

Land for Maine's Future Program Biennial Report 1998 - 2000



**Land for Maine's Future Program
Biennial Report
1998 - 2000**

a report to the
Joint Standing Committee on
Agriculture, Conservation and Forestry
Maine Legislature

Executive Department
Maine State Planning Office
Augusta, Maine 04330

December 2001

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Note: This report, in its entirety, can be found on the following Web Page: www.state.me.us/spo/lmf

Land for Maine's Future Board Biennial Report to the Joint Standing Committee on Agriculture, Forestry and Conservation

I. THE LAND FOR MAINE'S FUTURE FUND

A) Executive Summary

The Land for Maine's Future Fund was established in 1987 when Maine voters overwhelmingly approved a \$35 million bond for purchasing lands of state significance for recreation and conservation. The fund is managed by a board and the two are referred to as the Program. The concept behind the Program (LMFP) is simple; certain lands rise above the rest because of the exceptional natural values they possess and they deserve permanent protection through public acquisition or through the acquisition of a conservation easement. As Maine grows, the use of land changes and there is a very real risk that Maine will lose these "special places" forever. The role of LMFP is to identify these "special places", working with the Departments of Conservation, Inland Fisheries and Wildlife, Agriculture, Atlantic Salmon Commission, Marine Resources, and our many conservation partners in the private sector.

Three Governors have supported the Land for Maine's Future Program. Governor Joseph Brennan (1980 -1987) created the Commission on Outdoor Recreation, which recommended the creation of the Program. Governor Angus S. King Jr., then a member of this Commission, was a lead author of the recommendation to create the LMFP. Governor John R. McKernan Jr. (1988 - 1994) supported the concept as it was refined and written into legislation. Governor Angus S. King Jr. continues in this tradition of bipartisan support, most recently commissioning the Land Acquisition Priorities Advisory Committee (November, 1997) to review the Program, recommend funding options and provide forward looking guidance.

One of Maine's most significant conservation achievements, the Fund and its Board of six private citizens and five commissioners, following in the tradition of Governor Percival V. Baxter, have assembled an array of public lands which have only one equal, Baxter State Park. After fourteen years, Maine citizens and visitors to Maine share an investment which is permanent, ever increasing in value and touches all corners of the State.

As presented in this report, measures of success are tangible assets in which all Maine citizens can be proud. Points of recognition and successes indicate that the Program is well received. The information summarized below is derived from the completion of 53 land protection projects using the 1987 \$35,000,000 bond and a portion of the 1998 \$3,000,000 General Fund appropriation.

- Acres of Land Protected 88,124 acres
 - Acres in Conservation Easement 24,358
 - Acres in Fee 63,460
 - Acres in Purchase of Development Rights (PDR) 306

- Miles of Shoreline 193 miles
 - Miles of Coastal Shoreline 25 miles
 - Miles of Lake and River Shoreline 168 miles
 - (excludes 79 lake & pond shorelines present in larger LMF projects such as, Nahmakanta Township)*

- Percent of LMF projects that involve water access: 83 % (43/55 projects)

- Miles of recreational corridors, 86 miles (rail corridors)
 - ie snowmobiling, cross country skiing

- LMF Acres managed by Inland Fisheries & Wildlife (IF&W) 15,097
- LMF Acres managed by Dept. of Conservation (BPL) 72,480
- LMF Acres managed by Maine DOT 25
- LMF Acres managed by Maine Dept. of Agriculture 306
- LMF Acres managed by Atlantic Salmon Commission 215

County Distribution: LMF projects are present in all of Maine's 16 Counties.

Types of Land Protected: Recreational Lands, Water Access Lands, Lands Supporting Vital Ecological or Conservation Functions and Values, Rare and Endangered Natural Communities, Plants, or Wildlife Habitat, Farmland and Open Space, Areas of Scenic Interest and Prime Physical Features

Note: Properties acquired, using LMF funds, and overseen by BPL are managed according to the rules and policies of the BPL for hunting or fishing on public lands; 99.8% of LMF lands overseen by BPL are open to hunting and fishing. No properties acquired, to date, using LMF funds and overseen by IF&W are closed to hunting or fishing.

This fourth Biennial Report is a very significant waypoint in the Program's fourteen year journey. Within this report, you will find reporting that touches on the final phases of the original \$35 million bond fund established in 1987, the \$3 million General Fund appropriation passed in 1998 by the 118th Legislature, an overview of the \$50 million bond fund and the very significant changes implemented as a result of this new funding. This report is also the first to be submitted to the Program's new oversight committee, the Joint Standing Committee on Agriculture, Forestry and Conservation pursuant to 5 MRSA §6206, sub-§1, ¶E.

Previously, the Land for Maine's Future Program's oversight committee was the Joint Standing Committee on Natural Resources. This report is the fourth in a series that chronicles the work of the Board since its creation in 1987.

The Board's legislative mandate is to acquire natural lands of state, regional and local significance including water access and farmland. Satisfying this mandate has been the Board's primary focus. In its pursuit, the Board has encouraged and worked closely with towns, interested private citizens, non-profit conservation organizations, land trusts, conservation commissions, and state agencies to develop proposals for consideration by the Board.

B) Legislative Changes Affecting the Land for Maine's Future Program since the January 1998 Biennial Report

Between February 1998 and January 2001, there have been 6 legislative changes. These are described below. The text of the various legislative enactments is included in the appendices.

1. \$3 Million Appropriation

The 118th Special Session of the Legislature passed a General Fund appropriation for the land for Maine's Future Program of \$3,000,000 (PL 97, c. 643). This appropriation provided funds for acquisitions that were targeted to sites with outstanding recreational, scenic, natural or wildlife values in accordance with the policies and criteria developed by the Land for Maine's Future Board. These funds had to be matched with at least \$1,500,000 in public and private funding. Up to 20% of this appropriation was made available for farmland preservation, as determined by the Land for Maine's Future Board.

2. Change of Legislative Oversight

As mentioned earlier, the Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Department of Conservation Under the State Government Evaluation changed the oversight committee of the Land for Maine's Future Program (PL 99, c. 603).

3. Two amendments to Conservation Easements funded by the Land for Maine's Future Program were enacted.

The first amendment granted a well and waterline easement to provide potable water to residences and businesses served by wells that either are contaminated or in danger of becoming contaminated by oil that leaked from underground storage tanks in Oquossoc Village (R.99, c.102).

4. Business Plans for Farmers:

A new provision was added to enable Land for Maine's Future funding to be used to develop business plans for farmers when LMF funds are used to purchase development rights of their lands. The provision limits the funds available under this section to 5 % of appraised value of the acquired property (PL 99, c.769).

5. \$50 Million Land Bond

In November, 1999, the states voters approved a \$50,000,000 general fund bond to finance acquisition of lands and interests in lands for conservation, water access, outdoor recreation wildlife and fish habitat and farmland. Key elements of this bond include:

- \$50,000,000 Bond Amount.
- \$25,000,000 Match Requirement - Seventy percent must be in the form of land, cash or other tangible assets. The remaining 30% may be matching contributions of goods and services to and by cooperating entities and the value of real property interests acquired by or contributed to cooperating entities when property interests have a relationship to the property proposed for protection, as determined by the Board.
- Clarification that federal funds can be used as matching funds.
- 10% of total allocated to the Public Access to Maine Waters Fund.
- Up to 10% of the total must be made available to protect farmland.
- Sites of local and regional significance may now be considered and payments may be made directly to cooperating entities with title remaining with the cooperating entities, subject to terms and conditions enforceable by the State to ensure use of the properties for the purposes for which they were acquired (see Project Agreement Language, Appendix C).
- Approval by the county commissioners is required if land proposed to be acquired under a bond issue within the unorganized territory in a county constitutes more than 1% of the state valuation within the county. [Note: This was modeled on a similar, existing statutory provision that requires local approval if the value of the proposed acquisition exceeds 1% of the state valuation within an individual municipality.]

6. New Staff Position

Following the passage the \$50 Million Land Bond, language governing the Land for Maine's Future Credit Card was amended to create a revenue source to pay for an additional staff position to help administer the additional anticipated work load and the corresponding position was authorized. (PL 99, c.731)

C. Board Composition & Staff

The eleven-member Board consists of six private citizens appointed by the Governor and four commissioners (Inland Fisheries and Wildlife, Marine Resources, Agriculture, and Conservation) along with the Director of the State Planning Office. As called for in the companion legislation, the private members of the Board “provide broad geographic representation.” Private members are appointed by the Governor and confirmed by the Legislature. The private members of the Board and their terms of service are:

Public Members

Warren Balgooyen
Norridgewock, Maine 04957
term: 4/15/00 - 1/31/04
6/11/97 - 1/31/00

Dennis Higgins*
Mariaville, Maine 04605
term: 4/15/00 - 1/31/04
6/11/97 - 1/31/00

Roger Milliken, Jr
Cumberland, Maine 04021
term: 10/6/98 - 11/13/02
9/20/95 - 11/13/98

Roger K. Berle
Cliff Island, Maine 04019
term: 3/1/99 - 1/31/03

Marcia McKeague
Medway, Maine 04460
term: 4/13/00 - 1/31/02

Carole Dyer
Bowdoinham, Maine 04008
term: 9/7/00 - 11/13/03.

Linda Pagels*
Cherryfield, Maine 04622
term: 10/01 - 1/31/04

* Higgins replaced by Pagels

State Agency Members

George Lapointe, Commissioner
Department Marine Resources
State House Station # 21
Augusta, Maine 04333
term: ex-officio member

Ronald Lovaglio, Commissioner
Department of Conservation
State House Station # 22
Augusta, Maine 04333
term: ex-officio member

Lee Perry, Commissioner
Dept. Inland Fisheries & Wildlife
State House Station # 41
Augusta, Maine 04333
term: ex-officio member

Evan D. Richert, **Chair**
Director, State Planning Office
State House Station # 38
Augusta, Maine 04333
term: ex-officio member

Robert Spear, Commissioner
Dept. of Agriculture, Food & Rural Resources
State House Station # 28
Augusta, Maine 04333
term: ex-officio member

Program Staff

Mark DesMeules, Program Director*
State Planning Office
184 State St., State House Station # 38
Augusta, Maine 04333

Steve Brooke, Senior Planner
State Planning Office
184 State St., State House Station # 38
Augusta, Maine 04333

R. Collin Therrien, Senior Planner
State Planning Office
184 State St., State House Station # 38
Augusta, Maine 04333

Aline A. LaChance, Support Staff
State Planning Office
184 State St., State House Station # 38
Augusta, Maine 04333

*Mark DesMeules resigned in August, 2001. Tim Glidden became the program director on October 15, 2001.

II. SUMMARY OF PROGRAM ACTIVITIES BETWEEN JANUARY 1998-2001

A) Program Staffing

Land for Maine's Future Program activity, during the period covered by this report, has increased significantly. With the \$3 million General Fund appropriation and the subsequent \$50 million land bond, the Board became very active in both project activity and revisiting and updating its policy and process.

The administration of the Program, including the bond fund, is the statutory responsibility of the State Planning Office. Staffing increased in 2000 by one full-time assistant to the Director to handle the growing workload. In addition to this, State Planning Office provides additional staff support as necessary. This staffing level returns the Program to where it was during the peak activity of the original \$35 million bond.

Tim Glidden became the director of the program in October, 2001 succeeding Mark P. DesMeules, Coordinator of the Eco-Eco Team at the State Planning Office, who had been the Director from January, 1995 until August, 2001. Steve Brooke was hired in October, 2000 as Assistant to the Director. Collin Therrien, Senior Planner has provided significant support on contracts, farmland projects, development of Program fact sheets, and other project activity. Paul Dest of the Maine Coastal Program provided newsletter and home page support, and coordinated the coastal access component of the Access to Maine Waters Fund, a fund administered by the Land for Maine's Future Program. Aline LaChance serves as Administrative Secretary to the Program.

It is important to note that the Program relies extensively on State Agency staff from the Departments of Conservation, Inland Fisheries and Wildlife, Atlantic Salmon Commission, Agriculture and Marine Resources for many aspects of its work. Board legal counsel for projects is provided through a cooperative agreement with the Department of Transportation. The Legal Division of the Department of Transportation also provides title, survey and legal research services, all at a cost that would be difficult to duplicate in the private sector. The Attorney General's Office is the Board's counsel when it comes to interpreting the LMF statute and reviewing policy, process and legal questions relating to these. On a project by project basis, various non-profit land trusts, municipalities, conservation commissions, and other cooperating entities provide valuable services from surveys to legal services to project development; all of which also save significant financial resources. All of these arrangements provide substantial leverage to the efforts of program staff and make the most efficient use of available state resources.

B) Board Actions and Policies

The Board's original criteria remain in place and have been up-dated as new public input becomes available and new or expanded mandates are conveyed through legislation. The two most recent examples of these include the recommendations of Governor King's Land Acquisition Priorities

Advisory Committee and the combined changes made by the Legislature through the \$3 million General Fund appropriation and the passage of the \$50 million bond fund.

In May, 2001, the Board also adopted guidelines for applicants interested in securing funding for large, landscape scale conservation easements designed to prevent large land tract fragmentation, to secure public access to traditionally accessed lands, and to allow sustainable timber harvesting to continue (see appendices for the full text). The Board recognizes that these guidelines represent a working document, and that amendments and refinements are likely as experience dictates.

In early 2001, the Board formed an easement subcommittee to identify:

- the essentials for any easement funded by the Lands For Maine's Future Program (LMF)
- elements that are desirable but not always necessary, and
- cautions related to various elements of these kinds of easements

There are two types of working forest easements – strip easements (primarily along water bodies), and landscape easements. Some elements are appropriate for one type and not the other. The Board further recognizes that in many cases, (e.g. ecological reserves, key recreation areas, boat launches and parking areas) fee purchase is probably a better tool and should be used alone or in concert with an easement.

