

# Notice of Agency Rule-making Proposal

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AGENCY: Department of Agriculture, Conservation and Forestry

CHAPTER NUMBER AND TITLE: Chapter 1 Rules for State Parks and Historic Sites

PROPOSED RULE NUMBER (*leave blank; assigned by Secretary of State*):

CONTACT PERSON FOR THIS FILING: Tom Morrison/ 22 State House Station, Augusta, ME 04333/ phone: (207) 287-4717/ fax: (207) 287-6170/ email: [Tom.Morrison@maine.gov](mailto:Tom.Morrison@maine.gov) / URL: [www.maine.gov/dacf/parks](http://www.maine.gov/dacf/parks)

CONTACT PERSON FOR SMALL BUSINESS INFORMATION (if different):

PUBLIC HEARING (if any): None scheduled

Email [www.maine.gov/dacf/parks](http://www.maine.gov/dacf/parks) if requesting public hearing

COMMENT DEADLINE: May 23, 2014

**BRIEF \*SUMMARY:**

Existing rules are being amended to make them consistent with current practices, address issues raised by visitors, including provisions to allow pets on beaches during fall and winter, to allow alcoholic beverages on designated campsites, clarify campsite occupancy limits, adjust times when generators can be used, allow hunting in accordance with IF&W laws and rules, and allow concealed handgun consistent with state law.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any) None

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STATUTORY AUTHORITY FOR THIS RULE: Title 12 MRSA § 1803 (6)

SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different):

E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: [Mari.Wells@maine.gov](mailto:Mari.Wells@maine.gov)

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*\* Check one of the following two boxes.*

*The above summary is for use in both the newspaper and website notices.*

*The above summary is for the newspaper notice only. A more detailed summary / basis statement is attached.*

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**Please approve bottom portion of this form and assign appropriate AdvantageME number.**

APPROVED FOR PAYMENT \_\_\_\_\_ DATE: \_\_\_\_\_  
(authorized signature)

FUND	AGENCY	ORG	APP	JOB	OBJT	AMOUNT
014	01A	R001	32		4946	

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## DETAILED BASIS STATEMENT / SUMMARY:

Certain existing rules are inconsistent with current acceptable practices. In addition, visitors have requested changes to expand public use opportunities and make campsites available on a more equitable basis.

Described below are the proposed amendments to existing state parks and historic site rules to address these matters.

- Intoxicating beverages will continue to be prohibited in historic sites, day use areas, and in common public areas in campgrounds. However, intoxicating beverages will be allowed on individual campsites.
- Pets must be on a leash under the physical control of the pet handler and will be allowed on beaches after September 30<sup>th</sup> and before April 1<sup>st</sup>.
- The end date for the time period within which the 14 day cumulative camping limit applies will be reduced from the last Saturday in August to the third Saturday in August.
- Campsites may not be left unattended more than two nights without prior approval and unattended equipment shall be removed from the site.
- Campsite occupancy definitions are being clarified.
- The time period when generators may be used will be expanded by one hour in the morning and evening to 8a.m. to 8p.m.
- Hunting may occur in previously permitted areas between May 1<sup>st</sup> and September 30<sup>th</sup> in accordance with Maine Department of Inland Fisheries and Wildlife laws and rules.

The following rules and regulations are established by the Bureau of Parks and ~~Public~~ Lands (Bureau) pursuant to the provisions of the "Maine Revised Statutes Annotated," Title 12, Section 1803, subsection 6.

1. The use of ~~these areas~~ all State Parks and Historic Sites, as defined in the Title 12 MRSA section 1801 (5), (7), shall be limited to the purposes for which they are being preserved and to activities determined by the Bureau to be compatible with the intended use of the facility. Activities which endanger persons or property are prohibited. The removal, molesting, injury or damage of anything natural, physical, prehistorical, or historical within these areas is strictly prohibited except as outlined in section 21 regarding hunting, trapping and firearms.
2. Feeding or touching wild animals found in the parks or historic sites is prohibited. For health and safety reasons, visitors are required to put away food securely and leave picnic areas and campsites clean.
3. Day use areas will be open from 9:00 a.m. to sunset daily, unless posted otherwise due to operational constraints.
4. Use of metal detectors at historic sites is prohibited. Metal detectors are allowed in other areas only by written permit obtained at the park.
5. Intoxicating beverages are not permitted in historic sites, day use areas, or in common public areas in campgrounds. Disorderly conduct is prohibited. This includes, but is not limited to, indecent acts, intoxication or coarse language.
6. Open fires are allowed only in grills or fireplaces provided by the Bureau. No fires are allowed on beaches. No fires shall be left unattended.
7. ~~No pets are allowed on beaches or in the Sebago Lake State Park campground. Pets must be on a leash not exceeding four feet in length and must not be left unattended. Pet owners must immediately clean up any fecal deposits left by their pets. Pet owners may be assigned picnic or campsites in a less congested area of the park.~~  
No pets are allowed in the Sebago Lake State Park campground. Pets are not allowed on beaches between April 1 and September 30. Pets must be on a leash under the physical control of the pet handler and must not be left unattended. Pet owners must immediately clean up any fecal deposits left by their pets. Pet owners may be assigned picnic or campsites in a less congested area of the park.
8. Wheeled vehicles including bicycles shall be parked only in places designated for that purpose, conform to posted traffic regulations, be confined to roads and trails specifically

