

CHAPTER 353**LAND FOR MAINE'S FUTURE****§6200. Findings**

The Legislature finds that Maine is blessed with an abundance of natural resources unique to the northeastern 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 Maine citizens 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. [PL 1993, c. 728, §2 (AMD).]

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. [PL 1987, c. 506, §§ 1, 4 (NEW).]

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. [PL 1987, c. 506, §§ 1, 4 (NEW).]

SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1993, c. 728, §2 (AMD).

§6201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 1987, c. 506, §§1, 4 (NEW).]

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. [PL 1987, c. 506, §§1, 4 (NEW).]

1-A. Commercial fisheries business. "Commercial fisheries business" means an enterprise directly or indirectly concerned with the commercial harvest of wild or aquacultured marine organisms, whose primary source of income is derived from these activities. "Commercial fisheries business" includes, but is not limited to:

A. Licensed commercial fishermen, aquaculturists and fishermen's cooperatives; [PL 2011, c. 266, Pt. B, §1 (NEW).]

B. Persons providing direct services to commercial fishermen, aquaculturists or fishermen's cooperatives, as long as provision of these direct services requires the use of working waterfront property; and [PL 2011, c. 266, Pt. B, §1 (NEW).]

C. Municipal and private piers and wharves operated to provide waterfront access to commercial fishermen, aquaculturists or fishermen's cooperatives. [PL 2011, c. 266, Pt. B, §1 (NEW).]
[PL 2011, c. 266, Pt. B, §1 (NEW).]

1-B. Community conservation project. "Community conservation project" means a conservation project of local or regional significance that promotes one or more of the following: public outdoor recreational access to land and waters, including for underserved populations; public health; connection between conserved lands and population centers; local or regional agriculture; conservation of cultural and historical resources on undeveloped lands; protection of lakes, rivers or streams; conservation of fish or wildlife habitat; protection of public drinking water supplies; conservation of community forests; local economic development; opportunities for environmental learning; nonmotorized transportation options; or other priorities as determined by the board.
[PL 2021, c. 398, Pt. FFFF, §1 (NEW).]

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 of statewide significance or for community conservation projects.
[PL 2021, c. 398, Pt. FFFF, §2 (AMD).]

3. Matching funds. "Matching funds" means any combination of public and private funds used in conjunction with the Land for Maine's Future Fund, the Public Access to Maine Waters Fund and the Maine Working Farmland Access and Protection 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 of those funds. Contributions of land or interest in land must be valued, for purposes of this section, in the amount of their appraised value.
[PL 2021, c. 135, §1 (AMD).]

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.
[PL 1987, c. 506, §§1, 4 (NEW).]

4-A. Working farmland or working farmland property. "Working farmland" or "working farmland property" means land managed as a farm and available for commercial production of agricultural products, as defined in Title 7, section 152, subsection 2.
[PL 2021, c. 135, §2 (NEW).]

5. Working waterfront or working waterfront property. "Working waterfront" or "working waterfront property" means land, legally filled lands and piers and wharves and other improvements to land adjacent to the navigable coastal waters of the State and used by a commercial fisheries business.
[PL 2011, c. 266, Pt. B, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1993, c. 728, §3 (AMD). PL 2011, c. 266, Pt. B, §§1, 2 (AMD). PL 2021, c. 135, §§1, 2 (AMD). PL 2021, c. 398, Pt. FFFF, §§1, 2 (AMD).

§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." [PL 1987, c. 506, §§ 1, 4 (NEW).]

SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW).

§6203. Land for Maine's Future Fund

1. Fund established. There is established the Land for Maine's Future Fund that is administered by the board. The Land for Maine's Future Fund consists of the proceeds from the sale of any bonds authorized for the purposes set forth in subsection 3 and any funds received as contributions from private and public sources for those purposes. The Land for Maine's Future Fund must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the Land for Maine's Future Fund become part of the assets of that fund. Any balance remaining in the Land for Maine's Future Fund at the end of any fiscal year must be carried forward for the next fiscal year.

[PL 1993, c. 728, §4 (AMD).]

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

[PL 1993, c. 728, §4 (AMD).]