The Board understands that the basic intention of a working forest easement is to protect both the natural values and economic values of the forest, along with its potential to provide traditional recreation opportunities for the public. Each easement will vary depending on the property involved and the intentions of the grantor and grantee. However, each easement should define existing conditions, contain a clear statement of goals, remedies for non-compliance and outline a process by which the landowner and easement holder can meet to review the easement and its implementation, ideally annually. It should allow the parties to mutually determine acceptable amendments to the easement to reflect changes in science or society while remaining faithful to the original goals.

The LMF web site has links to other Internet sites that feature conservation lands in the state, such as the Department of Conservation's parks and reserves and the Department of Inland Fisheries and Wildlife's wildlife management areas. Visitors to the site will also find program facts, history, reports, and updates on current acquisition activities. Most importantly, visitors to the site will find regular updates on acquisitions of properties.

The Land for Maine's Future Program plans to continue to expand the web site to make it an effective tool for people who prefer to get their information online. For example, the new proposal workbook is now available in a Portable Document Format on the web site, which people can download to their computers at home.

To promote the new site, the Program printed an attractive, colorful postcard that is titled, "Your Land...Online." It was mailed in March, 1999 to organizations and individuals with an interest in LMF. The postcard had the Program's web address, and highlights of what people can find on the web site.

F) Conservation Easement Monitoring Task Force

History of the Effort

In July of 1996, a small group of state and private non-profit representatives convened at the State Planning Office to open a discussion on the topic of conservation easements held by the State of Maine. The purpose of this initial meeting was to establish a common understanding regarding the status of State-held conservation easements: how many, how adequate the file information was including baselines and boundary surveys, and what's happening at the agency and field office level to monitor compliance of the easement restrictions. This first meeting of what came to be known as the Conservation Easement Monitoring Task Force brought to light a timely and important need regarding the current status of state held conservation easements. The Task Force discovered that the State of Maine conservation easement portfolio represented over 85 easements and also recognized that the State needs to do a better job of monitoring and managing these easements. The Task Force also recognized a positive and forward looking attitude on the part of the Agencies holding these easements (Inland Fisheries and Wildlife and the Department of Conservation). Both requested assistance in establishing an inventory and in charting a strategic course to address both the information gaps and ongoing monitoring needs.

Current Status

As of June 2001, the State has 103 easements totaling 29,698 acres. Of these easements, all will have baselines by the end of 2002.

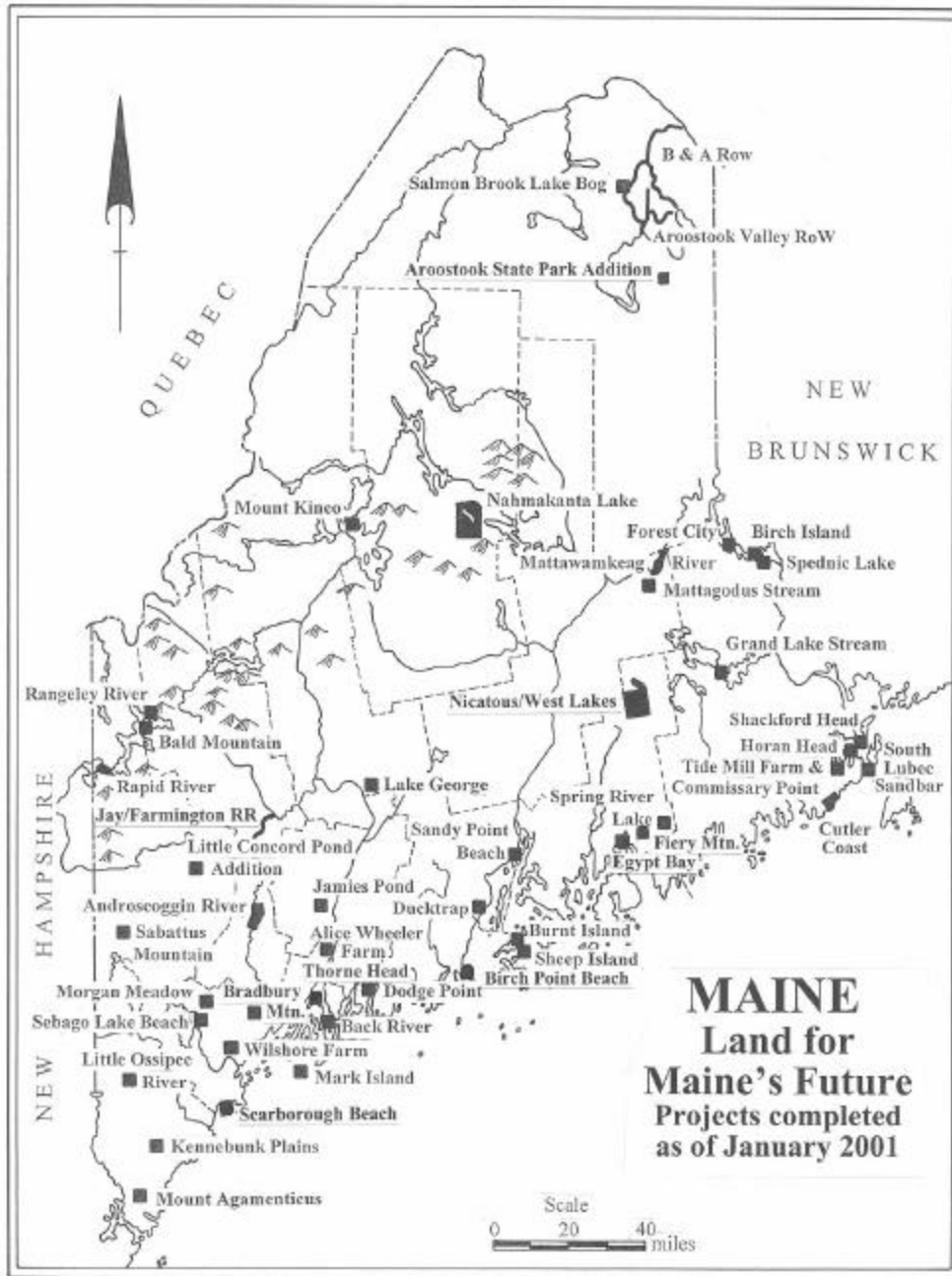
Easement Statistics

The easements range in size from 0.13 acre to 21,900 acres with 72% being less than 100 acres in size. Some of the easements date back to 1963, but 56% were obtained between 1971-75 and 1991-95. The purposes of these easements are wide ranging including, among other objectives, protection of coastal shoreline from development, provision of public access to important recreation areas, and protection of farmland from development. The most common reasons were to prevent development (90%), and to protect wildlife (58%).

Future Objectives

As soon as the program has established baselines for all State held conservation easements, it is the intent of the Conservation Easement Monitoring Task Force that regular monitoring of all State easements begin. How this is implemented will be a challenge given the lack of a state endowment for this purpose and the scarcity of General Fund dollars. It is the Task Force's hope that in the short term, agencies will be able to pool limited financial resources and contract seasonal help to address some level of monitoring. In the long-term, planning for future conservation easements will need to set aside a monitoring fund. Collectively, these will create a monitoring endowment that can support regular monitoring, regular land owner contacts, quick resolution of easement violations, training of agency staff and volunteers as well as consistent involvement of agency staff in the monitoring of their conservation easements.

III. COMPLETED LAND FOR MAINE'S FUTURE ACQUISITIONS



LMF's Acquisition Summary January 1998-January 2001

<u>Property</u>	<u>Acreage</u>	<u>Shore Frontage</u>	<u>Managing Agency</u>
Aroostook State Park Addition	93 fee		Dept. of Conservation
Birch Islands	25 fee	Spednic Lake	Dept. of Inland Fisheries and Wildlife
Birch Point State Park Addition	4.2 fee	960 LF – ocean frontage	Dept. of Conservation
Donnell Pond	334 fee 790 Conservation Easement	Little Pond Donnell Pond	Dept. of Conservation
Ducktrap - Lacombe	68 fee	1,805 LF - Ducktrap River frontage	Dept. of Inland Fisheries & Wildlife
Jay-Farmington	138.46 fee 15 miles of rail bed		Dept. of Conservation
Little Falls – Naraguagus River	215 fee	1/2 mile of Naraguagus River frontage	Atlantic Salmon Commission Dept. of Inland Fisheries and Wildlife
Nicatous – West Lakes	21, 901 Conservation Easement 469 fee 76 islands	30 miles of lake shore	Dept. of Conservation
Scarborough Beach	62 fee	1,800 LF – ocean frontage	Dept. of Conservation
Thorne Head	96.5 Conservation Easement	1,329 LF estuary & Kennebec River frontage	Dept. of Inland Fisheries and Wildlife

Table Summary:

Fee acres:	1408.66
Easement acres:	22787.5
River frontage:	1.09 +/- miles
Lake frontage:	34.0 +/- miles
Ocean frontage:	2,760 linear feet

\$ 35 Million Bond Fund Project Descriptions

The Land for Maine's Future Program was established in 1987 when Maine voters approved a \$35 million bond for purchasing lands of statewide significance for recreation and conservation. The projects detailed here represent the last acquisitions enabled through this source of funding.

SUMMARY OF THE BIRCH ISLAND, SPEDNIC LAKE ACQUISITION

Conservation Partners: Woodie Wheaton Land Trust, National Fish and Wildlife Foundation, Wildlife Forever, Maine Coast Heritage Trust, Chiputneticook Lake International Conservancy, Forest City Guides Association (who manage the site for IF&W under a conservation easement)

Land Category: Recreation & Water Access Lands

Project Acreage: 25 acres in fee

Project Design: Acquired in fee and held by the Maine Department of Inland Fisheries & Wildlife

Location: (town and county) Forest City, Washington County

Public Access: By water from Spednic Lake

Lead Negotiator(s): Dale Wheaton, Woodie Wheaton Land Trust and Mark DesMeules, Land for Maine's Future Program

Seller: David E. Roundy, Sr.

Agency Sponsor: Maine Department of Inland Fisheries & Wildlife

Appraised Value: \$65,900

Final Purchase Price: \$51,600

Bond Funds: Land - \$33,800

All Other - \$ 6,223.60

Matching Funds:

Cash - \$22,600

Bargain Sale Component - \$14,300

All Other - \$4,800

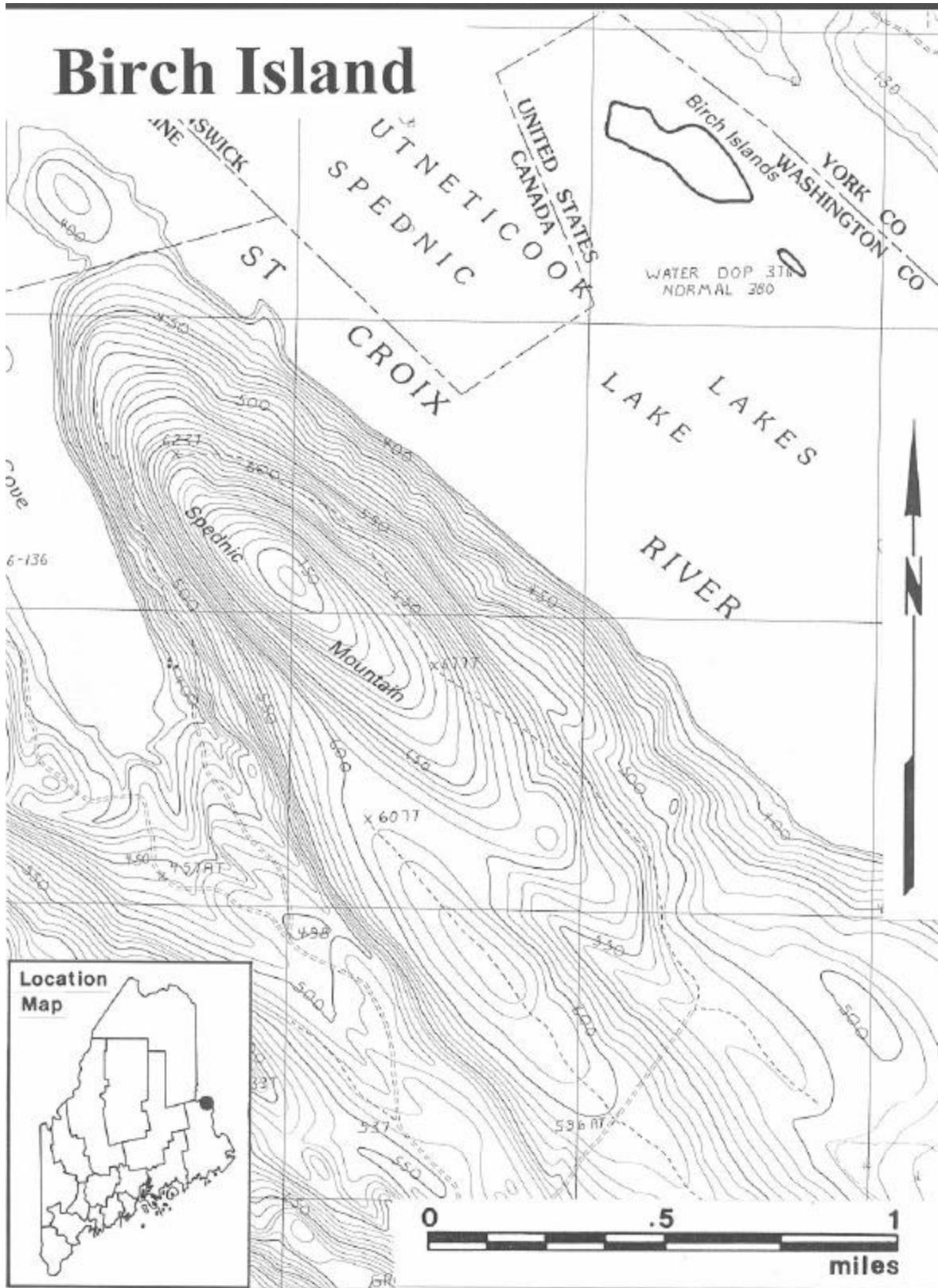
Closing Date: July 28, 1996

Project Description

Protection of land along the St. Croix International Waterway continued with the acquisition of the last remaining undeveloped island in a 15 mile stretch of Spednic Lake. Birch Island is an important part of the St. Croix Canoe Trail with a landing site and primitive campsite on the northeast corner that has traditionally been used by area guides, canoe trippers and fishing parties. This region supports diverse wildlife including moose, deer, bear, and also provides habitat for Bald Eagle. The island was initially considered Canadian territory but became part of the United States in 1914.

