

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND SEVENTEEN

—
H.P. 789 - L.D. 1126

An Act Relating to the Use and Leasing of Public Reserved Lands

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

Whereas, bear hunting begins on August 28th and the bear baiting season begins on July 29th and certain clarifications in law relating to the placement of bait on public reserved lands need to be made before this season begins to avoid confusion and to ensure that persons who make a living as bear hunting guides are not negatively affected; and

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

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

Sec. 1. 12 MRSA §1847, sub-§5 is enacted to read:

5. Bear baiting permitted. The bureau shall adopt rules permitting bear baiting on public reserved lands consistent with its land management responsibilities. The rules must permit bear baiting at sites that are accessible by road and sites that are not accessible by road but are accessible by water. Rules adopted under this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Amendment of bear baiting rules; permits. Within 120 days of the effective date of this Act, the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands shall amend its rules governing bear baiting on public lands, adopted pursuant to its general responsibilities under the Maine Revised Statutes, Title 12, section 1802, to conform to the specific requirements of Title 12, section 1847, subsection 5. The bureau shall issue a permit to place bear bait on public reserved land at a site not accessible by road but accessible by water to any licensed Maine guide who applies in 2017 for such a permit if the applicant held such a permit for that site in 2016

and has not since become ineligible to obtain a permit to place bear bait on public reserved land, unless the bureau finds there is a valid land management reason for not issuing such a permit. If the bureau makes that finding, it must provide the licensed Maine guide a written explanation of that reason. If the permit is denied for a valid land management reason, the bureau shall work with the applicant to seek to find a suitable alternative site that meets the needs of the applicant.

Sec. 3. Law governing lease of certain land in T16 R6. This section governs the leasing of certain public reserved land in Township 16, Range 6.

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Director" means the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry.

B. "Class A restaurant" has the same meaning as in the Maine Revised Statutes, Title 28-A, section 2, subsection 15, paragraph R.

C. "Current lease" means the leasehold interest current as of the effective date of this Act in the sporting camp lot.

D. "Sporting camp lot" means the public reserved land in Township 16, Range 6 that, current as of the effective date of this Act, is the subject of a lease from the State to Eagle Lake Sporting Camps.

2. Renewal of current lease for 30 years. Notwithstanding the Maine Revised Statutes, Title 12, section 1852, subsection 5 or any other provision of law to the contrary, the director shall amend the current lease to change the term from 15 years to 30 years. All other terms of the lease remain the same. The director shall issue a new lease incorporating this change.

3. Renewal options. Notwithstanding the Maine Revised Statutes, Title 12, section 1852, subsection 5 or any other provision of law to the contrary, the leasehold interest in the sporting camp lot may be renewed for successive terms of 30 years each in accordance with the following.

A. The lessee may request a renewal under this subsection at any time during the 10 calendar years prior to the end of the term of any then-existing 30-year lease.

B. The director shall renew the lease if the land continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public and if the lessee is in compliance with all terms and conditions of the lease and all other applicable laws and rules of the State. The director, upon receiving a request under paragraph A, must, within a reasonable time, either grant the renewal in accordance with this subsection or explain to the leaseholder the reasons why the conditions of this paragraph have not been met.

C. A renewal granted under this subsection commences at the end of the term of the then-existing lease.

4. Transfer. The director may authorize, on reasonable terms and conditions, a transfer of the leasehold interests in the sporting camp lot to another entity if the Eagle Lake Sporting Camps business is sold to another entity, as long as the sale of the business is at an appraised fair market value and the sporting camp lot continues to be used for a year-round sporting camp or Class A restaurant and lodge open to the public, as specified in the lease agreement, and the transferee agrees to comply with all terms and conditions of the lease and all other applicable laws and rules of the State.

This section takes effect 90 days after the adjournment of the First Regular Session of the 128th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.