3. Fund proceeds. The proceeds of the Land for Maine's Future Fund may be applied and expended to:

A. Acquire property or an interest in property that is determined by the board to be of statewide significance under the guidelines of this chapter or for a community conservation project; [PL 2021, c. 398, Pt. FFFF, §3 (AMD).]

B. When interest in land is acquired with proceeds from the Land for Maine's Future Fund, fund minor capital improvements on such lands and on adjoining lands in the same ownership or under the same management to improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property; [PL 2021, c. 409, §1 (AMD).]

C. [PL 2021, c. 135, §3 (RP).]

D. When land or interest in land is acquired with proceeds from the Land for Maine's Future Fund, fund minor capital investments in the stewardship and management of that land. Stewardship and management investments under this paragraph must be held in a dedicated stewardship endowment and identified for use on the funded property. Stewardship and management investments may not exceed 5% of the appraised value of the acquired property; and [PL 2021, c. 409, §1 (AMD).]

E. When land or interest in land for deer wintering areas is acquired with proceeds from the Land for Maine's Future Fund pursuant to section 6207, subsection 2, paragraph E, fund the development of a management plan to provide for the land's continuing function as a deer wintering area, as long as the cost of the plan and any investments related to that land under paragraph D do not exceed 5% of the appraised value of the acquired property. A management plan developed under this paragraph may also apply to adjoining deer wintering areas in the same ownership or under the same management. [PL 2021, c. 409, §1 (NEW).]

[PL 2021, c. 398, Pt. FFFF, §3 (AMD); PL 2021, c. 409, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1993, c. 728, §4 (AMD). PL 1999, c. 769, §§1,2 (AMD). PL 2009, c. 178, §§1, 2 (AMD). PL 2021, c. 33, §1 (AMD). PL 2021, c. 135, §3 (AMD). PL 2021, c. 398, Pt. FFFF, §3 (AMD). PL 2021, c. 409, §1 (AMD).

§6203-A. Public Access to Maine Waters Fund

1. Fund established. There is established the Public Access to Maine Waters Fund that is administered by the board. The Public Access to Maine Waters Fund consists of the proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The Public Access to Maine Waters Fund must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the Public Access to Maine Waters Fund become part of the assets of that fund. Any balance remaining in the Public Access to Maine Waters Fund at the end of a fiscal year must be carried forward for the next fiscal year.

[PL 1993, c. 728, §5 (NEW).]

2. Fund available. The Public Access to Maine Waters Fund is available to state agencies and designated cooperating entities upon authorization of the board for the purposes identified in subsection 3.

[PL 1993, c. 728, §5 (NEW).]

3. Fund proceeds. The proceeds of the Public Access to Maine Waters Fund may be applied and expended to:

A. Acquire property or interests in property abutting fresh or coastal waters when public access to those waters does not exist or when the board determines that existing points of public access are not sufficient; [PL 2021, c. 33, §2 (AMD).]

B. Provide minor capital improvements on lands acquired by proceeds from the Public Access to Maine Waters Fund to provide public access or improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property; and [PL 2021, c. 33, §2 (AMD).]

C. When land or interest in land is acquired with proceeds from the Public Access to Maine Waters Fund, fund minor capital investments in the stewardship and management of that land. Stewardship and management investments under this paragraph must be held in a dedicated stewardship endowment and identified for use on the funded property. Stewardship and management investments may not exceed 5% of the appraised value of the acquired property. [PL 2021, c. 33, §2 (NEW).]

[PL 2021, c. 33, §2 (AMD).]

SECTION HISTORY

PL 1993, c. 728, §5 (NEW). PL 2021, c. 33, §2 (AMD).

§6203-B. Maine Working Waterfront Access Protection Fund

1. Fund established. The Maine Working Waterfront Access Protection Fund, referred to in this section as "the fund," is established and is administered by the board in cooperation with the Commissioner of Marine Resources under the provisions of this chapter and Title 12, section 6031-A. The fund consists of the proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The fund must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund at the end of a fiscal year must be carried forward for the next fiscal year.

[PL 2011, c. 266, Pt. B, §3 (NEW).]

2. Grants. The board may make grants to state agencies and designated cooperating entities for the purposes identified in subsection 3. Grants are made according to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2011, c. 266, Pt. B, §3 (NEW).]