Other land along Spednic Lake and islands in this chain were acquired with help of LMF funding in 1992 (the Forest City Project, 536 acres composed of 523 acres of fee and a 13 acre easement). An additional 16.13 miles of shoreline along Spednic Lake (830.6 acres of conservation easement and 18.7 acres in fee) was protected with LMF funds in 1994 with a conservation easement that guarantees public access and no development within 500' of the lake. On the Canadian side, the New Brunswick Provincial Government has implemented a 100-meter

protection zone along the lake. Spednic Lake and its islands, shorelands, wetlands, and upland areas now provide a special variety of public access and recreational opportunity on Maine's eastern boarder.



SUMMARY OF THE BIRCH POINT STATE PARK - ADDITION, OWLS HEAD ACQUISITION

Conservation Partners:

Department of Conservation and a private benefactor

Land Category: Recreation Lands & Water Access

Project Acreage: 4.2 acres

Project Design: Acquired in fee and held and managed by the Maine Department of Conservation, Bureau of Parks and Lands.

Location: (town and county): Owls Head, Knox County

Public Access: From Birch Point State Park

Lead Negotiator: Herb Hartman, Deputy Director - Bureau of Parks and Lands

Seller(s): Marjorie East Trust and James Norris East Trust

Agency Sponsor: Maine Department of Conservation

Appraised Value: \$100,000

Final Purchase Price: \$83,000

Bond Funds:

Land - \$65,000

All Other - \$2,388.90

Matching Funds:

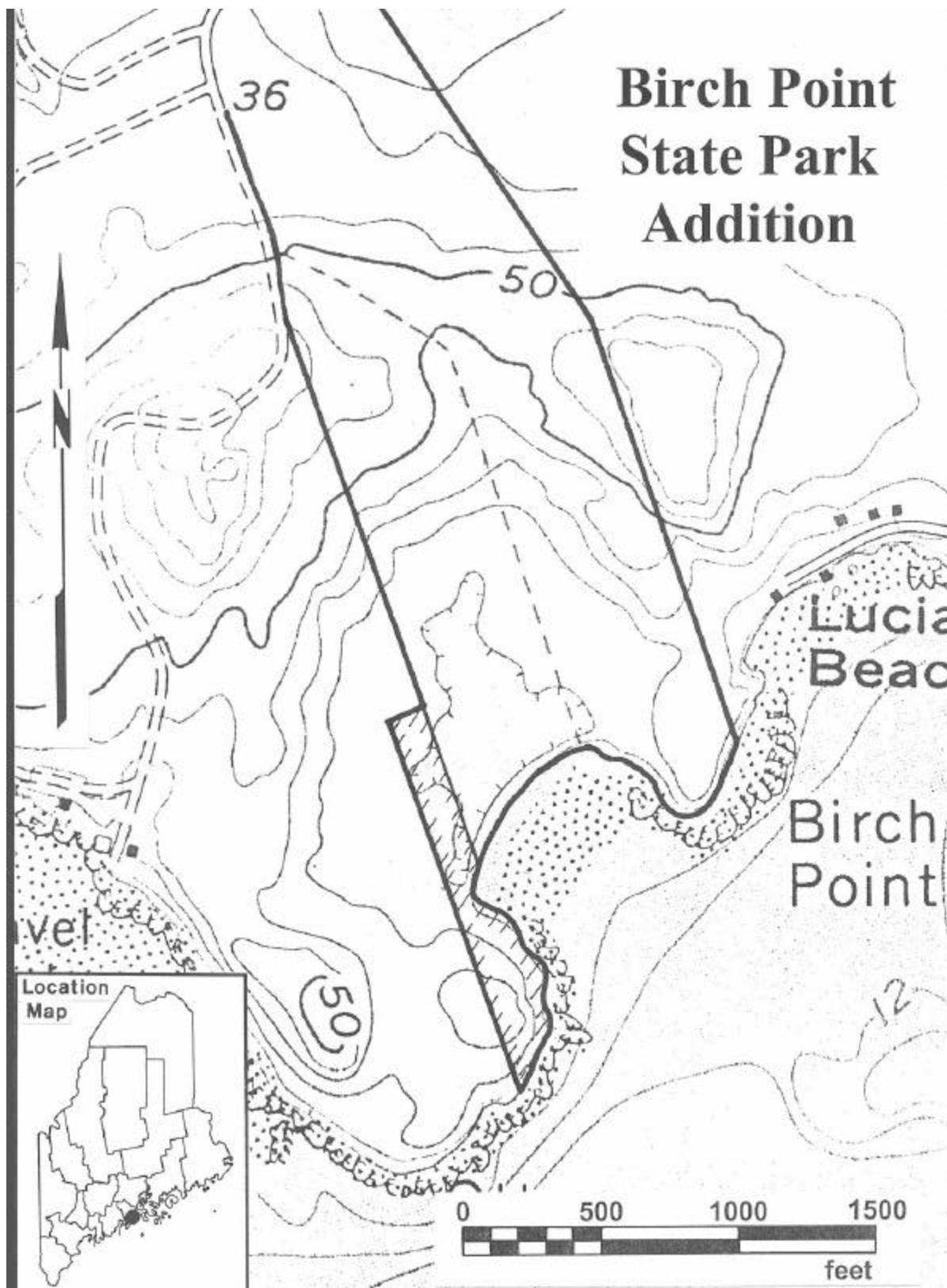
Cash - \$18,000

Bargain Sale Component - \$17,000

Closing Date: June 4, 1999

Project Description

This 4.2 acre addition to the west side of Birch Point State Park adds 960 feet of ocean frontage on the Muscle Ridge Channel to a heavily-used public beach area. This beach is one of mid-coast Maine's most attractive crescent sand beaches, with a long tradition as being a quiet place to swim, fish, and enjoy Maine's coast. This acquisition completes public ownership on a beach that was previously divided between private and public ownership and one within minutes of Rockland.



SUMMARY OF THE DONNELL POND - (TUNK LAKE/FIERY MT. ACQUISITION)

Conservation Partners: Maine Coast Heritage Trust

Land Category: Recreation Lands & Water Access Lands

Project Acreage: 1,224 (easement acreage = 790 acres, fee acreage = 334 acres)

Project Design: Conservation easement and fee

Location: (town and county) Franklin

Public Access: (1) By public road to Donnell Pond Boat Launch (2) To Little Pond by trail easement from fee owned land (3) To Fiery Mountain Park from adjacent state owned lands

Lead Negotiator: Caroline Pryor, Vice President - Maine Coast Heritage Trust and Ralph Knoll,
Director of Planning and Land Acquisition

Seller: Lyme Timber Co. - Limited Partnership

Agency Sponsor: Department of Conservation

Appraised Value: \$320,000

Final Purchase Price: \$240,000

Bond Funds:

Land - \$25,000

Matching Funds:

Land - \$190,000

All Other - \$25,000

Stewardship Fund - \$10,000

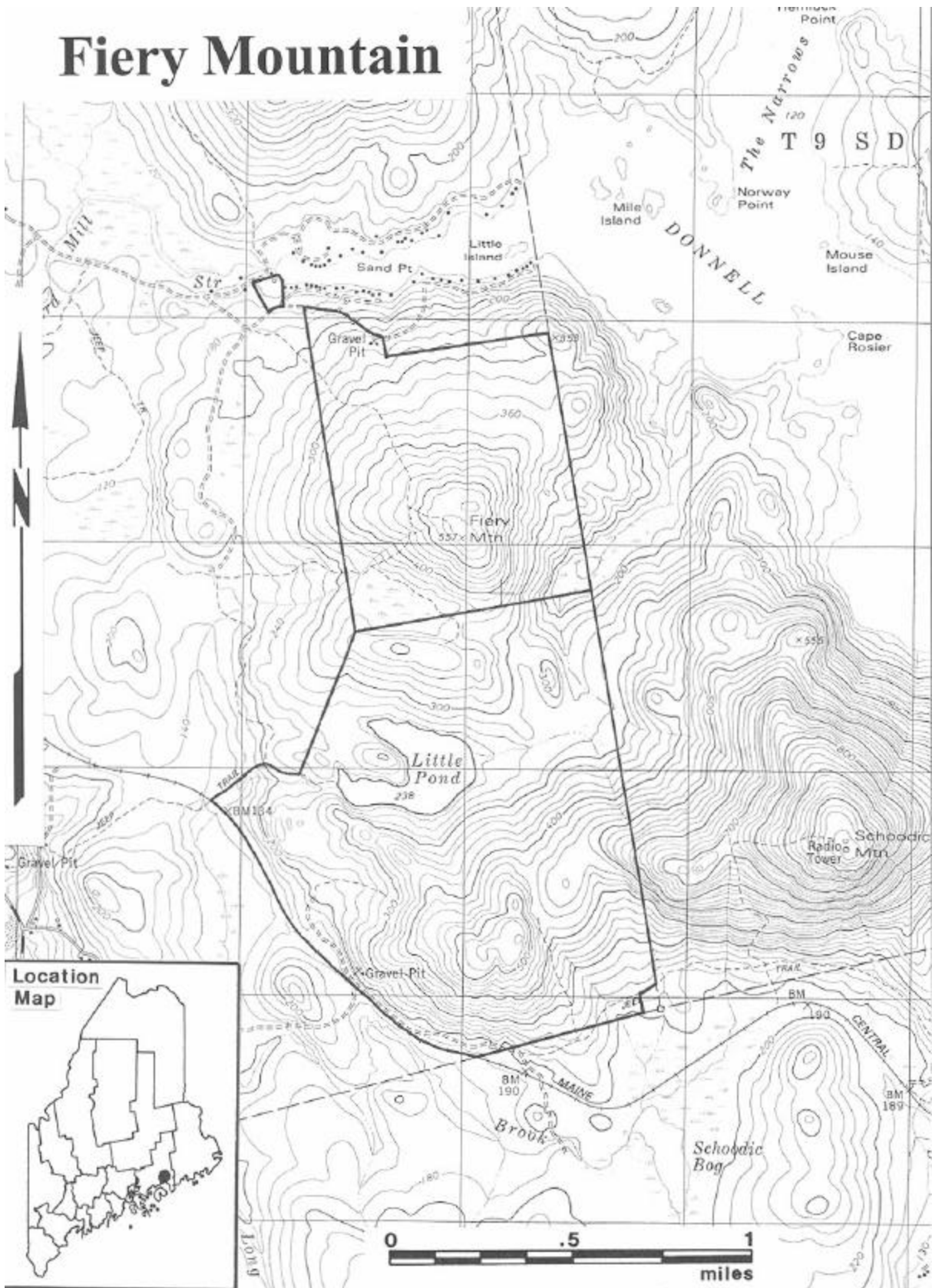
Bargain Sale Component - \$ 80,000

Closing Date: June 23, 1998

Project Description

The State's Donnell Pond Unit is widely recognized for the natural values and recreational opportunities encompassed within its cluster of lakes, ponds, and mountains. Its more than 14,000 acres offering hiking, boating, camping, picnicking, and wildlife viewing regularly attract users from around the State and beyond. LMFB has previously supported this conservation effort with the acquisition of 6,952 acres at Donnell Pond in 1988, and 7,187 acres at Spring River and Tunk Lakes in 1994. This project protects an additional 1,224 acres encompassing Fiery Mountain and Little Pond in the Town of Franklin, and provides boat access to Donnell Pond. Specifically, the State purchased two conservation easements that total 790 acres which protect most of the land around Little Pond and the summit of Duck Pond Hill, and the fee purchase of 334 acres on Fiery Mountain and a 2 acre parcel for boat access on Donnell Pond. These purchases will enhance the recreation in the area by providing additional opportunities for multi-use trails, camping, and ensures boat access to Donnell Pond.

Fiery Mountain



SUMMARY OF THE JAY-FARMINGTON BRANCH, MAINE CENTRAL RAIL ROAD LINE ACQUISITION

Conservation Partners: Department of Conservation, Department of Environmental Protection,
Town of Farmington, Town of Jay, and Town of Wilton

Land Category: Recreation Lands - Trail Corridor

Project Acreage: 138.46 acres

Project Design: Railroad Corridor in fee held by the Department of Conservation

Location: (town and county) Jay, Wilton & Farmington, Franklin County

Public Access: Multiple public road crossings

Lead Negotiator(s): Mark DesMeules, Director of Land for Maine's Future Program and
Ralph Knoll, Director of Planning and Land Acquisition

Seller: Guilford Transportation Industries, Inc.