designated for their use and otherwise comply with all applicable State laws. Vehicles parked in unauthorized areas may be towed at the vehicle owner's expense.

9. The discharging of wastes, including soaps and detergents, ~~shall be~~ is prohibited except in a receptacle specifically designated for that purpose.
10. All ~~rubbish~~ refuse shall be placed in designated containers provided by the Bureau. No ~~rubbish~~ refuse shall be deposited in any type of toilet facility. At those areas where the Bureau has a carry in/carry out policy, users shall be responsible for carrying out all their refuse.
11. Soliciting is prohibited.
12. Campsite vacancies will be filled either by the State Park Campsite Reservation System or on a first come, first served basis. All campers must register in person when arriving at a State Park campground.
13. ~~The camping day is from 1:00 p.m. until 11:00 a.m. Camping shall be limited to a cumulative total of fourteen (14) nights from the last Saturday in June through the last Saturday in August.~~
  - a.) The camping day is from 1:00 p.m. until 11:00 a.m. Camping, at any one park, shall be limited to a cumulative total of fourteen (14) nights from the last Saturday in June through the third Saturday in August.
  - b.) Sites may not be left unattended more than two nights. Absences exceeding two nights require prior approval of the Park Manager or designee. The Bureau may remove unattended equipment at the equipment owner's expense.
14. ~~Campsite occupancy will be limited to one camping party that shall be defined as:~~
  - a. ~~— A family consisting of father, mother and any number of their unmarried children.~~
  - b. ~~— A maximum of six (6) individuals, including children.~~
  - c. ~~— One (1) R.V., trailer, Camper van or slide in camper allowed per campsite.~~
  - d. ~~— Not more than two motor vehicles, including the visitor's vehicle.~~

Campsite occupancy and use is limited to:

  - a) A minimum of one (1) adult 18 years of age or older per camping party
  - b) A family consisting of up to two (2) adults and any number of their children under 18
  - c) A maximum of six (6) individuals including children, except as set forth in 14b.
  - d) One (1) motor home, trailer, camper van, or slide-in camper is allowed per campsite
  - e) For tent campsites – as many tents as will comfortably fit within the designated site
  - f) Not more than two (2) motor vehicles including the visitor's vehicle
  - g) Picnic table(s) provided at the site by the Bureau. Moving picnic table(s) from site to site and using one site by several parties is prohibited.
15. Campsite visitors will be allowed as follows:

- a. After 9:00 a.m. by paying the day use fee and leaving before 8:00 p.m. Limit one visiting party to a campsite. The total number of people at the campsite will not exceed ten, and the limit at Sebago Lake State Park will ~~be~~ not exceed eight.
16. Quiet in camping areas is required between the hours of 10:00 p.m. and 7:00 a.m.
17. Trails will be opened and closed by the Bureau as warranted by environmental and safety conditions.
18. The use of chain saws and power equipment is prohibited. Generators may be used between the hours of ~~9:00 a.m. and 7 p.m.~~ 8:00 a.m. and 8:00 p.m. as long as they do not bother other visitors.
19. The use of floating devices, face masks or snorkels is prohibited at surf beaches. Scuba diving may be allowed by permit obtained at the park.
20. Hunting, trapping and firearms
  - a. All hunting and trapping shall take place in accordance with the laws of the State of Maine, the laws and rules of the Maine Department of Inland Fisheries and Wildlife, and local ordinances.
  - b. A concealed ~~firearm~~ handgun may be carried by qualifying individuals consistent with the provisions of 12 M.R.S.A. §1803, ~~sub-§(7)~~. Open carry is not permitted under this provision.
  - c. The possession and/or use of firearms or weapons is prohibited in all areas between May 1 and September 30, except where hunting is allowed during this period or in accordance with 20a and 20b above. ~~Firearms or weapons may be transported across the Restricted Zone of the Allagash Wilderness Waterway, between May 1 and September 30, provided they are securely and completely enclosed in a cover, fastened in a case, or dismantled in at least two pieces in such a manner that they cannot be fired unless the separate pieces are joined together.~~
  - d. Hunting is not permitted at any time at State Historic Sites or Memorials, or at any of the properties listed below:

Andrews Beach State Park: that portion of Bradbury Mountain State Park west of State Route 9; Cobscook Bay State Park: Crescent Beach and Kettle Cove State Parks; Damariscotta Lake State Park; Ferry Beach State Park; Holbrook Island Sanctuary State Park; Mackworth Island; Nickerson Lake State Park; Owls Head Light State Park; that portion of Quoddy Head State Park within 1,000 feet of the lighthouse; Reid State Park; Sebago Lake State Park; Shackford Head State Park; Two Lights State Park; and Wolfe's Neck Woods State Park.
  - e. Hunting is not permitted between May 1 and September 30 at any of the properties listed below:

~~Restricted Zone of the Allagash Wilderness Waterway;~~ Aroostook State Park; Birch Point Beach State Park; Bradbury Mountain State Park east of Route 9; Camden Hills State Park; Grafton Notch State Park; Mt. Kineo State Park; Lake St. George State Park; Lamoine State Park; Lily Bay State Park; Moose Point State Park; Mount Blue State Park; Moxie Falls State Park; ~~Peacock Beach State Park;~~ Peaks-Kenny State Park; Popham Beach State Park; Quoddy Head State Park, ~~except as provided in paragraph C. immediately above;~~ Range Pond State Park; Rangeley Lake State Park, except that portion posted as part of the Rangeley Lake Game Sanctuary; Roque Bluffs State Park; Swan Lake State Park; Warren Island State Park. Except as provided in paragraph C

- f. The discharge of any weapon is prohibited from or within 300 feet of any picnic area, camping area or campsite, parking area, building, shelter, boat launch site, posted trail or other developed area.
- g. Trails which are closed to hunting will be posted to that effect at access points. On trails posted as closed to hunting, loaded weapons are not permitted on the tread way except in accordance with 20b above and weapons may not be discharged within 300 feet of the trail.
- h. Work areas and areas with significant public use may be temporarily posted as closed to hunting by park management in the interest of public safety.
- i. Baiting of wildlife for the purpose of hunting is prohibited.
- j. Trapping may take place only in accordance with the laws of the State of Maine, the laws and rules of the Maine Department of Inland Fisheries and Wildlife and local ordinances. Trapping on state parks or historic sites in organized townships requires the written permission of the Bureau.
- ~~k. Bureau employees or their representatives in the official conduct of their duties and in accordance with bureau policy are exempt from the above rules.~~

21. The launching or retrieving of whitewater craft on the Lower West Branch of the Penobscot River by commercial whitewater outfitters is prohibited except at sites designated by the Bureau of Parks and Lands. For safety reasons access may be allowed at other locations with prior approval of the bureau.

Designated commercial access sites are:

- a. McKay Station/G.N.P.
- b. Big Ambejackmockamus
- c. Horserace Brook
- d. Bateau Take Out
- e. Nevers Corner.

In addition to any criminal and civil sanctions imposed by law, the Bureau may evict any person violating these rules or other State laws or regulations. Bureau employees or their representatives in the official conduct of their duties and in accordance with bureau policy are exempt from the above rules.

~~Penalties: Violation of any of these rules is a Class E crime.~~ Penalties: Violation of any of these rules, that constitutes a criminal offense as designated in Title 12 MRAS § 1806 (4) is a Class E crime.

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STATUTORY AUTHORITY: 12 M.R.S.A. ~~Section 606~~ Section 1803 (6)

EFFECTIVE DATE:

March 14, 1975 (filed 8-14-78)

AMENDED:

July 1, 1979  
April 21, 1983 (EMERGENCY)  
May 27, 1983 (EMERGENCY)  
May 21, 1984  
May 7, 1986  
June 8, 1987  
April 6, 1988  
May 17, 1989  
March 8, 1992  
September 23, 1995

EFFECTIVE DATE (ELECTRONIC CONVERSION):

May 4, 1996

AMENDED:

May 27, 1997 - Section 22 added

NON-SUBSTANTIVE CORRECTIONS:

August 7, 1998 - Missing words "including bicycles" from September 23, 1995 amendment reinserted; stray parenthesis removed from 16; under VIOLATION OF RULES AND REGULATIONS, "markers" corrected to "marker."

AMENDED:

October 23, 1999  
June 3, 2012 - filing 2012-163