3. Fund proceeds. The proceeds of the fund may be applied and expended to acquire property or interests in property that are designed to protect access to working waterfront property consistent with the provisions of Title 12, section 6042. The board shall include as a condition of an acquisition or grant made under this section the requirement that the protected property may not be used, altered or developed in a manner that precludes its use by a commercial fisheries business consistent with the provisions of Title 33, chapter 6-A. Consistent with the provisions of Title 12, section 6042, working waterfront covenants obtained through expenditures of these funds are held by the Commissioner of Marine Resources.

[PL 2011, c. 266, Pt. B, §3 (NEW).]

4. Matching funds. For each grant made under this section, the board shall require the grant recipient to provide matching funds at least equal to the amount of the grant.

[PL 2011, c. 266, Pt. B, §3 (NEW).]

SECTION HISTORY

PL 2011, c. 266, Pt. B, §3 (NEW).

§6203-C. Maine Working Farmland Access and Protection Fund

1. Fund established. The Maine Working Farmland Access and Protection Fund, referred to in this section as "the fund," is established and is administered by the board in cooperation with the Commissioner of Agriculture, Conservation and Forestry under the provisions of this chapter and Title 7, section 164. The fund consists of the proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The fund must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund at the end of a fiscal year must be carried forward for the next fiscal year.

[PL 2021, c. 135, §4 (NEW).]

2. Grants. The board may make grants to state agencies and designated cooperating entities for the purposes identified in subsection 3. Grants are made according to rules adopted by the board. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

[PL 2021, c. 135, §4 (NEW).]

3. Fund proceeds. The proceeds of the fund may be applied and expended to acquire property or interests in property that are designed to protect access to working farmland. The board shall include as a condition of an acquisition or grant made under this section the requirement that the protected property may not be used, altered or developed in a manner that precludes its availability for commercial production of agricultural products.

[PL 2021, c. 135, §4 (NEW).]

4. Matching funds. For each grant made under this section, the board shall require the applicant or the grant recipient to provide matching funds at least equal to the amount of the grant.

[PL 2021, c. 135, §4 (NEW).]

5. Uses of the fund. When an interest in land or an interest in working farmland is acquired with proceeds from the fund, the board may fund minor capital investments in the stewardship of that land. Funds for stewardship investments must be held in a dedicated stewardship endowment and identified for use on the funded property. The stewardship investments may not exceed 5% of the appraised value of the acquired property.

A. When an interest in land is acquired with proceeds from the fund, the board may fund minor capital improvements on the land and on adjoining lands in the same ownership or under the same management to improve public access, as long as these improvements do not exceed 5% of the appraised value of the acquired property. [PL 2021, c. 135, §4 (NEW).]

B. When an interest in working farmland is acquired with proceeds from the fund, the board may fund the development of a business plan and capital improvements to provide for the land's continuing use as working farmland, as long as these improvements do not exceed 5% of the appraised value of the acquired property. Capital improvements under this paragraph may also be made on adjoining farmland in the same ownership or under the same management. [PL 2021, c. 135, §4 (NEW).]

[PL 2021, c. 135, §4 (NEW).]

SECTION HISTORY

PL 2021, c. 135, §4 (NEW).

§6204. Board composition

1. Composition. The board consists of 9 members, 6 who are private citizens and 3 who are permanent members. The permanent members are the Commissioner of Inland Fisheries and Wildlife; the Commissioner of Marine Resources; and the Commissioner of Agriculture, Conservation and Forestry.

[PL 2011, c. 655, Pt. II, §11 (AFF); PL 2011, c. 657, Pt. X, §3 (AMD).]

2. Appointments. The 6 private citizens are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands and to confirmation by the Legislature.

[PL 1999, c. 603, §3 (AMD).]

3. Qualifications. The 6 private citizens must be selected for their knowledge of the State's natural resources and landscape and their demonstrated commitment to land conservation. Appointments must provide broad geographic representation.

[PL 1993, c. 728, §6 (AMD).]

4. Terms; compensation. The appointed private citizen members are appointed to staggered 4-year terms. The initial appointments are: Two members for 2-year terms; 2 members for 3-year terms; and 2 members for 4-year terms. Appointed private citizen members may not serve more than 2 consecutive 4-year terms. The appointed members receive the legislative per diem pursuant to chapter 379.