Agency Sponsor: Maine Department of Conservation

Appraised Value: \$298,000

Final Purchase Price: \$198,000

Bond Funds:

Land - \$198,000

All Other - \$23,908.57

Matching Funds:

Bargain Sale Component \$100,000

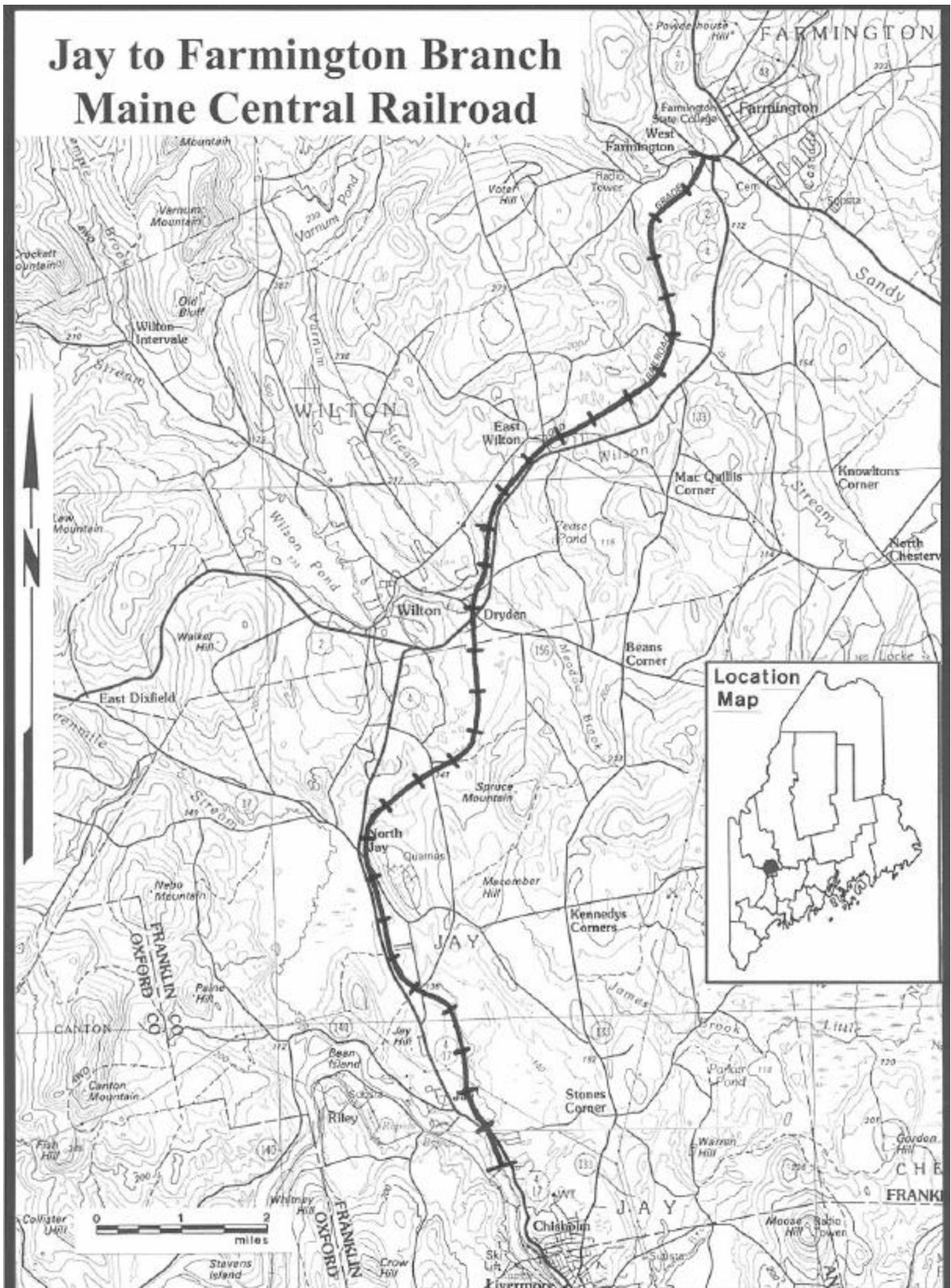
All Other - \$86,205

Closing Date: October 29, 1999

Project Description

This is a 15 mile railroad recreational corridor between the towns of Jay and Farmington. This corridor is a popular public recreational trail and alternative transportation corridor. It is used by snowmobiles, horse riders, bicyclists, joggers, bird watchers, and other recreationists. It also creates an important link from the shopping center in Jay by the schools, by the edge of Wilton village to West Farmington near the University of Maine Farmington. There are a number of service facilities along the trail that benefit dramatically from trail visitors. The cross country ski center in Wilton, "Troll Valley" and "Titcomb Mt." ski center both use a portion of the corridor for a section of ski trail. The snowmobile club in Wilton has purchased one of the reserved lots having an outbuilding beside the corridor. Their plan is to convert the building to a snowmobile club house and storage building. We are currently developing a plan to repair/improve the sandy gravel surface and replace bridge decking of a number of bridges/trestles to improve the quality of the trail for town and country bicycles, horses riding, and walkers. There are a variety of sources of funds to accomplish the necessary work.

Jay to Farmington Branch Maine Central Railroad



\$3 Million General Fund Appropriation Project Descriptions

The 118th Special Session of the Legislature passed a General Fund appropriation for the land for Maine's Future Program of \$3,000,000. This appropriation provided funds for acquisitions that were targeted to sites with outstanding recreational, scenic, natural or wildlife values in accordance with the policies and criteria developed by the Land for Maine's Future Board. These funds must be matched with at least \$1,500,000 in public and private funding. Up to 20% of this appropriation was made available for farmland preservation, as determined by the Land for Maine's Future Board. The projects detailed here represent those acquisitions acquired to date using this source of funding

SUMMARY OF THE AROOSTOOK STATE PARK, PRESQUE ISLE ACQUISITION

Conservation Partners: Department of Conservation

Land Category: Conservation & Recreation Lands, Water Access Lands, and Prime Physical Features

Project Acreage: 93 acres in fee

Project Design: Acquired in fee and held by the Maine Department of Conservation

Location: (town and county) Presque Isle, Aroostook County

Public Access: From Aroostook State Park

Lead Negotiator(s): Herb Hartman, Dept. of Conservation and Mark DesMeules, Land for Maine's Future Program

Seller: Heirs of Bertha Brown

Agency Sponsor: Maine Department of Conservation

Appraised Value: \$14,500

Final Purchase Price: \$ 15,000

Bond Funds:

Land - \$14,500

All Other - \$10,477.82

Matching Funds:

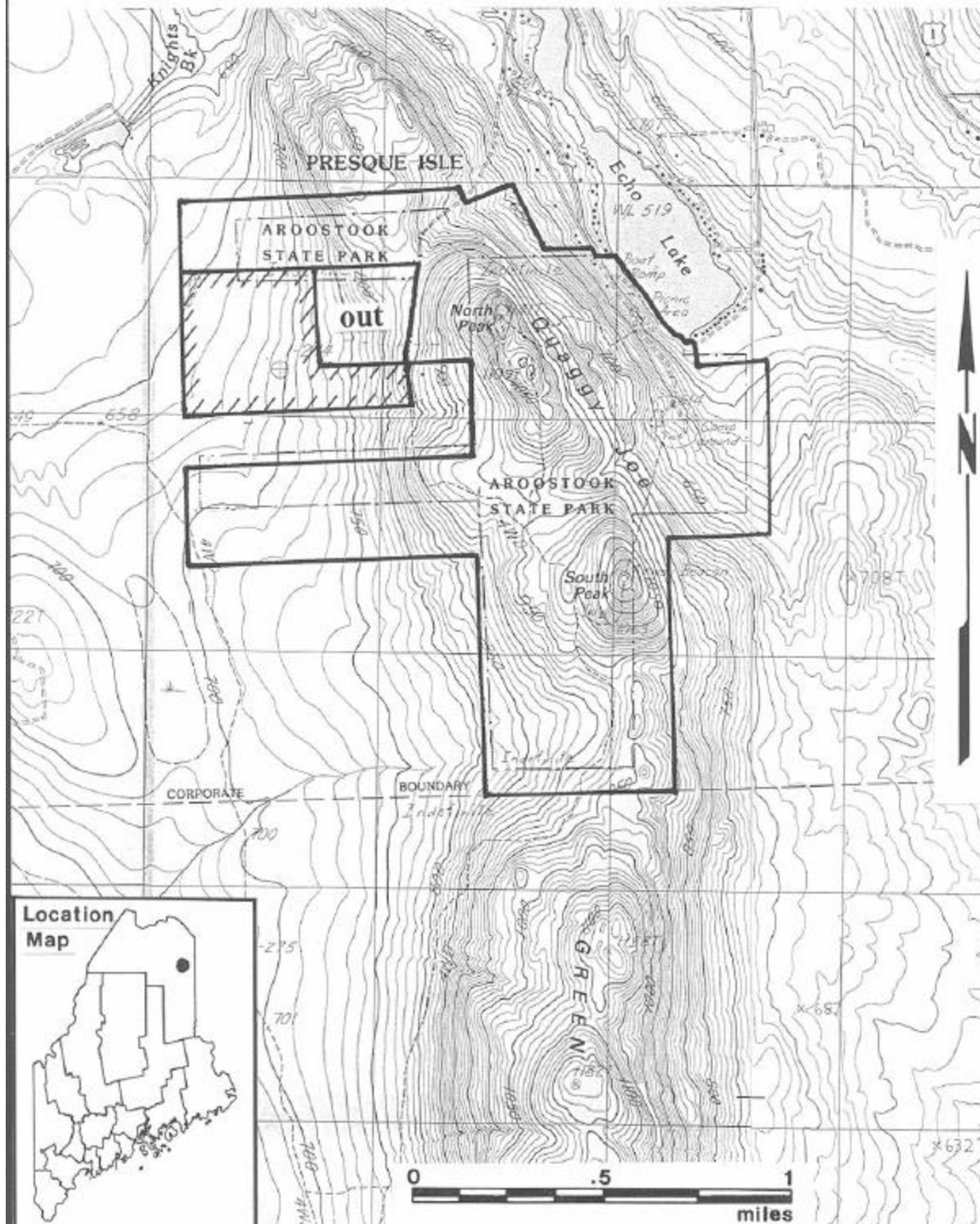
Cash - \$500 (DOC)

Closing Date: May 5, 2000

Project Description

This acquisition brings Maine's very first state park's acreage to 700 acres. Aroostook State Park is located in Presque Isle. The Park offers visitors a range of year round outdoor recreation activities including hunting, fishing, swimming, hiking, wildlife watching, snowmobiling, and cross country skiing. The Park encompasses Quaggy Joe Mountain, which rises abruptly from the surrounding farm-dominated landscape, and Echo Lake, a popular Brook trout fishery. The forests are a mixture of spruce and fir and northern hardwoods and are habitat for a diversity of wildlife.

Aroostook State Park Addition



SUMMARY OF THE DUCKTRAP, LaCOMBE ACQUISITION

Conservation Partners: Coastal Mountain Land Trust and Maine Atlantic Salmon Watershed Collaborative

Land Category: Recreation Lands, Water Access Lands, Rare, Threatened or Endangered Plants, Animals, or wildlife Habitat and Lands Supporting Vital Ecological Conservation Functions or Values

Project Acreage: 68 acres

Project Design: Acquired in fee and held by the Maine Department of Inland Fisheries & Wildlife

Location: (town and county) Lincolnville, Waldo County

Public Access: (1) Across adjoining public land (IF&W) (2) Over deeded right-of-way from Pit Road, Lincolnville

Lead Negotiator(s): Scott Dickerson, Executive Director - Coastal Mountain Land Trust

Sellers: Bryan & Deanna La Combe

Agency Sponsor: Maine Department of Inland Fisheries & Wildlife

Appraised Value: \$94,500

Final Purchase Price: \$60,000

Bond Funds:

Land - \$30,000

All Other - \$919.00

Matching Funds:

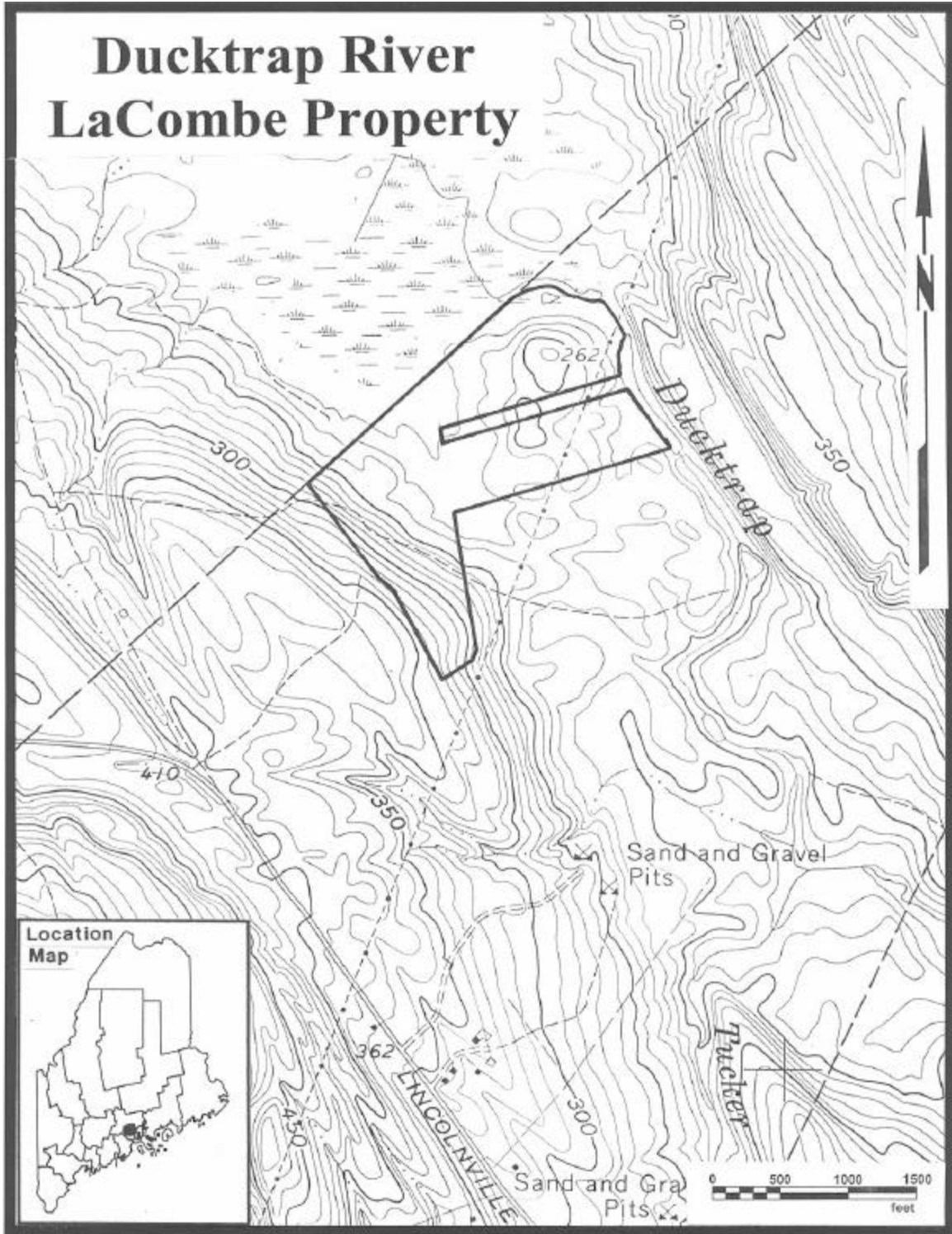
Cash: \$34,500

All Other - \$9,164

Closing Date: November 12, 1999

Project Description

A 68 acre parcel with over 1,805 feet frontage on the Ducktrap River. The project ensures riparian protection of critical Atlantic salmon spawning and rearing habitat. To achieve the acquisition, The Land for Maine's Future Program joined with the Department of Inland Fisheries and Wildlife and the Coastal Mountain Land Trust. The completion of this conservation purchase places this Atlantic salmon watershed into the category of "most protected through land conservation" of the seven Maine salmon rivers identified in the State's Atlantic Salmon Conservation Plan.



SUMMARY OF THE NARRAGUAGUS RIVER - LITTLE FALLS, CHERRYFIELD ACQUISITION

Conservation Partners: Maine Atlantic Salmon Commission, National Marine Fisheries Service, and National Fish & Wildlife Foundation

Land Category: Rare, Threatened or Endangered natural communities, plants or wildlife habitat. (Atlantic Salmon habitat) - Multiple values include land for hunting and fishing, public access to Maine waters (canoe), undeveloped shoreline, river corridor-greenway.

Project Acreage: 221 acres

Project Design: Acquired in fee and held by the Atlantic Salmon Commission

Location: (town and county) Cherryfield, Washington County

Public Access: By Public Road - Route 193

Lead Negotiator: Mark DesMeules, Director, Land for Maine's Future Program

Seller: Mr. and Mrs. Frank A. Gross

Agency Sponsor: Maine Atlantic Salmon Commission

Appraised Value:

\$132,000 (house and six acres)

\$54,825 (215 acres land only)

Final Purchase Price:

\$200,000

Bond Funds:

Land - \$54,825

All Other - \$18,779.76

Matching Funds:

Cash - Atlantic Salmon Collaborative (NFWF) \$55,000

NMFS \$ 90,175

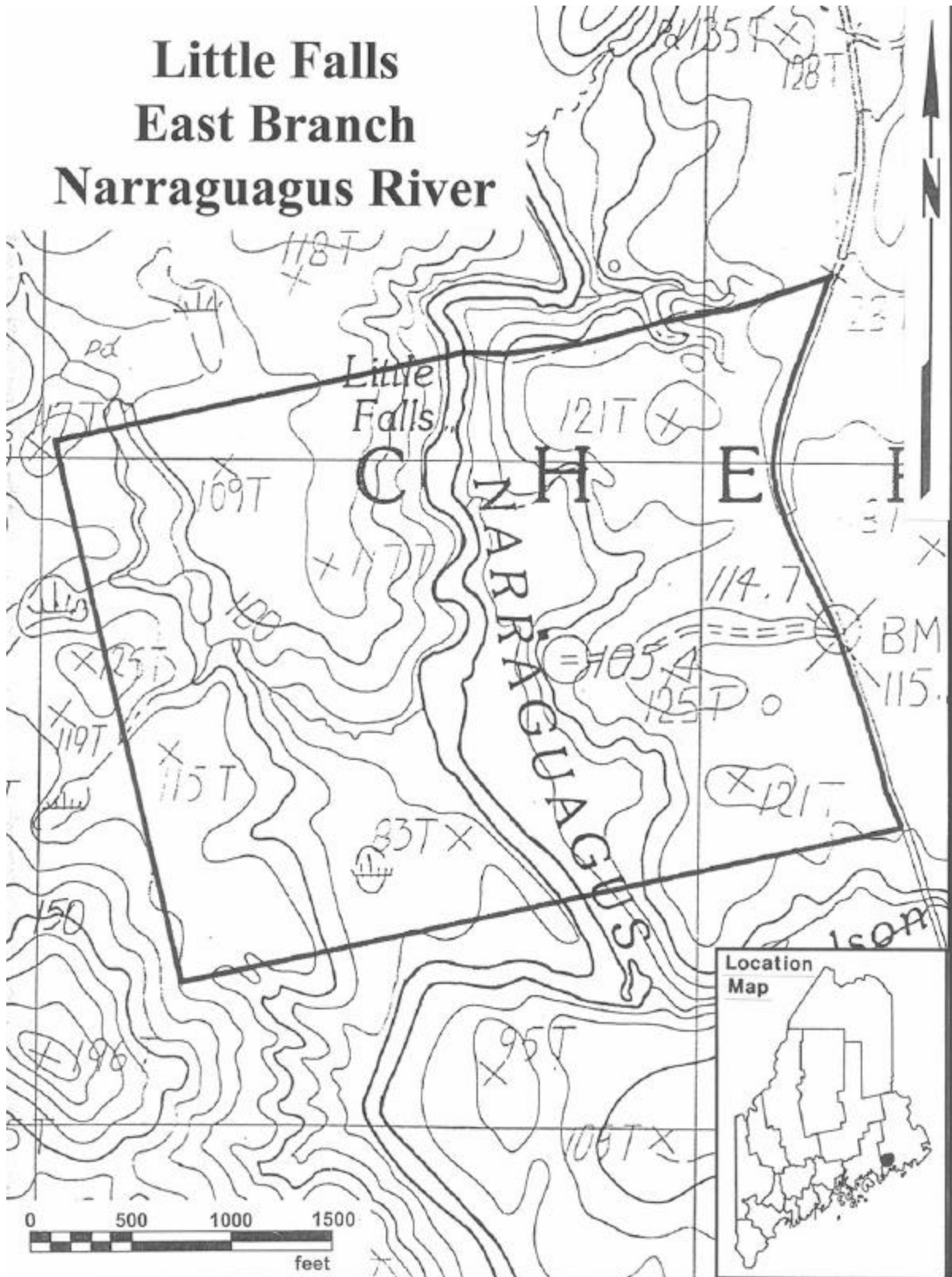
Closing Date: November 6, 2000

Project Description

A 221 acre parcel of land straddling ½ mile of the Narraguagus River. This stretch, known as Little Falls, supports some of the river's highest densities of juvenile Atlantic salmon found in the lower Narraguagus. It also includes protection and provides public access to a historic holding pool for adult Atlantic Salmon. Of special note with respect to this acquisition is the inclusion of the Frank Gross salmon lodge which has become a base of operations for the Atlantic Salmon Commission's and National Marine Fisheries Service salmon recovery research. In addition to providing lodging and housing labs and equipment for the recovery effort, public access to the river is provided along with information about Atlantic Salmon. This property is also adjacent to and provides an important adjunct to the Narraguagus Wildlife Management Area located at the junction of the West Branch and the main

stem of the Narraguagus River.

Little Falls East Branch Narraguagus River



SUMMARY OF THE NICATOUS AND WEST LAKES, HANCOCK COUNTY ACQUISITION

Conservation Partners: Forest Society of Maine, Maine Coast Heritage Trust, Trust for Public Land, U.S.D.A Forest Legacy Program, Champion International

Land Category: Conservation and Recreation Lands, Water Access Lands, Lands Supporting Vital Ecological, Conservation Functions and Values, Rare, Threatened and Endangered Natural Communities and Areas of Scenic Interest and prime Physical Features

Project Acreage: 22,370 acres

Project Design: 21,901 acres in easement and 469 acres in fee held by the Maine Department of Conservation

Location: (town and county) T40MD and T3ND, Hancock County

Public Access: (1) To the project lands by public road - County Road (2) On the project lands over Ox Head Road, Morison Ridge Road, East-West Road, Middle Oxford

Lead Negotiator(s): Alan Hutchinson, Forest Society of Maine and Ralph Knoll, Director of Planning and Land Acquisition

Seller: Robins Lumber

Agency Sponsor: Maine Department of Conservation

Appraised Value: \$5,300,000

Final Purchase Price: \$4,070,000

Bond Funds:

Land - \$750,000

All Other - \$19,691.09

Matching Funds:

Cash - \$3,000,000 (Forest legacy)

All Other - \$71,255.56

Closing Date: April 24,2000

Project Description

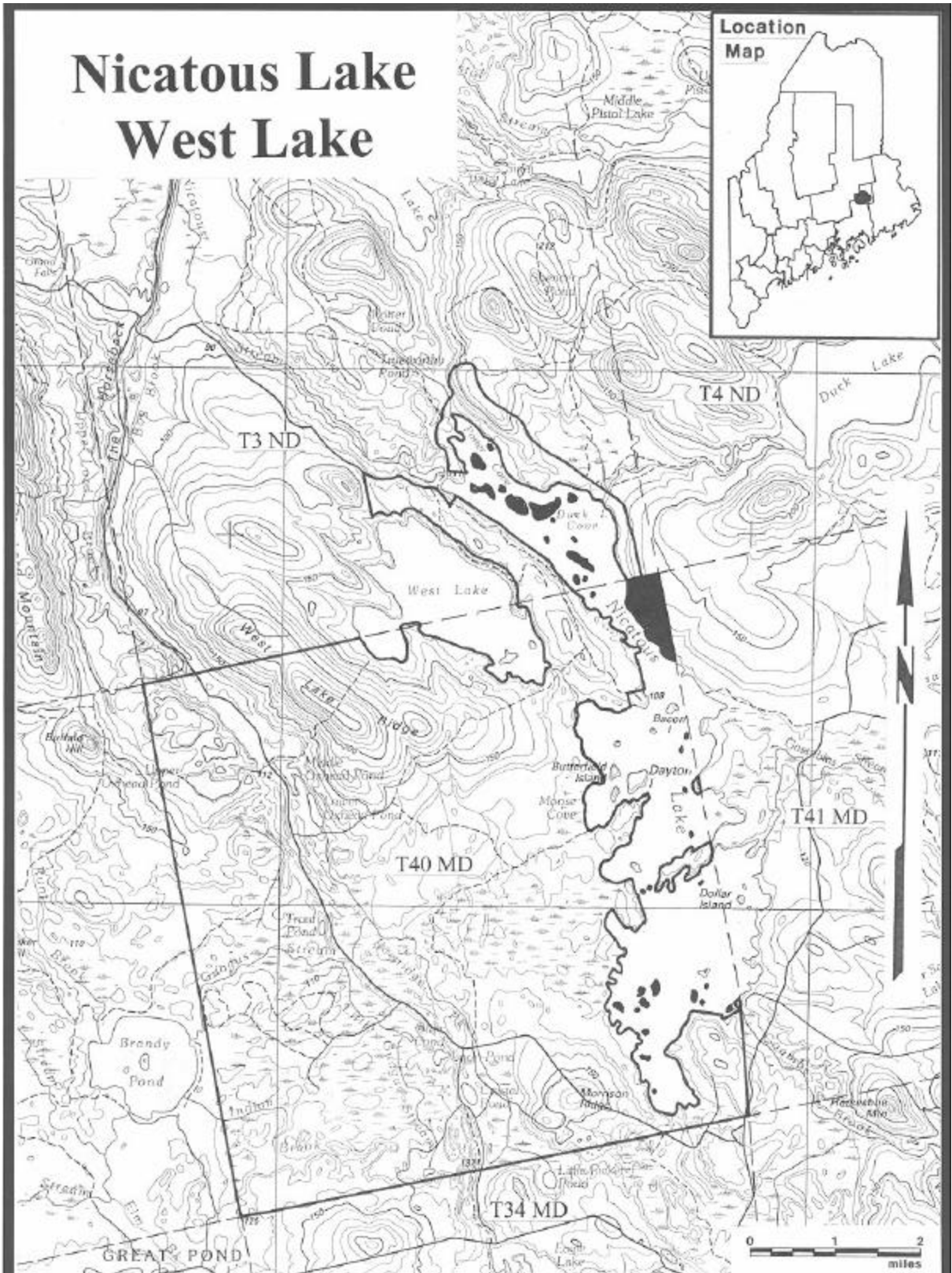
Located in Hancock County, the 20,268 acres protected around Nicatous and West Lakes represent the largest conservation easement in the state's history. The property contains 34 miles of shoreline, wildlife habitat, seven remote ponds, and a large block of contiguous forestland. It offers hiking, boating, camping, hunting, and fishing opportunities. Its values include wildlife habitat -- including three bald eagle nesting sites -- 34 miles of shoreline, seven remote ponds, 20,000 acres of forestland, and excellent outdoor recreation opportunities.

