



126th MAINE LEGISLATURE

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Legislative Document

No. 505

S.P. 195

In Senate, February 19, 2013

**Resolve, Directing the Commissioner of Agriculture, Conservation
and Forestry To Conduct an Internal Review of the Snowmobile
Trail Fund**

(EMERGENCY)

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representative LONG of Sherman and
Senator: SHERMAN of Aroostook.

1 **Emergency preamble. Whereas,** acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** recreational snowmobiling in the State contributes more than
4 \$350,000,000 per year to the State's economy and accounts for at least 3,100 full-time
5 jobs in the State; and

6 **Whereas,** a large part of this economic activity takes place in rural areas of the
7 State, thus providing an important source of economic activity in areas with limited
8 economic development opportunities; and

9 **Whereas,** the State has an unrivaled statewide snowmobile trail system consisting of
10 13,500 miles of groomed snowmobile trails maintained by 290 snowmobiling clubs and
11 115 municipalities; and

12 **Whereas,** the Department of Agriculture, Conservation and Forestry, Division of
13 Parks and Public Lands, Off-road Recreational Vehicle Division uses a portion of
14 resident and nonresident snowmobile registration fees to reimburse the clubs and
15 municipalities for part of the local costs for capital equipment and trail maintenance and
16 grooming; and

17 **Whereas,** increasing costs for capital equipment, fuel and trail maintenance and
18 recent declines in snowmobile registrations are putting increasing financial pressure on
19 the clubs and municipalities that must be resolved in order to ensure the quality of the
20 trail system; and

21 **Whereas,** there has been no effort in the past to systematically investigate and
22 identify opportunities for greater economic efficiencies within the Snowmobile Trail
23 Fund to resolve questions of economic equity in funding clubs and municipalities and
24 between the Snowmobile Trail Fund and other funds in the maintenance of state-owned
25 trails; and

26 **Whereas,** the future of snowmobiling in the State is directly linked to the need for
27 an economically efficient, equitable and predictable program for providing funds to the
28 snowmobile clubs and municipalities that develop and maintain the State's excellent and
29 economically important snowmobile trail system; and

30 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
31 the meaning of the Constitution of Maine and require the following legislation as
32 immediately necessary for the preservation of the public peace, health and safety; now,
33 therefore, be it

34 **Sec. 1. Internal review. Resolved:** That the Commissioner of Agriculture,
35 Conservation and Forestry, referred to in this resolve as "the commissioner," shall review
36 the expenditures and operations of the Snowmobile Trail Fund, referred to in this resolve
37 as "the fund," operated by the Department of Agriculture, Conservation and Forestry,
38 Division of Parks and Public Lands, Off-road Recreational Vehicle Division as provided

1 by this section and report the findings of that review to the Joint Standing Committee on
2 Agriculture, Conservation and Forestry as provided in section 2.

3 In conducting this review, the commissioner shall consult with representatives of
4 statewide snowmobiling organizations, municipalities, local snowmobile clubs and other
5 appropriate stakeholder groups.

6 The commissioner's review must include, but is not limited to:

7 1. A review and documentation of the allocation of funds to the fund in each of the
8 past 10 fiscal years and the amount of funds carried forward in the fund from one fiscal
9 year to the next. For any fiscal year from which funds were carried forward into a
10 subsequent fiscal year, the review must include a written explanation as to why those
11 funds were carried forward. This review must also propose written criteria, to be applied
12 prospectively, for justifying the conditions under which funds in excess of \$100,000 per
13 fiscal year from the fund may be carried forward into a subsequent fiscal year;

14 2. An analysis of the equity of cost sharing between the fund and the ATV
15 Recreational Management Fund for the maintenance of state-owned rail trails. This
16 analysis must include cost-sharing expenditures in those 2 funds for each of the past 10
17 fiscal years and must specify the criteria used in the analysis to determine the equitability
18 of expenditures;

19 3. A justification for the employment of full-time staff to oversee the operations of
20 the Down East Sunrise Trail and for the employment of a full-time planner for the Off-
21 road Recreational Vehicle Division;

22 4. The development of a proposed monthly reporting system detailing the revenue to
23 and expenditures from the fund, including all nongrant expenditures and a
24 recommendation that the reports be submitted monthly to the joint standing committee of
25 the Legislature having jurisdiction over appropriations and financial affairs and the joint
26 standing committee of the Legislature having jurisdiction over agriculture, conservation
27 and forestry matters;

28 5. The development of a proposed written policy for distributing funds from the fund
29 to municipalities and snowmobile clubs that ensures, to the fullest extent possible, that
30 the funds are distributed in an equitable manner; and

31 6. A plan for the elimination of state-administered snowmobile trail grooming
32 projects; and be it further

33 **Sec. 2. Report. Resolved:** That the commissioner shall submit a written report
34 on all matters included in section 1 to the Joint Standing Committee on Agriculture,
35 Conservation and Forestry no later than December 4, 2013. The report must include
36 recommendations on all matters required to be included in the review under section 1 and
37 may include draft legislation necessary to implement any such recommendations.
38 Following its review of the commissioner's report, the Joint Standing Committee on
39 Agriculture, Conservation and Forestry may submit a bill to the Second Regular Session
40 of the 126th Legislature to implement any mandatory reporting requirements or to

1 authorize the adoption by the commissioner of any rules necessary to implement the
2 commissioner's recommendations.

3 **Emergency clause.** In view of the emergency cited in the preamble, this
4 legislation takes effect when approved.

5 **SUMMARY**

6 This resolve directs the Commissioner of Agriculture, Conservation and Forestry to
7 conduct a review of aspects of expenditures from the Snowmobile Trail Fund that relate
8 to the justification of certain expenditures from that fund, equity in the use of those funds
9 in allocations to municipalities and local snowmobile clubs, equity in the cost sharing of
10 funds between the Snowmobile Trail Fund and the ATV Recreational Management Fund
11 with respect to state-owned rail trails, the elimination of state-administered snowmobile
12 trail grooming projects and the implementation of regular reporting requirements and
13 written policies to ensure equity in the use of funds in the Snowmobile Trail Fund.

14 In conducting this review, the commissioner is directed to consult with
15 representatives of statewide snowmobiling organizations, municipalities and local
16 snowmobile clubs and other appropriate stakeholder groups and to submit a report by
17 December 4, 2013 to the Joint Standing Committee on Agriculture, Conservation and
18 Forestry. Following its review of the commissioner's report, the committee may submit a
19 bill to the Second Regular Session of the 126th Legislature to implement any mandatory
20 reporting requirements or to authorize the adoption by the commissioner of any rules
21 necessary to implement the commissioner's recommendations.