[PL 1993, c. 728, §6 (AMD).]

5. Chair. The Governor shall appoint the chair of the board.

[PL 1993, c. 728, §6 (AMD).]

6. Assistance. The Department of Inland Fisheries and Wildlife; the Department of Transportation; the Department of Agriculture, Conservation and Forestry; and all other state agencies shall provide staff support and assistance considered necessary by the board to fulfill the objectives of this chapter. If agency assistance is not available, consultants may be hired from the proceeds of either the Land for Maine's Future Fund or the Public Access to Maine Waters Fund to assist the board in carrying out its responsibilities.

[PL 2011, c. 655, Pt. II, §11 (AFF); PL 2011, c. 657, Pt. X, §4 (AMD).]

SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1987, c. 858, §§1,2 (AMD). PL 1989, c. 502, §B2 (AMD). PL 1993, c. 728, §6 (AMD). PL 1999, c. 603, §3 (AMD). PL 2011, c. 655, Pt. II, §§1, 2 (AMD). PL 2011, c. 655, Pt. II, §11 (AFF). PL 2011, c. 657, Pt. X, §§3, 4 (AMD).

§6205. Board meetings; rules and administrative proceedings

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

[PL 1993, c. 728, §7 (AMD).]

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

[PL 1993, c. 728, §7 (AMD).]

3. Compensation. Appointed members are entitled to receive compensation equal to legislative per diem and travel expenses as allowed under section 12004-G, subsection 29 while engaged in board activities.

[PL 1993, c. 728, §7 (AMD).]

4. Quorum. A quorum of the board for the transaction of business is 5 members.

[PL 2013, c. 92, §1 (AMD).]

5. Personal bias. If a charge of bias or personal financial interest, direct or indirect, is filed against a member requesting that member to withdraw from a proceeding of the board, that member shall determine whether or not to withdraw and shall make that determination part of the record of that proceeding.

[PL 1993, c. 728, §7 (AMD).]

SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1987, c. 858, §3 (AMD). PL 1989, c. 503, §B22 (AMD). PL 1993, c. 728, §7 (AMD). PL 2013, c. 92, §1 (AMD).

§6206. Board responsibilities

1. Responsibilities. The board shall:

A. Complete an assessment of the State's public land acquisition needs and develop a strategy and guidelines, based on that assessment, for use in allocating the proceeds of the Land for Maine's Future Fund and the Public Access to Maine Waters Fund. Both the assessment and the development of a strategy and guidelines must be conducted with opportunities for participation by interested state agencies and the public; [PL 1993, c. 728, §8 (AMD).]

B. [PL 1993, c. 728, §8 (RP).]

C. Receive and review funding requests from state agencies and cooperating entities for acquisition projects meeting state guidelines; [PL 1987, c. 858, §4 (RPR).]

D. In accordance with the strategy and guidelines developed under paragraph A, authorize distribution of proceeds from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund for acquisitions of property or interests in property; and [PL 1993, c. 728, §8 (AMD).]

E. On January 1st of every odd-numbered year, report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines. This report must include a description of access to land and interest in land acquired during the report period. If an acquisition has been made that does not include guaranteed public vehicular access to the land acquired, the board must provide justification for that acquisition and a plan for continuing efforts to acquire guaranteed public access to the land. This report must include a summary of the board's experience during the reporting period with projects funded pursuant to section 6203 or 6203-A and in which the land or interest in land is acquired by a cooperating entity. This report must also include on a county-by-county basis a summary of the expenditures made by the board and acreage conserved through acquisition of fee or less-than-fee interest by the board during the report period. Each report must include cumulative totals by county of acreage conserved through acquisition of fee or less-than-fee interest through action by the board.

The report must include maps based on available information and at a statewide level that show federal, state and other public lands and permanent interests in lands held for conservation purposes. The maps must also provide a representation of the amount of land affected by conservation easements under Title 33, chapter 7, subchapter 8-A. Other state agencies holding conservation lands and interests in lands held for conservation purposes shall assist in the preparation of the maps. [PL 2007, c. 331, §1 (AMD).]

