

Annual List of Rulemaking Activity
Rules Adopted January 1, 2019 to December 31, 2019
Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5

Agency name: **Baxter State Park Authority**
Umbrella-Unit: **94-293**
Statutory authority: 12 MRS §903.1
Chapter number/title: **Ch. 1, Baxter State Park Rules and Regulations:**
Rule 1.3, All Persons Entering the Park b Road or Trail... (moving text from Rule 5.6 to 1.3)
Rule 4.11, The Removal from, or Introduction of, Natural Objects, Materials, Plants, or Animals...
Rule 4.12, Research Studies and Commercial Media Projects within the Park...
Rule 5.4, No Persons May Operate Any Vehicle within the Park...
Filing number: **2019-010**
Effective date: 1/19/2019
Type of rule: Routine Technical
Emergency rule: No

Principal reason or purpose for rule:

Rule 1.3: This is a revision to a section of the existing rule. Rule 5.6 reads: *Persons landing aircraft on permitted waters in the Park must register with Park HQ or a gatehouse in advance.* Removing this text from Rule 1.3 simply removes redundancy and focuses aircraft-related information in Rule 5.

Rule 4.11: This is a revision to the existing rule and restricting the personal harvest of wild foods to fiddleheads and berries is unnecessarily specific and restrictive. We do not currently enforce the fact that it is not permitted to harvest mushrooms and wild plants other than fiddleheads.

Rule 4.12: This is a revision to the existing rule and will create an enforceable standard that mandates that those using the Park for commercial purposes shall be required to have a permit, and it will enable the Park to gather data regarding this type of Park use. This is consistent with most natural areas in the US.

Rule 5.4: This is a proposal to eliminate this rule. BSPA Rule 5.4 suggests that BSP has the authority to summons for traffic violations in a manner inconsistent with 29-A MRS §2601(3).

Basis statement / summary:

Rule 1.3 (All persons entering the Park by road or trail...) Removing this text from Rule 1.3 removes redundancy and focuses aircraft-related information in Rule 5. Rule 5.6 reads: *Persons landing aircraft on permitted waters in the Park must register with Park Headquarters or a gatehouse in advance.*

Rule 4.11 (The removal from, or introduction of natural objects, materials, plants, or animals...) Restricting the personal harvest of wild foods to fiddleheads and berries is unnecessarily specific and restrictive. It is difficult to enforce this level of specificity within the rules and therefore rarely does this rule enjoy enforcement attention. This change brings our rules in line to our enforcement norms. While this rule retains the enforcement right to protect Park resources, it allows a reasonable interaction with the natural world that is consistent with most other US wilderness areas.

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Rule 4.12 (Research Studies and Commercial Media Projects within the Park...)

This rule is revised to create an enforceable standard that mandates that those using the Park for any commercial purpose (not just research studies and commercial media projects) shall be required to have a permit and enables Park Staff to gather data regarding this type of Park use. This is consistent with most other natural areas in the U.S.

Rule 5.4 (No person may operate any vehicle within the Park...) Confusion over the proper channels to cite violators of this rule have led BSP LE Rangers to cite violators based on the larger fee incurred, whether BSP Rule or state traffic law. According to 29-A MRS §2601(.3), *Every law enforcement agency in this State shall use traffic summonses for traffic infractions in the form known as the **Violation Summons and Complaint**, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter.* BSPA Rule 5.4 suggests that BSP has the authority to summons for traffic violations in a manner inconsistent with Title 29-A, MRS §2601(3). Deleting rule 5.4 would ensure that our Law Enforcement Rangers summons violators through the appropriate channels.

Fiscal impact of rule:

N/A