



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 244

H.P. 177

House of Representatives, January 31, 2017

**An Act To Clarify the Use of State Lands Designated for
Conservation or Recreation Purposes**

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative CHAPMAN of Brooksville.

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

2 **Sec. 1. 12 MRSA §598, sub-§5**, as amended by PL 2011, c. 278, §4 and c. 657,
3 Pt. W, §5, is further amended to read:

4 **5. Substantially altered.** "Substantially altered," in the use of designated lands,
5 means changed so as to significantly alter physical characteristics in a way that frustrates
6 the essential purposes for which that land is held by the State. The essential purposes of
7 state parks, historic sites, public access sites, facilities for boats and the Allagash
8 Wilderness Waterway are the protection, management and improvement of these
9 properties for public recreation, conservation, scenic values, nature appreciation, historic
10 preservation and interpretation, public access and related purposes. The essential
11 purposes of public reserved and nonreserved lands are the protection, management and
12 improvement of these properties for the multiple use objectives established in section
13 1847. The essential purposes of lands acquired through the Land for Maine's Future
14 Board that are not held by the Department of Inland Fisheries and Wildlife or by the
15 Department of Agriculture, Conservation and Forestry are the protection, management
16 and improvement of those lands for recreation, conservation, farming, open space, plant
17 and animal habitat, scenic values, public access and related purposes. The essential
18 purposes of state-owned wildlife management areas and game farms are the protection,
19 management and improvement of those properties for fish and wildlife habitat and
20 propagation, hunting, trapping, fishing, recreation, propagation and harvesting of forest
21 and other natural products and related purposes. "Substantially altered" does not mean the
22 conveyance of an access right by easement in accordance with section 1814-A. For the
23 purposes of this chapter, the use of designated lands for the mining of minerals, as those
24 terms are defined in section 549-A, subsections 6 and 7, constitutes a substantial
25 alteration in use.

26 **SUMMARY**

27 This bill clarifies that, for the purposes of the Constitution of Maine, Article IX,
28 Section 23, the use of designated lands for the mining of minerals constitutes a substantial
29 alteration in use. Article IX, Section 23 provides that "state park land, public lots or other
30 real estate held by the State for conservation or recreation purposes and designated by
31 legislation implementing this section may not be reduced or its uses substantially altered
32 except on the vote of 2/3 of all the members elected to each House."