[PL 2007, c. 331, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1987, c. 858, §4 (RPR). PL 1993, c. 728, §8 (AMD). PL 1999, c. 603, §4 (AMD). PL 2001, c. 466, §1 (AMD). PL 2001, c. 548, §2 (AMD). PL 2005, c. 215, §1 (AMD). PL 2007, c. 331, §1 (AMD).

§6206-A. Nominations

Prior to taking an action to designate land for negotiation for acquisition, the board shall send by certified mail or otherwise deliver a notice of this intention to the owner or owners of land within the area proposed by the board for acquisition, as the identity and address of such owner or owners is shown on the tax maps or other tax records of the municipality in which the land is located. If the land is located within the unorganized territory, notice must be sent to the owner or owners as shown on the tax maps or other tax records of the State Tax Assessor. After the completion of negotiations, the board shall publish a notice of its intent to designate land for acquisition in a newspaper or newspapers of general circulation that identifies the land proposed by the board for acquisition and that notifies the residents of the area that the board will accept public comments on the proposed acquisition. [PL 1993, c. 728, §9 (AMD).]

Any owner of land that has been nominated for acquisition and is subject to the notice requirements of this section may submit a properly sworn affidavit to the board indicating the owner's unwillingness to sell. The affidavit is notice to the board that continued evaluation of that land is inappropriate and, unless the board intends to acquire an interest in the land through the use of eminent domain pursuant to section 6207-A, the board may not consider that land for acquisition. [PL 1993, c. 728, §9 (AMD).]

SECTION HISTORY

PL 1989, c. 485, §1 (NEW). PL 1989, c. 603, §1 (RPR). PL 1989, c. 607 (AMD). PL 1993, c. 728, §9 (AMD).

§6207. Acquisition criteria

1. Distribution of funds. The board shall authorize the distribution of funds from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund to state agencies and cooperating entities for the acquisition of natural lands that meet the criteria set forth in this chapter. [PL 1993, c. 728, §10 (AMD).]

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

A. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, significant undeveloped archeological sites, wetlands, fragile mountain areas or lands with other conservation, wilderness or recreation values; [PL 2007, c. 64, §1 (AMD).]

B. Is habitat for plant or animal species or natural communities considered rare, threatened or endangered in the State; [PL 2007, c. 353, §1 (AMD).]

C. Provides nonmotorized or motorized public access to recreation opportunities or those natural resources identified in this section; [PL 2021, c. 409, §2 (AMD).]

D. Provides public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter; or [PL 2021, c. 409, §2 (AMD).]

E. Contains deer wintering areas and satisfies all the requirements of subsection 3, paragraph A. [PL 2021, c. 409, §2 (NEW).]

[PL 2021, c. 398, Pt. FFFF, §4 (AMD); PL 2021, c. 409, §2 (AMD).]

3. Priorities. Whenever possible, the Land for Maine's Future Fund and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, as long as the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, that help the State's natural ecosystems, wildlife and natural resource-based economies adapt to a changing climate, that provide geographic representation and that build upon or connect existing holdings.

A. When evaluating projects to be funded, the board shall give a preferential consideration to projects that conserve lands that have been determined by the Department of Inland Fisheries and Wildlife to be important for conserving deer in northern, eastern and western Maine. To be given preferential consideration under this paragraph, a project must result in the acquisition of a fee interest or an easement interest in the land, the department's holding the interest in the land and the department's managing the land area as a wildlife management area, as defined in Title 12, section 10001, subsection 74, with deer conservation as the highest management priority. Only projects that satisfy the requirements of this paragraph may be given preferential consideration. Nothing in this paragraph limits the ability of the board to use the Land for Maine's Future Fund to fund other projects that may also help conserve deer or deer habitat but that do not receive preferential consideration under this paragraph. [PL 2021, c. 676, Pt. A, §4 (RPR).]

When acquiring land or interest in land, the board shall examine public vehicular access rights to the land and, whenever possible and appropriate, acquire guaranteed public vehicular access as part of the acquisition.

[PL 2021, c. 676, Pt. A, §4 (RPR).]

4. Nonqualifying expenditures. The board may not fund:

A. Facilities for organized recreational activities, including, but not limited to, ballparks, tennis courts or playgrounds; [PL 1987, c. 506, §§1,4 (NEW).]

