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Date: (Filing No. S-)

AGRICULTURE, CONSERVATION AND FORESTRY

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 500, L.D. 1219, “An Act to Establish Rights for Holders of Certain Leases and Easements on Land Managed by the Bureau of Parks and Lands”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 12 MRSA §1838, sub-§5, as enacted by PL 1997, c. 678, §13, is amended to read:

5. Lease of nonreserved public land for private uses. The director may lease campsites, garages, depots, warehouses and other structures located on nonreserved public land, or sites for the same, for a term not exceeding 5 years, and also:

A. May grant options to renew such leases for a further term not to exceed 15 years in the case of a commercial use that in the judgment of the director requires the option to secure adequate financing for the maintenance or improvement of facilities located on ~~public~~ nonreserved public land; ~~and~~

B. In the case of leases acquired by the State on nonreserved public land, shall authorize, upon reasonable terms and conditions, the transfer of leasehold interests from one lessee of a residential campsite to another;

C. May not restrict a lessee in making improvements to the lessee's leasehold property as long as those improvements comply with applicable requirements of the Maine Land Use Planning Commission under chapter 206-A, shoreland zoning under Title 38, chapter 3, subchapter 1, article 2-B and any applicable municipal zoning ordinance; and

D. Shall permit a lessee to maintain and repair a road or right-of-way on nonreserved public land necessary to access the lessee's leasehold property consistent with applicable requirements of the Maine Land Use Planning Commission under chapter 206-A, shoreland zoning under Title 38, chapter 3, subchapter 1, article 2-B and any applicable municipal zoning ordinance. For a reasonable fee, the director shall allow a lessee to obtain gravel for the purpose of maintaining or repairing a road or right-of-

COMMITTEE AMENDMENT

1 way as authorized by this paragraph from gravel pits owned by the bureau that are near
2 the lessee's leasehold property.

3 **Sec. 2. 12 MRSA §1852, sub-§5, ¶B,** as enacted by PL 1997, c. 678, §13, is
4 amended to read:

5 B. In the case of leases acquired by the State on lands exchanged for public reserved
6 lands, shall authorize, upon reasonable terms and conditions, the transfer of leasehold
7 interests from one lessee of a residential campsite to another; and

8 **Sec. 3. 12 MRSA §1852, sub-§5, ¶C,** as amended by PL 2005, c. 462, Pt. C, §1
9 and affected by §2, is further amended to read:

10 C. With respect to persons with residential leasehold interests in public reserved lands
11 on October 1, 1975 or on lands exchanged for public reserved lands or on lands
12 acquired with Land for Maine's Future Board funds with respect to residential and
13 camp owner leases in existence on or before November 30, 2005, shall enter into new
14 leasehold agreements with those persons and thereafter renew those leases from time
15 to time on reasonable terms and conditions as long as the lessee complies with the
16 terms and conditions of the leases and with all applicable laws and rules of the State;

17 **Sec. 4. 12 MRSA §1852, sub-§5, ¶D** is enacted to read:

18 D. May not restrict a lessee in making improvements to the lessee's leasehold property
19 as long as those improvements comply with applicable requirements of the Maine Land
20 Use Planning Commission under chapter 206-A, shoreland zoning under Title 38,
21 chapter 3, subchapter 1, article 2-B and any applicable municipal zoning ordinance;
22 and

23 **Sec. 5. 12 MRSA §1852, sub-§5, ¶E** is enacted to read:

24 E. Shall permit a lessee to maintain and repair a road or right-of-way on public reserved
25 lands necessary to access the lessee's leasehold property consistent with applicable
26 requirements of the Maine Land Use Planning Commission under chapter 206-A,
27 shoreland zoning under Title 38, chapter 3, subchapter 1, article 2-B and any applicable
28 municipal zoning ordinance. For a reasonable fee, the director shall allow a lessee to
29 obtain gravel for the purpose of maintaining or repairing a road or right-of-way as
30 authorized by this paragraph from gravel pits owned by the bureau that are near the
31 lessee's leasehold property.

32 **Sec. 6. Appropriations and allocations.** The following appropriations and
33 allocations are made.

34 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

35 **DACF Administration 0401**

36 Initiative: Provides funding for technology management costs associated with positions.

37 OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
38 All Other	\$3,873	\$3,874
39		
40 OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,873	\$3,874

41 **Land Management and Planning Z239**

1 Initiative: Provides funding for contracted services.

2	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
3	All Other	\$6,000	\$6,000
4			
5	OTHER SPECIAL REVENUE FUNDS TOTAL	\$6,000	\$6,000

6 **Land Management and Planning Z239**

7 Initiative: Provides funding for one Planning and Research Associate II position and
8 associated costs.

9	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
10	POSITIONS - LEGISLATIVE COUNT	1,000	1,000
11	Personal Services	\$96,434	\$101,740
12	All Other	\$18,382	\$18,605
13			
14	OTHER SPECIAL REVENUE FUNDS TOTAL	\$114,816	\$120,345

15

16 **AGRICULTURE, CONSERVATION AND**
17 **FORESTRY, DEPARTMENT OF**
18 **DEPARTMENT TOTALS**

19		2023-24	2024-25
20	OTHER SPECIAL REVENUE FUNDS	\$124,689	\$130,219
21			
22	DEPARTMENT TOTAL - ALL FUNDS	\$124,689	\$130,219

23

24 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
25 number to read consecutively.

26

SUMMARY

27 This amendment, which is the minority report, replaces the bill, which is a concept
28 draft. The amendment provides that the Director of the Bureau of Parks and Lands within
29 the Department of Agriculture, Conservation and Forestry may not restrict a lessee in
30 making improvements to the lessee's leasehold property as long as those improvements
31 comply with applicable requirements of the Maine Land Use Planning Commission under
32 the Maine Revised Statutes, Title 12, chapter 206-A, shoreland zoning under Title 38,
33 chapter 3, subchapter 1, article 2-B and any applicable municipal zoning ordinance.

34 The director is required to permit a lessee to maintain and repair a road or right-of-way
35 on public land necessary to access the lessee's leasehold property consistent with applicable
36 requirements of the Maine Land Use Planning Commission under Title 12, chapter 206-A,
37 shoreland zoning under Title 38, chapter 3, subchapter 1, article 2-B and any applicable
38 municipal zoning ordinance. The director is also required to allow, for a reasonable fee, a
39 lessee to obtain gravel for maintaining or repairing roads or right-of-ways necessary to

COMMITTEE AMENDMENT “ ” to S.P. 500, L.D. 1219

1 access the property from gravel pits owned by the bureau that are near the lessee's leasehold
2 property.

3

FISCAL NOTE REQUIRED

4

(See attached)