Work began to protect Nicatous and West Lakes in 1998. The first phase entailed the State's acquisition of 76 islands in Nicatous Lake and 204 acres that connect Nicatous Lake to the 25,000 acre Duck Lake Public Reserve Lands Unit, which is managed by the Maine Bureau of Parks and Lands.

The centerpiece of the property is 5,100 acre Nicatous Lake, which is well known for its outstanding natural beauty, sandy beaches, and many coves. West Lake also boasts of natural beauty, and of a significant landlocked salmon fishery. The parcel has seven small, undeveloped remote ponds and an extensive network of streams. Wetlands include several peatland ecosystems and kettlehole bog-pond ecosystems. Wildlife species that require large areas of unbroken forestland -- such as bobcat, bear, moose, fisher, otter, and a diversity of songbirds -- inhabit the Nicatous Lake area. The interior forest harbors significant deer wintering areas.

The Trust for Public Land, the Forest Society of Maine, and Maine Coast Heritage Trust pooled their skills and resources in order to bring the 20,268 acre project to fruition. They worked with the landowners, Robbins Lumber and Champion International, to shape a conservation easement on the property. The terms of the easement meet both the long-term forest management goals of the landowners, as well as the public's desire for traditional access.

Nicatous Lake West Lake



SUMMARY OF THE SCARBOROUGH BEACH/MASSACRE POND, SCARBOROUGH ACQUISITION

Conservation Partners: Trust for Public Land

Land Category(s): Vital Ecological and Conservation Functions and Values, Rare, Threatened or Endangered Natural Communities, Plants and Wildlife Habitat, Water Access, Areas of Scenic Interest and Prime Physical Features and Recreation Lands

Project Acreage: 62 acres

Project Design: Fee held by the Maine Department of Conservation

Location: (town and county) Scarborough, Cumberland County

Public Access: By Public Road, Route 207

Lead Negotiator: Jennifer Melville, TPL

Seller: Sprague Corporation

Agency Sponsor: Maine Department of Conservation

Appraised Value: \$2,285,000

Final Purchase Price: \$2,000,000

Bond Funds:

Land - \$400,000

All Other - \$8849.11

Legislative Appropriation: \$1,600,000

Matching Funds:

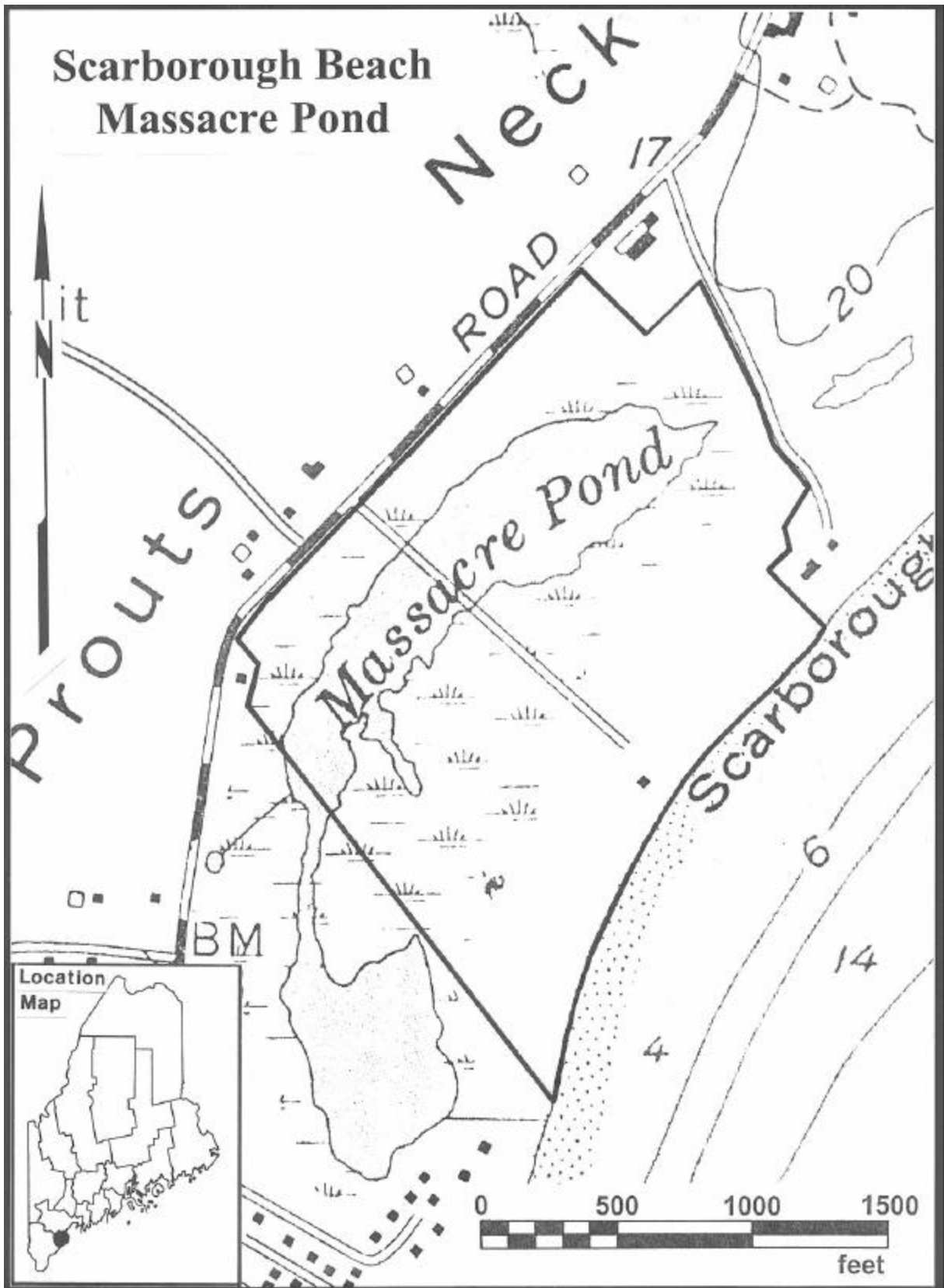
All Other - \$39,060.13

Bargain Sale Component - \$285,000

Closing Date: August 10, 1999

Project Description

This statewide significant 56 acre property includes a freshwater marshland adjacent to the 15 acre Massacre Pond, and 1800 feet of Scarborough Beach. This beautiful, white sand beach has a long history of public use. Fishermen also use the beach for surf casting for both striped bass and blue fish. The beach and a portion of the dunes have been designated "essential habitat" for piping plovers, a federally protected and State listed species. Local residents have long used spring-fed Massacre Pond for ice-skating during winter months. The pond shore supports emergent vegetation including cattails and woody shrubs. Inland from the beach are rolling dunes, vegetated with salt marsh grass. Between the pond and the dunes and on the far side of the pond are pitch pine and red oak woodlands.



SUMMARY OF THE THORNE HEAD, BATH ACQUISITION

Conservation Partners: Lower Kennebec Regional Land Trust, Maine Coast Heritage Trust, the City of Bath and The Nature Conservancy

Land Category: Recreation Lands

Project Acreage: 96.5 acres

Project Design: Easement held by the Maine Department of Inland Fisheries & Wildlife and Fee ownership by the Lower Kennebec Land Trust

Location: (town and county) Bath, Sagadahoc County

Public Access: By Public Road

Lead Negotiator(s): Tom Barrington - President Lower Kennebec Regional Land Trust

Seller(s): Frederick W. Griffin Jr., Barbara G. Ludwig, Robin G Foster and Bonnie G Griffin

Agency Sponsor: Maine Department of Inland Fisheries & Wildlife

Appraised Value: \$375,000 in fee

Final Purchase Price: \$350,000

Bond Funds:

Land - \$175,000

All Other \$21,197.11

Matching Funds:

Cash - \$175,000

Lower Kennebec regional Land Trust - \$45,000

Libra Foundation - \$30,000

Maine Outdoor Heritage Fund \$25,000

The Davenport Trust \$20,000

The Charles R. Neihaus Fund \$20,000

The Davis Conservation Foundation \$15,000

The Norcross Wildlife Foundation \$10,000

The Nature Conservancy \$10,000

Bargain Sale Component - \$25,000

All Other - \$21,491.90

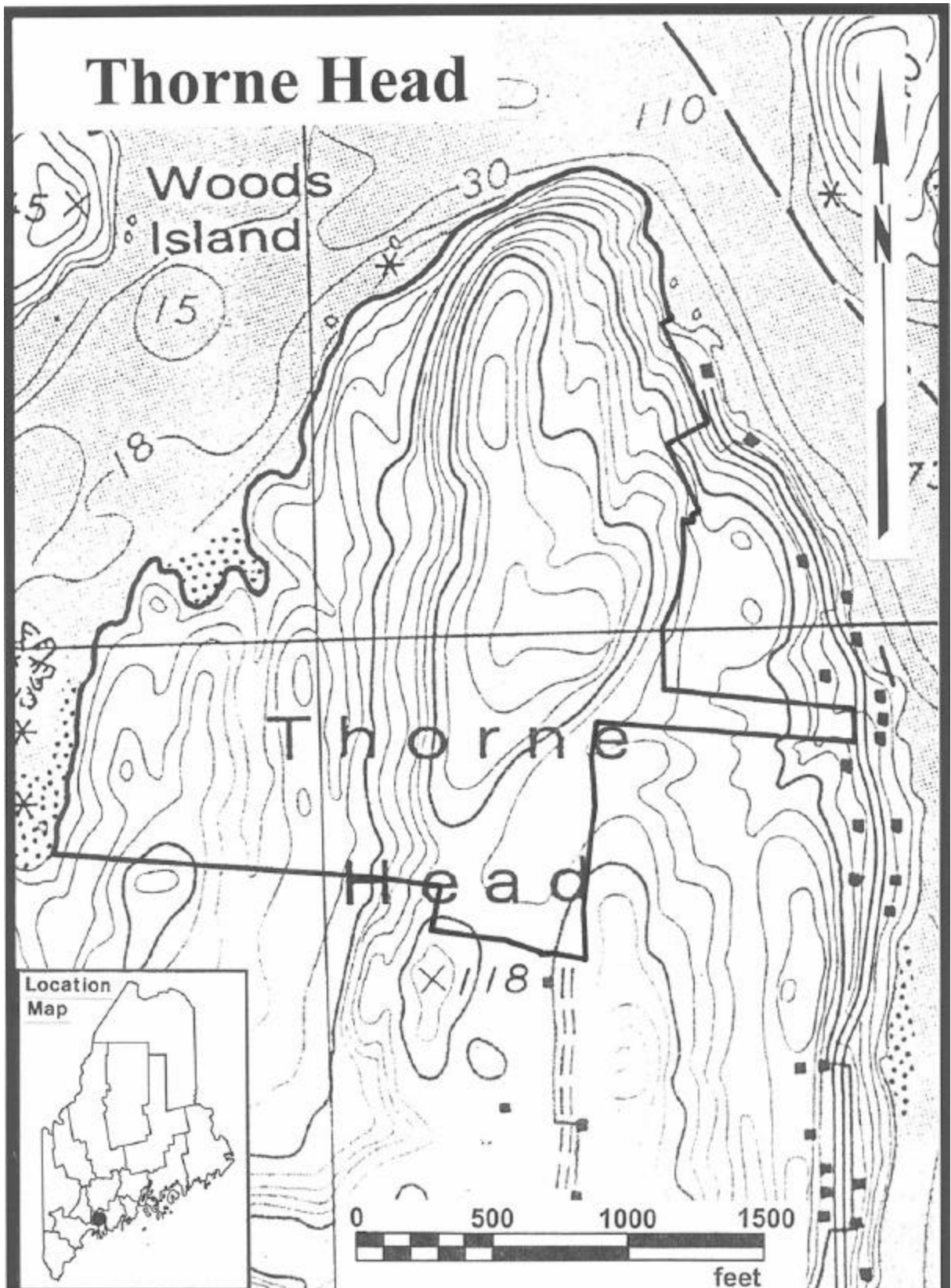
Closing Date: March 30, 2000

Project Description

Thorne Head is a site of unique rarity: 96 acres of undeveloped land with a quarter of a mile of waterfront that links Merrymeeting Bay, one of the east coast's most prized freshwater estuaries, and the Kennebec River. Located on the western bank of the Kennebec River within two miles of downtown Bath, this parcel has been a traditional site visited by picnickers, birders, hikers, cross country skiers and those merely seeking a peaceful respite from the pace of everyday life. Footpaths wind through a landscape of woodlands to the shore, providing exceptional views of the Kennebec in

three directions. The property's western edge adjoins

Whiskeag Creek, a significant wetland system that harbors high quality salt marsh and several rare plants. Dramatic high cliffs rise from the property's northwestern shore, providing excellent views of several islands and the swirling section of the Kennebec River known as the "mixing bowl". This property offers an exceptional combination of accessibility, convenience, and serene natural environments. This completion of this project also helped to provide a catalyst for significant preservation of adjacent lands by the Maine Wetlands Protection Coalition.