B. Except as provided in section 6203, subsection 3, paragraph B and section 6203-A, subsection 3, paragraph B, capital improvements on any publicly owned facilities; and [PL 1993, c. 728, §10 (AMD).]

C. The acquisition of land of which the primary use value has been and will be as commercially harvested or harvestable forest land. [PL 1993, c. 728, §10 (AMD).]

[PL 1993, c. 728, §10 (AMD).]

5. Estimation of monitoring and management costs. Prior to final approval of a project under this chapter, a person submitting a proposal to acquire property or an interest in property with funding from the Land for Maine's Future Fund or the Public Access to Maine Waters Fund shall provide:

A. A description of the management envisioned for the property for the first 10 years following acquisition. When the application proposes acquiring an interest in property, the application must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State or a cooperating entity; [PL 2001, c. 564, §1 (NEW).]

B. Preliminary estimates of the costs to the State or a cooperating entity of managing the land for the uses proposed in the application; and [PL 2001, c. 564, §1 (NEW).]

C. Preliminary estimates of the costs associated with monitoring compliance with an easement when an interest in land is acquired. [PL 2001, c. 564, §1 (NEW).]
[PL 2001, c. 564, §1 (NEW).]

6. Public uses. Hunting, fishing, trapping and public access may not be prohibited on land acquired with proceeds from the Land for Maine's Future Fund, except to the extent prohibited by applicable state, local or federal laws, rules and regulations and except for working waterfront projects and working farmland preservation projects.
[PL 2021, c. 398, Pt. FFFF, §6 (NEW).]

SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1989, c. 876, §B1 (AMD). PL 1993, c. 728, §10 (AMD). PL 1995, c. 462, §D1 (AMD). PL 2001, c. 466, §2 (AMD). PL 2001, c. 564, §1 (AMD). PL 2007, c. 64, §1 (AMD). PL 2007, c. 353, §§1-3 (AMD). PL 2011, c. 381, §1 (AMD). PL 2021, c. 398, Pt. FFFF, §§4-6 (AMD). PL 2021, c. 409, §§2, 3 (AMD). PL 2021, c. 676, Pt. A, §4 (AMD).

§6207-A. Use of eminent domain

The board may expend funds to acquire an interest in land obtained by the use of eminent domain only if the acquisition has been approved by the Legislature or is with the consent of the owner or owners of the land, as the identity and address of the owner or owners is shown on the tax maps or other tax records of the municipality in which the land is located. If the land is located within the unorganized territory, for purposes of this section the identity of the owner or owners must be as shown on the tax maps or other tax records of the State Tax Assessor. [PL 1995, c. 139, §1 (AMD).]

SECTION HISTORY

PL 1989, c. 485, §2 (NEW). PL 1989, c. 603, §2 (RPR). PL 1993, c. 728, §11 (AMD). PL 1995, c. 139, §1 (AMD).

§6208. Municipal approval

1. Approval. Approval by the elected municipal officials is required when more than 1% of a municipality's state valuation is considered for acquisition under a bond issue.
[PL 1993, c. 728, §12 (AMD).]

2. Transactions. Any acquisition by eminent domain funded by the board, when the land exceeds either 50 acres or \$100,000 in assessed value, is subject to the approval of the municipality in which the land is located. That approval may be obtained either from the elected municipal officials or, if those officials do not approve, by vote of the town meeting or by referendum of the electorate. If the land involved is located within the unorganized territory, this requirement does not apply.
[PL 1993, c. 728, §12 (AMD).]

SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1989, c. 603, §3 (AMD). PL 1993, c. 728, §12 (AMD).

§6208-A. Unorganized territory; county approval

1. Approval. Approval by the county commissioners is required if land proposed to be acquired under a bond issue within the unorganized territory in a county constitutes more than 1% of the state valuation within the county.
[PL 1999, c. 514, Pt. B, §1 (NEW).]

2. Transactions. Any acquisition of land within an unorganized territory by eminent domain funded by the board, when the land exceeds either 50 acres or \$100,000 in assessed value, must be

approved by the county in which the land is located. That approval may be obtained either from the county commissioners or, if they do not approve, by referendum of the legal voters within the county. [PL 1999, c. 514, Pt. B, §1 (NEW).]

SECTION HISTORY

PL 1999, c. 514, §B1 (NEW).

