want to acknowledge that there may be legitimate First Amendment concerns with this section of the bill as written. I would humbly suggest consideration as to the remedy proposed below in production of appropriate notice or otherwise procedures which would produce the same impact as this first section offers, which is clarity for Maine consumers and residents.

**Section 2** concerns retrospective remedy. Retrospectively, those entities which currently use the term State Park must be given rules, procedures and deadlines to ensure that there is appropriately labeled public materials in a way that does not confuse their position as a

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<sup>4</sup> [https://www.maine.gov/dacf/parks/park\\_passes\\_fees\\_rules/index.shtml](https://www.maine.gov/dacf/parks/park_passes_fees_rules/index.shtml).

<sup>5</sup> Fees in question for Maine State Parks includes \$55 for an Individual Park Pass (admits the person who signed the pass); \$105 per Vehicle Park Pass (valid for the person/family members only who signed the pass and all occupants in up to a maximum size 17-passenger vehicle); Purchase the special Annual Vehicle Senior Pass (\$45) at any Maine State Park (proof of age is required - senior must be present). See [https://apps1.web.maine.gov/cgi-bin/online/park\\_pass/public/step01](https://apps1.web.maine.gov/cgi-bin/online/park_pass/public/step01).

non-state park, including signage, road sign colors and notice that tickets and passes sold are not transferable to state parks.

I want to acknowledge this issue is a complex and nuanced area of statute and department practice of which I am absolutely not informed to suggest whether the tenants of this remedy are sound at both resolving the legitimate problem I believe exists, and to do so without causing any undue harm.

To that end, this bill is not intended to implicate any state park included within the pass program operated by the Maine Department of Conservation, Bureau of Parks and Lands.<sup>6</sup> The Sponsor Amendment further reflects exclusion of Baxter State Park in this vein, but I believe this amendment very well may need further amendment reflective of the unique and important considerations of our parks and lands across our state outside those subject to the fee schedule as established by the Bureau of Parks and Lands but instead classified under "Use Exceptions"<sup>7</sup> via the Bureau of Parks and Lands.<sup>8</sup>

Based on the concerns of my constituents, understanding the implications of the term "state park" is a legitimate concern, or at least a legitimate dialogue to raise. For example, I don't know why parks within the fee schedule exempt senior citizens, but there is no such policy for those classified by use exemption. More broadly, I don't understand at present if the parks classified for

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<sup>6</sup> For reference, <https://www.maine.gov/sos/kids/about/visit/state-parks>.

<sup>7</sup> **"Use Exceptions**

Not for use at:

- [Acadia National Park](#) - managed by the National Park Service.
- [Allagash Wildemess Waterway](#)
- [Baxter State Park](#)
- [Maine Wildlife Park](#) or [Swan Island](#) - managed by Maine Inland Fisheries & Wildlife.
- [Penobscot Narrows Observatory](#) - managed by the Maine Department of Transportation.
- [Penobscot River Corridor](#)
- [Peacock Beach](#) - managed by the Town of Richmond, Maine.
- [Scarborough Beach](#) - operated in a public/private partnership by Black Point Resource Management LLC.
- [Songo Lock](#)
- The Maine State Park Pass is for day-use only and does not include camping. However, if you are camping at one of our 12 campgrounds, the day-use fee is included in your camping fee."

Via [https://www.maine.gov/dacf/parks/park\\_passes\\_fees\\_rules/park\\_day\\_use\\_fees.shtml](https://www.maine.gov/dacf/parks/park_passes_fees_rules/park_day_use_fees.shtml).

<sup>8</sup> See [https://www.maine.gov/dacf/parks/park\\_passes\\_fees\\_rules/park\\_day\\_use\\_fees.shtml](https://www.maine.gov/dacf/parks/park_passes_fees_rules/park_day_use_fees.shtml).

use exemption, or who otherwise utilize the term state park are classified for Penalties through Violation of any of the rules of the Bureau of Parks and Lands Rules for State Parks and Historic Sites<sup>9</sup> that constitutes a criminal offense as designated a Class-E crime.<sup>10</sup> I don't know which other implications are made and tied into statute through the use of the term State Park.

Thank you for your time and consideration of this bill. I would be happy to answer any questions you may have.

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<sup>9</sup> See [https://www.maine.gov/dacf/parks/park\\_passes\\_fees\\_rules/park\\_rules.shtml](https://www.maine.gov/dacf/parks/park_passes_fees_rules/park_rules.shtml); and [https://www.maine.gov/dacf/parks/about/lands\\_rules.shtml](https://www.maine.gov/dacf/parks/about/lands_rules.shtml).

<sup>10</sup> Title 12 M.R.A.S. Sec. 1806 (4).