IV. LAND FOR MAINE'S FUTURE FINANCIAL REPORT

**Land for Maine's Future Program
Summary of Expenditures
January 1, 1998 through December 31, 2000**

\$35 Million Bond Fund

Cash Balance	
January 1, 1998	\$548,812
Expenses 1/1/98-12/31/00	<u>\$323,173</u>
December 31, 2000	\$225,639

Expenses	<u>1998</u>	<u>1999</u>	<u>2000</u>
Acquisitions	\$0	\$271,957	\$0
Closing Costs, Access Improvements	<u>\$ 7,334</u>	<u>\$ 8,650</u>	<u>\$35,232</u>
Total expenses from Bond Fund	\$ 7,334	\$280,607	\$35,232

\$3 Million General Fund Allocation

Allocation	
July 1, 1999	\$3,000,000
Expenses 1/1/98-12/31/00	<u>\$1,553,085</u>
December 31, 2000	\$1,446,915

Expenses	<u>1998</u>	<u>1999</u>	<u>2000</u>
Acquisitions	\$0	\$400,000	\$1,060,127
Closing Costs, Access Improvements	<u>\$0</u>	<u>\$ 20,734</u>	<u>\$ 72,224</u>
Total expenses from Bond Fund	\$0	\$420,734	\$1,132,351

IV. Land for Maine's Future Program Financial Report General Fund Expenditures

FY 1998			FY 1999			FY 2000		
Object #	Description	Amount	Object #	Description	Amount	Object #	Description	Amount
4099	Contractual	\$200.00	4099	Contractual	\$4,900.00	4270-5	In-State Travel	\$646.34
4270-5	In-State Travel	\$219.64	4270-5	In-State Travel	\$1,468.29	4607	Room Rental	\$387.00
4607	Room Rental	\$50.00	4360	Out of State Airfare	\$257.50	4672	State Vehicle Rental	\$1,108.04
4651	Misc. Rental	\$285.00	4380-4	Out of State Travel	\$236.36	4909	Courier	\$518.13
4672	State Vehicle Rental	\$430.32	4502	Cellular Phone Service	\$73.37	4911	Meter Postage	\$973.21
4909	Courier	\$374.14	4607	Room Rental	\$250.00	4913	Intragovernment Service	\$160.05
4911	Meter Postage	\$1,085.63	4651	Misc. Rental	\$420.00	4916	Conference Charges	\$2,115.00
4913	Intragovernment Service	\$198.19	4672	State Vehicle Rental	\$658.97	4929	Printing/Binding	\$898.62
4916	Conference Charges	\$568.59	4881	Eyeglasses Reimbursement	\$50.00	4938	Photocopying	\$638.04
4929	Printing/Binding	\$116.81	4901	Stamps, Parcel, Postage, Etc.	\$6.40	4939	State Printing	\$2,051.81
4938	Photocopying	\$281.68	4909	Courier	\$758.33	4946	Advertising Notices	\$1,987.24
4939	State Printing	\$1,382.77	4911	Meter Postage	\$1,347.40	4970	Non-State Travel	\$30.68
4946	Advertising Notices	\$1,341.30	4913	Intragovernment Service	\$262.50	4982	Periodicals Newspaper Sub.	\$99.00
5150	Food	\$264.79	4916	Conference Charges	\$53.00	5150	Food	\$71.91
5301	Office Supplies	\$116.40	4929	Printing/Binding	\$199.19	5304	Cell Phone Service	\$878.51
5627	Book Purchase	\$216.96	4938	Photocopying	\$440.98	5370	Minor Computer Equipment	\$268.00
5636	Misc. Supplies	\$721.12	4939	State Printing	\$3,459.76	5602	Office Supplies	\$459.67
	Salary	\$46,509	4946	Advertising Notices	\$800.47	5627	Book Purchase	\$206.29
	Benefits	\$20,673	4970 and 4980	Non-State Travel	\$406.13	5634	Film Purchase	\$78.95
	Total GF Expenses	\$75,035.34	4982	Periodicals Newspaper Sub.	\$299.00	5636	Misc. Supplies	\$595.55
			4983	Dues	\$150.00		Salary	\$51,534
			5301	Office Supplies	\$108.22		Benefits	\$22,907
			5627	Book Purchase	\$85.00		Total GF Expenses	\$88,613.04
			5636	Misc. Supplies	\$410.66			
				Salary	\$48,957			
				Benefits	\$21,761			

Total GF Expenses

\$87,819.53

APPENDIX A

Enacted Legislation

Legislation

CHAPTER 603

Sec. 4. 5 MRSA §6206, sub-§1, ¶E, as amended by PL 1993, c. 728, §8, is further amended to read:

E. On January 1, 1995 and on January 1st every 2 years thereafter, report to the joint standing committee of the Legislature having jurisdiction over ~~natural resources~~ matters pertaining to state parks and public lands on expenditures from the Land for Maine's and guidelines.

Effective August 11, 2000

CHAPTER 102

S.P. 1040 - L.D. 2622

Resolve, Authorizing the Commissioner of Inland Fisheries and Wildlife to Allow a Well and Waterline Easement

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

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

Whereas, the Department of Inland Fisheries and Wildlife holds a conservation easement on a parcel of land adjacent to the Rangeley River in Rangeley; and

Whereas, the conservation easement was acquired from the Rangeley Lakes Heritage Trust with funds from the Land for Maine's Future Fund; and

Whereas, the Department of Environmental Protection desires to install a well on the parcel, said well to serve as a replacement water supply for several area residents whose existing water supplies have been contaminated by oil; 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

Sec. 1. Authority to convey easement. Resolved: That, in accordance with the Maine Revised Statutes, Title 5, section 6209, the Commissioner of Inland Fisheries and Wildlife is authorized to enter into an amendment of the conservation easement that the Department of Inland Fisheries and Wildlife holds in the Rangeley River conservation corridor and that was acquired with funds from the Land for Maine's Future Fund. The purpose of the amendment must be to allow a well and waterline

easement to be granted by the Rangeley Lakes Heritage Trust in

order to provide potable water to residences and businesses served by wells that either are contaminated or in danger of becoming contaminated by oil that leaked from underground storage tanks in Oquossoc Village.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 7, 2000.

The second amendment granted a well and water line easement to a private residence in the town of New Sweden (R. 99, c.6).

CHAPTER 6
S.P. 270 - L.D. 763

Resolve, Authorizing the Director of the Bureau of Parks and Land to Convey a Well and Waterline Easement

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

Sec. 1. Authority to convey easement. Resolved: That, under the Maine Revised Statutes, Title 5, section 6209, subsection 6 and Title 12, section 598-A, the Director of the Bureau of Parks and Lands within the Department of Conservation is authorized to convey a well and waterline easement from an abandoned railroad right-of-way in New Sweden acquired with funds from the Land for Maine's Future Fund and managed as a public, multiple-use trail. The purpose of easement is limited to providing potable water to a residence currently owned and occupied by Charlene Espling.

Effective September 18, 1999

CHAPTER 769
S.P. 982 - L.D. 2532

An Act to Implement the Recommendations of the Task Force to Study the Need for an Agricultural Vitality Zone Program

Sec. 2. 5 MRSA §6203, sub-§3, ¶C is enacted to read:
C. When interest in farmland is acquired, fund the development of a business plan and capital improvements to provide for the land's continuing use as a working farm, as long as these improvements do not exceed 5% of the appraised value of the acquired property.

Effective August 11, 2000

CHAPTER 514
H.P. 1607 - L.D. 2253

**An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000
to Finance the Acquisition of Lands and Interests in Lands for
Conservation, Water Access, Outdoor Recreation, Wildlife and Fish Habitat and
Farmland Preservation and to Access \$25,000,000 in Matching Contributions
from Public and Private Sources**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation and to access matching contributions from public and private sources.

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

PART A

Sec. A-1. Authorization of bonds to provide for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$50,000,000 to raise funds for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation and to access matching contributions from public and private sources, as authorized in section 7 of this Part. No more than \$10,000,000 may be issued in the first year and no more than \$10,000,000 may be issued in each of the 4 subsequent years, except that any unused balance may be added to the specified amount in subsequent years. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 20 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. A-2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. A-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in section 7 of this Part lapse to the debt service account established for the retirement of these bonds.

Sec. A-4. Taxable bond option. The Treasurer of State, at the direction of the Governor, shall covenant and consent that the interest on the bonds is includable under the United States Internal Revenue Code in the gross income of the holders of the bonds to the same extent and in the same manner that the interest on bills, bonds, notes or other obligations of the United States is includable in the gross income of the holders under the United States Internal Revenue Code or any subsequent law. The powers conferred by this section are not subject to any limitations or restrictions of any law that may limit the power to so covenant and consent.

Sec. A-5. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. A-6. Disbursement of bond proceeds. The proceeds of the bonds must be expended for acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation in accordance with the provisions for such acquisitions under the Maine Revised Statutes, Title 5, chapter 353, except that use of the proceeds of these bonds is subject to the following conditions and requirements.

1. Hunting, fishing, trapping and public access may not be prohibited on land acquired with bond proceeds, except to the extent of applicable state, local or federal laws and regulations.
2. Payment from bond proceeds for acquisitions of local or regional significance, as determined by the Land for Maine's Future Board, may be made directly to cooperating entities as defined in Title 5, section 6201, subsection 2, for acquisition of lands and interests in lands by cooperating entities, subject to terms and conditions enforceable by the State to ensure their use for the purposes of this Part.
3. The bond funds must be matched with at least \$25,000,000 in public and private contributions. Seventy percent of that amount must be in the form of land, cash or other tangible assets. The remaining 30% may be matching contributions and include the value of project-related, in-kind contributions of goods and services to and by cooperating entities and the value of real property interests acquired by or contributed to cooperating entities when property interests have a relationship to the property proposed for protection, as determined by the Land for Maine's Future Board.

4. Ten percent of the bond proceeds must be made available to acquire public access to water, in accordance with the provisions of Title 5, section 6203-A.
5. Up to 10% of the bond proceeds must be made available to protect farmland in accordance with the Maine Revised Statutes, Title 5, section 6207.
6. To the extent the purposes are consistent with the disbursement provisions in this Part, 100% of the bond proceeds may be considered as state match for any federal funding to be made available to the State.

Sec. A-7. Allocations from General Fund bond issue; acquisition of lands; Interests in lands for conservation; water access; outdoor recreation; wildlife and fish habitat; farmland preservation. The proceeds of the sale of bonds must be expended as designated in the following schedule.

EXECUTIVE DEPARTMENT
State Planning Office
Land for Maine's Future Board
All Other \$50,000,000

Provides for the use of bond funds to be used for the acquisition of lands and interests in lands for conservation, water access, outdoor recreation, wildlife and fish habitat and farmland preservation.

Sec. A-8. Contingent upon ratification of bond issue . Sections 1 to 7 of this Part do not become effective unless the people of the State have ratified the issuance of bonds as set forth in this Part.

Sec. A-9. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 25 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. A-10. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 10 years of ratification of this Part, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 10-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. A-11. Referendum for ratification; submission at statewide election; form of question; effective date. This Part must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their

respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$50,000,000 bond issue to purchase public lands and easements statewide from willing sellers for conservation, water access, outdoor recreation, including hunting and fishing, wildlife and fish habitat and farmland preservation, to be matched by \$25,000,000 in private and public contributions?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of the Part, the Governor shall proclaim the result without delay, and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

PART B

Sec. B-1. 5 MRSA §6208-A is enacted to read:

§6208-A. Unorganized territory; county approval

1. Approval. Approval by the county commissioners is required if land proposed to be acquired under a bond issue within the unorganized territory in a county constitutes more than 1% of the state valuation within the county.
2. Transactions. Any acquisition of land within an unorganized territory by eminent domain funded by the board, when the land exceeds either 50 acres or \$100,000 in assessed value, must be approved by the county in which the land is located. That approval may be obtained either from the county commissioners or, if they do not approve, by referendum of the legal voters within the county.

Enacted by voters, November, 1999

CHAPTER 731

L.D. 2510

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to change Certain Provisions in Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001.

PART H

Sec. H-1. 5 MRSA §6211, sub-§3, as amended by PL 1995, c. 516, §1, is further amended to read:

3. Distribution of proceeds. Funds received by the Land for Maine's Future Board under the agreement with the financial institution, credit union or other credit card issuer must be deposited in a separate, interest-bearing account within the Land for Maine's Future Fund. The account must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the account become part of the assets of the account. Any balance remaining in the account at the end of any fiscal year must be carried forward to the next fiscal year. Notwithstanding section 6203, subsection 3, the board may expend funds deposited in the account pursuant to this section to cover administrative costs and for staff support and consulting services, as determined necessary by the board to carry out its duties under this chapter.

EXECUTIVE DEPARTMENT
Land for Maine's Future Fund
Positions - Legislative Count (1.000)
Personal Services 49,608
All Other 3,207

TOTAL 52,815

APPENDIX B

Working Forest Easement Guidance

Guidance for Working Forest Easements Approved by Land For Maine's Future Board 9 May 2001

In early 2001, an easement subcommittee was formed to identify

- the essentials for any easement funded by the Lands For Maine's Future Program (LMF)
- elements that are desirable but not always necessary, and
- cautions related to various elements

The following guiding principles were adopted by the LMF Board on May 9, 2001. It recognizes that this is a working document, and that amendments and refinements are likely as experience dictates.

There are two types of working forest easements – strip easements (primarily along water bodies), and landscape easements. Some elements are appropriate for one type and not the other. The Board further recognizes that in many cases, (e.g. ecological reserves, key recreation areas, boat launches and parking areas) fee purchase is probably a better tool and should be used alone or in concert with an easement.

It is our understanding that the basic intention of a working forest easement is to protect both the natural values and economic values of the forest, along with its potential to provide traditional recreation opportunities for the public. Each easement will vary depending on the property involved and the intentions of the grantor and grantee. However, each easement should define existing conditions, contain a clear statement of goals, remedies for non-compliance and outline a process by which the landowner and easement holder can meet to review the easement and its implementation, ideally annually. It should allow the parties to mutually determine acceptable amendments to the easement to reflect changes in science or society while remaining faithful to the original goals.