§6209. Ownership; title; management

1. Uses of funds. The board may use the Land for Maine's Future Fund and the Public Access to Maine Waters Fund to acquire 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.

[PL 1993, c. 728, §13 (AMD).]

2. Title. Title to all lands acquired pursuant to this chapter must 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.

[PL 1993, c. 728, §13 (AMD).]

3. Matching funds. When matching funds for a project 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.

[PL 1993, c. 728, §13 (AMD).]

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 must be paid at intervals during the acquisition process, as determined by the board.

[PL 1993, c. 728, §13 (AMD).]

5. Land evaluated. All lands acquired with money from the Land for Maine's Future Fund or the Public Access to Maine Waters Fund must 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 must reflect the objective of maintaining and protecting those features and functions.

[PL 1993, c. 728, §13 (AMD).]

6. Legislative approval. Except as provided in subsection 7, land acquired under this chapter may not be sold or used for purposes other than those stated in this chapter, unless approved by a 2/3 majority of the Legislature.

[PL 2011, c. 278, §1 (AMD).]

7. Conveyance of an access easement across a rail trail. Notwithstanding any other provision of law, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the approval of the Governor and the Commissioner of Agriculture, Conservation and Forestry, may sell or otherwise convey in accordance with Title 12, section 1814-A access rights by easement across a rail trail acquired under this chapter.

For the purposes of this subsection, "rail trail" means a former railroad right-of-way in which the Department of Agriculture, Conservation and Forestry holds an ownership interest and that is:

A. No longer used for rail service; and [PL 2011, c. 278, §2 (NEW).]

B. Managed by the Department of Agriculture, Conservation and Forestry for use as a recreational trail. [PL 2011, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

[PL 2011, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §§5-7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1987, c. 506, §§1, 4 (NEW). PL 1993, c. 728, §13 (AMD). PL 2011, c. 278, §§1, 2 (AMD). PL 2011, c. 657, Pt. W, §§5-7 (REV). PL 2013, c. 405, Pt. A, §24 (REV).

§6210. Data sharing

If the board transfers in writing to any local or federal agency any written information acquired by the board under this chapter concerning any land, the board shall, upon transfer, notify the landowner of the transfer by certified mail. [PL 1989, c. 485, §3 (NEW).]

SECTION HISTORY

PL 1989, c. 485, §3 (NEW).

§6211. Land for Maine's Future Board-sponsored credit card

1. Land for Maine's Future Board-sponsored credit card. The Land for Maine's Future Board may enter into an agreement with a financial institution, as defined in Title 9-B, section 131, subsection 17, a credit union, as defined in Title 9-B, section 131, subsection 12, or other credit card issuer to issue a credit card for the benefit of the Land for Maine's Future Board.

[PL 1995, c. 516, §1 (AMD).]

2. Agreement. If the Land for Maine's Future Board enters into an agreement with a financial institution, credit union or other credit card issuer in accordance with subsection 1, the Land for Maine's Future Board shall negotiate the most favorable agreement for the Land for Maine's Future Board, considering such factors as:

A. The rate for the Land for Maine's Future Board's fee by a credit card issuer; [PL 1995, c. 358, §1 (NEW).]

B. The ability of the financial institution or other credit card issuer to market the card successfully; and [PL 1995, c. 516, §1 (AMD).]

C. Customer service offered by the financial institution or other credit card issuer. [PL 1995, c. 516, §1 (AMD).]

[PL 1995, c. 516, §1 (AMD).]

3. Distribution of proceeds. Funds received by the Land for Maine's Future Board under the agreement with the financial institution, credit union or other credit card issuer must be deposited in a separate, interest-bearing account within the Land for Maine's Future Fund. The account must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the account become part of the assets of the account. Any balance remaining in the account at the end of any fiscal year must be carried forward to the next fiscal year. Notwithstanding section 6203, subsection 3, the board may expend funds deposited in the account pursuant to this section to cover administrative costs and for staff support and consulting services, as determined necessary by the board to carry out its duties under this chapter.

[PL 1999, c. 731, Pt. H, §1 (AMD).]

SECTION HISTORY

PL 1995, c. 358, §1 (NEW). PL 1995, c. 516, §1 (AMD). PL 1999, c. 731, §H1 (AMD).

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