

OFFICE OF POLICY AND LEGAL ANALYSIS

To: Members, Joint Standing Committee on Agriculture, Conservation and Forestry
From: Karen S. Nadeau, Legislative Analyst
Date: March 16, 2021
Subj: **LD 324** An Act To Limit Public Land Ownership in Maine

SUMMARY:

- Limits publicly owned land in the State to no more than 33% of the total land area of the State and 50% of the land area in any county.
- Allows the State or a municipality to exceed the limits with the approval of 2/3 of each House of the Legislature.
- Requires DACF to report biannually beginning April 15, 2022 to the joint standing committee of the Legislature having jurisdiction over public lands matters on the percentage of federal and state property ownership statewide and by county.

TESTIMONY

Proponents: *Residents of Cooper and Charleston; Written only: Resident of Readfield and Piscataquis County Commissioners*

- LD seeks to strike a balance of land ownership in Maine and allows us to begin to formulate a compromise.
- In the 1990s, Maine adopted a goal of increasing (state) public land ownership to 10% or about 2 million acres; aggressive funding of the Land for Maine's Future program over that last 20 years has accomplished this goal.
- Because of our still developing climate change policy, state and national goals of 20 to 30% have been suggested.
- The vast majority of state public lands in Maine are concentrated in the Second Congressional District – Piscataquis, Aroostook, Somerset, Oxford, Penobscot, Washington, Hancock and Franklin Counties.
- The benefits of public ownership – recreation, conservation and carbon sequestration - are subject to diminishing returns and should be distributed equitably across Maine.
- The costs of public ownership – a diminished tax base and reduced development opportunities – are subject to increasing costs and should also be distributed equitably across Maine.

Opponents: *Bureau of Parks and Lands; Appalachian Mountain Club; Maine Coast Heritage Trust; Natural Resources Council of Maine; Written only: Restore: The North Woods; Trout Unlimited; The Nature Conservancy; Sierra Club – Maine Chapter; Maine Audubon; Backcountry Hunters and Anglers; students from College of the Atlantic; Resident of York and Yarmouth*

- State parks and public lands support municipalities; through Title 12 sections 1820, 1840 and 1854 the Legislature has provided for various mechanisms of revenue sharing with local entities.
- The definition of publicly-owned land is exceptionally broad: as currently drafted could include highways, roads, ballfields, sidewalks and military ownerships.
- Whenever the State acquires land, there are processes in place to ensure that stakeholders are engaged, impacts are explored and use of resources is weighed.
- The proposed legislation runs counter to the spirit and intent of the long-established Land for Maine's Future program and the more recent land conservation goal created by Maine's Climate Council.
- In 2020, the COVID-19 pandemic drew people outside in record numbers; Maine's state parks welcomed a record 3 million visitors; retailers saw increased demand for outdoor equipment like tents, bicycles, skis, etc.

NFNA: *Maine Municipal Association*

- Municipal officials value the effort that has created spaces for public enjoyment in the outdoors in many towns and cities.
- Goals of this LD are laudable, responding to inequity among communities and providing an opportunity for the committee to explore ways to address the property tax burden problem.

PRELIMINARY FISCAL IMPACT STATEMENT: *Not yet received.*

RELEVANT STATUTES: TITLE 7

§1820. Fee sharing [State parks and historic sites]

Seven percent of all day use and camping fees derived from any lands classified by the director as parks or historic sites under jurisdiction of the bureau must be apportioned and paid to the municipalities having those lands within their boundaries. In determining the payment to each municipality, the bureau shall assign one unit per front foot for each foot of lake, pond, ocean or major river frontage and 5 units for each acre of all such lands within the municipality. Frontage and acreage must be determined as of April 1st for the year in which revenue is being apportioned and computed to the nearest whole unit.

§1840. Revenue sharing on nonreserved public land

Twenty-five percent of the net revenue from any nonreserved public land, excluding proceeds from the sale of land, located in municipalities and managed by the bureau must be returned by the Treasurer of State to the municipality where the land generating the income is located to be used for municipal purposes.

§1854. Revenue sharing on public reserved lands

1. Plantations organized as of March 1, 1974. Seventy-five percent of any income from residential leasehold camps, excluding any income or proceeds from the sale, exchange or relocation of any of these camps, and 25% of any income arising from the sale of timber, grass, gravel or other natural resources from public reserved lands located in townships or tracts organized into plantations as of March 1, 1974 must be held by the Treasurer of State in the Organized Townships Fund. The Treasurer of State shall pay annually the income from that portion of the fund belonging to each such plantation to the treasurer of that plantation to be applied toward the support of schools according to the number of students in each school. The Treasurer of State shall compute this income on January 1st of each year. The Commissioner of Education shall file in the office of the State Controller a list of the plantations with the amount due for income for the preceding year according to a record of those amounts to be furnished to the Commissioner of Education by the Treasurer of State. The Commissioner of Education must be satisfied that the plantations are organized, that schools have been established in the plantations according to law, that assessors are sworn and qualified and that the treasurers of the plantations have given bonds as required by law. The State Controller shall insert the name and amount due the plantations in one of the first warrants drawn in that year.

The amount due Lakeville Plantation, Penobscot County, annually under this section must be expended in accordance with this section. Any excess must be used under the supervision and direction of the superintending school committee of Lakeville Plantation to establish scholarship aid for students of Lakeville Plantation to receive postsecondary education.

2. Plantations incorporated into towns. With respect to those public reserved lands that were located in townships or tracts organized into plantations as of March 1, 1974, when any such plantation becomes incorporated into a town subsequent to that date, 75% of any income from residential leasehold camps, excluding any income or proceeds from the sale, exchange or relocation of any of these camps, and 25% of any other income from that public reserved land must be returned by the bureau to the municipality where that public reserved land is located to be used for municipal purposes.

3. Towns with timber management leases. With respect to stumpage income from timber located on public reserved lands and leased to municipalities and other political subdivisions of the State pursuant to section 1852, subsection 8, 50% of that income must be returned by the Treasurer of State to the lessee for its own purposes. The director may approve the handling by the lessees of income up to \$500 from sales or permits. The lessees shall submit a semiannual accounting of that income and payment for the State's share.

INFORMATION REQUEST

- BPL provided a chart titled “Conservation Lands by Holder with Public Interests” (see attached).