For working forest easements funded by the LMF, the Board will require:

A-1. No additional (or very limited and clearly defined) additional non-forestry or non-recreation related development. Prohibition of commercial, industrial and residential uses except for forestry and recreational uses, while allowing for existing types and scales of non-forestry uses to continue when consistent with easement goals.

A-2. Strict limits on subdivision, with the goal of maintaining large enough parcels to be a) cost effective to manage for timber production and recreation and b) cost effective for the holder to monitor compliance with easement terms. Allowable subdivision may include limited divisions of very large tracts and small subdivisions to correct boundary issues with abutters.

A-3. Rights for the public to use the property for traditional pedestrian recreational uses such as fishing, hiking, hunting, snowshoeing and nature observation. Central to this is extinguishing the landowner's right to enjoy or provide exclusive, private use. (Certain areas may be designated off limits to the public to protect fragile ecological or archaeological resources, privacy related to buildings, or public safety. A process should be established to incorporate additional areas at the mutual consent of the landowner and holder and to identify and close areas such as active harvest operations that involve safety hazards.)

A-4. An enforceable commitment to maintain (or enhance) the property's potential to provide a perpetual yield of fiber and timber. Recognizing the duration (forever) of an easement and our inability to predict the future of current forest uses, the emphasis here is on *potential* to provide, not a requirement to provide. Clear language must be included that defines sustained yield (taking into account forest history, productivity and potential for natural catastrophe), stipulates specifically how it shall be measured, and provides for independent review to determine if ongoing forest management meets these requirements. Remedies for non-compliance should be clear, stringent and easily enforceable. Language should also stipulate that Best Management Practices (BMPs) be utilized in all forest management operations.

On a case by case basis, depending on size of the easement, conditions on the land or other factors, additional easement elements may significantly strengthen the value to the public as listed below. Whenever additional protections of forest conditions or rights to provide public use are included in an easement, the Board should require of the holder an estimate of annual costs for monitoring or management and how it plans to cover them.

B-1. The Board recognizes that protection of ecological sustainability is very important. Additional protection of sensitive, rare or representative ecological features may be desirable. As part of the LMF application process, the potential holder will have assessed the ecological values of the property. Grantor and grantee should consider fee acquisition of areas of high ecological value in addition to the easement, or more stringent protections of certain natural communities, habitats or ecological health.

B-2. Requirements to include additional protections of visual quality, recreational features and/or riparian zones, or restrictions on intensive forest management practices such as herbicides and plantations.

B-3. Limitation of mining on the property to surface deposits of gravel, sand and shale for purposes of road construction and maintenance on the property only. Include caps on the number and size of borrow pits and establish reclamation procedures. In some cases (e.g. large landscape easements) it may be appropriate to allow mining of subsurface minerals. In such cases, strict limitations on areas disturbed and associated development should be stipulated to protect the main values of the working forest, undeveloped forest land and traditional public recreation, including associated aesthetics.

B-4. Rights to manage public recreation on the property. Clear goals for such management should be stated in the easement.

B-5. The right to construct, maintain, relocate and/or limit trails on the property for motorized and/or non-motorized recreation.

B-6. The right to provide to the public vehicular use of certain roads across the property or to specific features (e.g. trail heads, water bodies) on the property. This may apply to motorized (e.g. snowmobile) trails, as well.

Such rights should not necessarily be required on strip easements. Since their primary aim is to keep water frontage undeveloped, water access is probably sufficient. Rights of way to the water or boat launches at specific locations may be stipulated or purchased in fee where appropriate.

When vehicular use is stipulated, rights and obligations to maintain roads and trails must be addressed. The easement should define standards to which private roads and trails will be maintained as well as how maintenance costs maintenance are to be divided between the landowner and the holder.

B-7. Road access to the property. The Board should keep in mind that in many cases in the Maine woods, vehicle access may be customary, but not guaranteed by law. The Board should acquire access to properties under easement whenever possible. However, it may be more cost effective for relevant state agencies to keep a list of key access roads and include them in future negotiations with landowners who control access between public roads and the property.

APPENDIX C

Project Agreement with Cooperating Entity

Note: The following document is used for projects involving cooperating entities under the \$50 Million Bond.

**LAND FOR MAINE'S FUTURE FUND
PROJECT AGREEMENT
(Pursuant to P.L. 1999 c. 514, Sec. A-6)**

Cooperating Entity: *Insert*

Project Name and Location: *Insert*

Designated State Agency: *Insert*

Premises Covered by this Agreement: *Insert deed description*

Scope (Description of Project): *Insert project description*

Project Cost:

Total Cost *Insert*

LMF Fund Amount: *Insert* (includes land plus due diligence costs)

Match: *Insert*

The following are hereby incorporated into this Agreement:

1. General Provisions
2. Project Application and Attachments
3. Project Boundary Map
4. Other: _____

The Land for Maine's Future Board, represented by its Chair, (hereinafter LMFB), and the State of Maine, Department of Conservation, represented by its Commissioner, as the Designated State Agency (hereinafter DSA), and the Cooperating Entity, mutually agree to perform this Agreement in accordance with Title 5, Maine Revised Statutes Annotated, Section 6200 et seq., as amended, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, assurances, and certifications incorporated herein by reference and hereby made a part hereof.

Subject to the terms hereof and to the availability of funds for this purpose, LMFB hereby promises, in consideration of the promises made by the Cooperating Entity herein, to obligate to the Cooperating Entity the amount of money referred to above, and to tender to the Cooperating Entity that portion of the obligation which is required to pay the LMFB's share of the costs of the above project stage, based upon the above percentage of assistance. The Cooperating Entity hereby promises, in consideration of the promises made by the LMFB herein, to provide the matching funds and implement the project described above in accordance with the terms of this Agreement.

The following special project terms and conditions were added to this Agreement before it was signed by the parties hereto:

Insert

In witness whereof, the parties hereto have executed this Agreement as of the _____ day of _____, 2001.

THE LAND FOR MAINE'S FUTURE BOARD

By: _____
Evan D. Richert, Its Chair

STATE OF MAINE

By: _____
Print Name:
Its Commissioner

COOPERATING ENTITY:

By: _____
Print Name:
Title:

STATE OF MAINE

County of _____

Date: _____

Then personally appeared the above-named _____, duly authorized
_____ (title) of _____

(Cooperating Entity) and acknowledged the foregoing to be his/her free act and deed in his/her capacity
and the free act and deed of said _____.

Before me,

Notary Public/Attorney at Law

Print Name: _____

My Commission Expires:

Seal:

LAND FOR MAINE'S FUTURE FUND
PROJECT AGREEMENT GENERAL PROVISIONS

Part I – DEFINITIONS

1. The term “DSA” or “Agency” as used herein means the Designated State Agency as shown on Page 1 of the Project Agreement.
2. The term “Director” as used herein means the Commissioner or agency head of the DSA or any representative lawfully delegated the authority to act for such Director.
3. The term “Premises” as used herein means the lot or parcel or parcels of land as described and shown on Page 1 of the Project Agreement.
4. The term “Project” as used herein means a single project, a consolidated grant, a project element of a consolidated grant, or project stage which is subject to the Project Agreement, and as described on Page 1 of the Project Agreement.
5. The term “Cooperating Entity” as used herein means a political subdivision of the State of Maine or a non-profit conservation corporation which will implement the Project as provided in this agreement.

Part II – CONTINUING ASSURANCES

The Cooperating Entity specifically recognizes that Land for Maine’s Future Fund assistance project creates an obligation to acquire, use and maintain the property described in the Project Agreement consistent with Title 5, M.R.S.A., Section 6200 et seq., as amended, and the following requirements:

- A. LEGAL AUTHORITY:** The Cooperating Entity warrants and represents that it possesses the legal authority to apply for the grant and to otherwise carry out the project in accordance with the terms of this Agreement, and has either marketable title to the Premises or a binding agreement to acquire the same. A resolution or similar action has been duly adopted by the governing body of the Cooperating Entity authorizing the filing of the application and implementation of the Project, including all understandings and assurances contained herein, and directing and authorizing the person identified as the official representative of the Cooperating Entity to act in connection with the application and to provide such additional information as may be required by the LMFB or the DSA and to enter into this Agreement.
- B. FINANCIAL ABILITY:** The Cooperating Entity warrants and represents that it has the funds, and the commitment to finance the cost share of acquisition together with all other costs of the Project except the Land for Maine’s Future Fund share stated on the cover page of this Agreement.
- C. USE OF FUNDS:** The Cooperating Entity shall use moneys granted by LMFB hereunder only for the purposes of acquisition/access improvement of the Project as approved by LMFB and provided for herein.

D. USE AND MAINTENANCE OF PREMISES: The Cooperating Entity shall assure that the Premises shall be forever used, operated and maintained as prescribed in this Agreement and all applicable laws, including without limitation Title 5, M.R.S.A. Section 6200 et seq., as amended. Permits and licenses necessary for the implementation of this Agreement or use of the property shall be obtained and complied with by the Cooperating Entity. All costs of acquisition or implementation of the project and ownership and management of the Premises shall be paid by the Cooperating Entity, except as to the cost share to be provided by LMFB as specified herein.

E. RETENTION AND CUSTODIAL REQUIREMENTS FOR RECORDS: The Cooperating Entity shall keep a permanent record in the Cooperating Entity's public property records, available for public inspection, to the effect that the property described in the scope of the Project Agreement, and the signed and dated project boundary map made part of this Agreement has been acquired with Land for Maine's Future Fund assistance and that it cannot be converted to other than public outdoor recreational use as specifically provided by this Agreement without the prior written approval of the LMFB and the Director of the DSA.

Financial records, supporting documents, statistical records, monitoring records and all other records pertinent to this grant and the project shall be retained by the Cooperating Entity and may be inspected by representatives of LMFB and the DSA during normal business hours.

F. ANNUAL REPORTING REQUIREMENTS: On each anniversary of this Agreement, the Cooperating Entity shall report on an annual basis on a monitoring form as approved by LMFB. The form shall be sent to: 1) the Director of the DSA; and (2) the Director of LMFB.

G. RIGHT OF ENTRY: The DSA or LMFB, its employees, agents and representatives, shall have the right to enter the Premises at all times and in all manner without prior notice to assure compliance with the terms of this Agreement and any applicable laws.

H. PROVISIONS IN THE EVENT OF TRANSFER:

i. PRIOR NOTICE AND APPROVAL: In the event of any intended sale or transfer, in whole or in part, of the Premises or any interest therein, the Cooperating Entity shall provide at least sixty (60) days prior written notice of the same to the DSA and LMFB and shall obtain written consent from the same prior to such transfer.

ii. SUBSEQUENT OWNERS: The Cooperating Entity shall incorporate the terms of this Agreement by reference in any deed or other instrument by which the Cooperating Entity sells or transfers any interest (including leasehold interest) in all or a portion of the Premises. Any transferee of the Premises or any interest therein must hold, manage and use the Premises as provided in this Agreement.

iii. SHARE IN PROCEEDS:

(a) In the event of any sale or transfer of the Premises for consideration, the Cooperating Entity shall pay to the Land for Maine's Future Fund, or to another fund designated by the LMFB, that share of the appraised value of the Premises as represents the proportion of the Fund's participation in the cost of acquisition under this Agreement. The LMFB may waive receipt

of any proceeds, provided that the said funds are applied to a substitute property as approved by the LMFB. This payment to the fund shall not relieve the transferee of the continuing obligations to hold, manage and use the Premises under the terms of this Agreement.

(b) In the event of condemnation of any or all of the Premises, the State of Maine, by and through its Land for Maine's Future Fund or another fund designated by the LMFB, shall receive that share of the proceeds of such condemnation as represents the proportion of the fund's participation in the cost of acquisition under this Agreement.

(c) In the event of dissolution of the Cooperating Entity, at least sixty (60) days prior written notice of such shall be provided to: (1) the Director, DSA; and (2) Director, LMFB and prior written consent to the transfer and disposal of the Premises shall be obtained from LMFB as with a conveyance of the Premises under Subsection H(ii) unless the Board elects to take title or designates a successor-in-interest under Subsection J(d).

J. ENFORCEMENT ALTERNATIVES: In the event that the Cooperating Entity does not meet one or more of its obligations under this Agreement or the deed restrictions and covenants by which it holds title to the Premises, or in the event of dissolution of the Cooperating Entity, the DSA may exercise, in its sole discretion, any of the following remedies following written notice and thirty (30) days opportunity for the Cooperating Entity to cure the default: (a) any of the remedies or rights set forth in the Cooperating Entity's deed to the Premises; (b) the right to require specific performance on the part of the Cooperating Entity; (c) the right to a return of the entire amount of the grant made pursuant to this Agreement, together with interest thereon at the then prime rate published from time to time by *The Wall Street Journal* plus two (2.0%) percent per annum from the date that the grant was originally made, the sum of which shall be paid by the Cooperating Entity to the LMF within fifteen (15) days of its written demand; (d) the right to take title or designate a successor-in-title; and (e) any other rights or remedies available at law or in equity. In the event that the DSA exercises any of the rights available to it upon default of the Cooperating Entity, the Cooperating Entity shall reimburse the DSA for its costs of enforcement and collection, including reasonable attorneys fees.

K. SUCCESSORS AND ASSIGNS: Except as otherwise provided herein, this Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. In the event that the LMFB or the DSA ceases to exist, the rights and responsibilities of that party shall automatically be vested in any successor agency designated by the Legislature. Failing legislative designation, the successor agency shall be as determined by the Governor.

L. AMENDMENT: This Agreement may not be amended, in whole or in part, except with the written consent of all of the parties hereto.