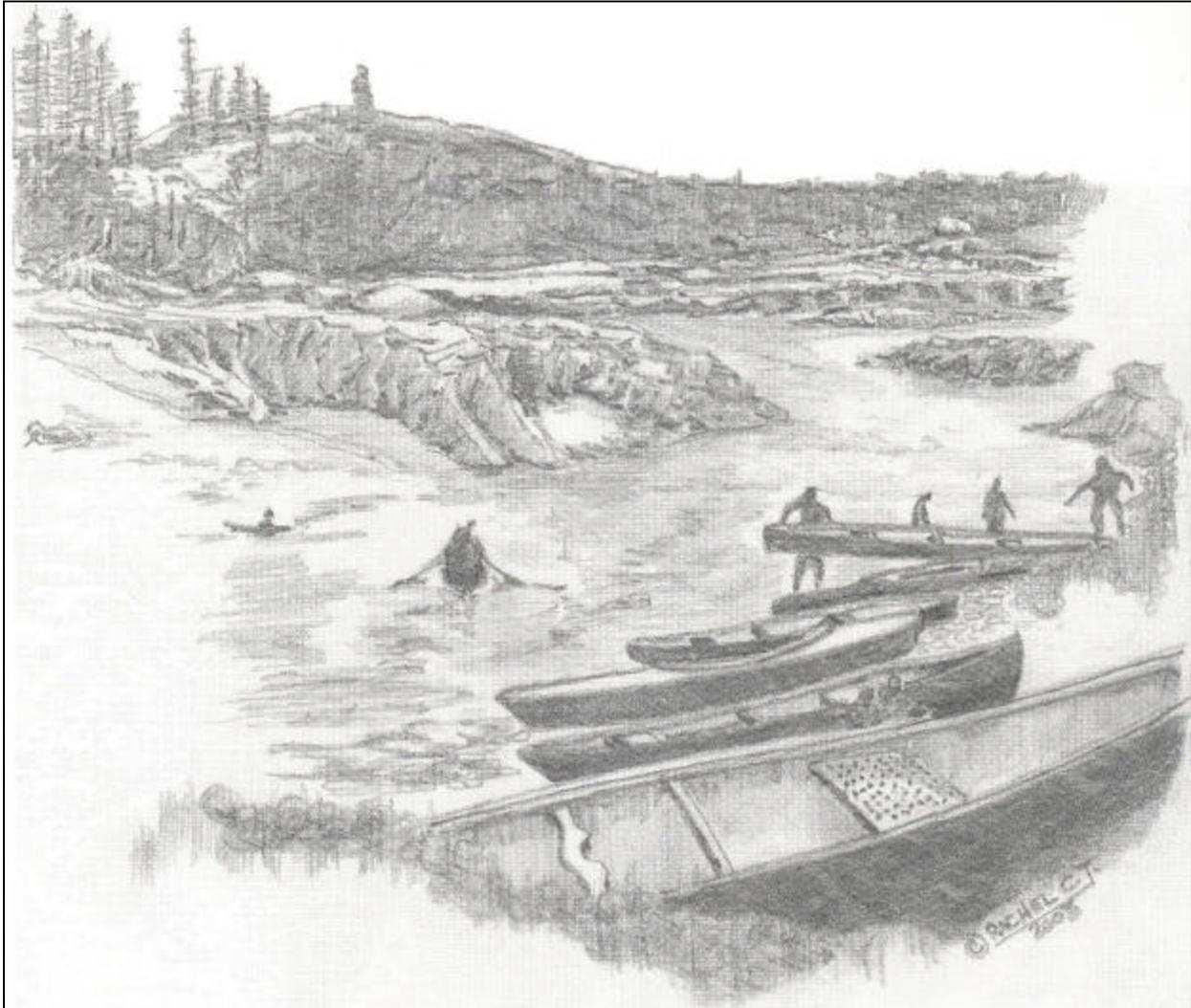


Land for Maine's Future Program Biennial Report January 2000 – December 2002



Executive Department
Maine State Planning Office
www.maine.gov/spo/lmf
telephone: (207) 287-1485

February 2004

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Land for Maine's Future – Biennial Report

I. EXECUTIVE SUMMARY

The Land for Maine's Future Program (LMFP) was established in 1987. The program is managed by an appointed public board. The concept behind the program is simple: to conserve the Maine's natural heritage for the benefit of its citizens.

Maine is defined by its landscape – the result of eons of natural forces and centuries of human use. Certain lands rise above the rest because of the exceptional natural values they possess or the special opportunities they represent. Exceptional outdoor recreation sites, ecologically sensitive areas, farm and forest working landscapes, remote camping areas, cross-county and snowmobiling trails, public water access sites: these and many others are examples of the special places that Maine citizens count on. These places deserve permanent protection through acquisition or through the purchase 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 the Land for Maine's Future Program is to identify and protect these assets, working with its partners: the Departments of Conservation, Inland Fisheries and Wildlife, Agriculture, Atlantic Salmon Commission, Marine Resources, and the many conservation partners in the private sector and other levels of government in Maine.

Following in the tradition of Governor Percival V. Baxter, the Land for Maine's Future Program, have assembled an array of public lands which have only one equal, Baxter State Park. After sixteen years, Maine citizens and visitors to Maine share an investment that is permanent, increasing in value, and touching all corners of the State.

Since the last program report in January 2001, the Land for Maine's Future Program has funded the conservation over 61 projects resulting in the acquisition of more than 79,541 acres of forest, shoreline, farmland and other special areas by various state agencies, towns and land trusts and an additional 27,121 acres protected by conservation easements that remain in private ownership. Reflecting the pressures of development, these projects are concentrated along Maine's coast and in the southern counties although the program has also supported conservation efforts elsewhere in the State. Collectively, these projects represent the dreams and hard work of thousands of Maine citizens who, working through their land trusts, town governments, and state agencies, came together to protect Maine's natural heritage for future generations. This report provides detailed information on the projects completed during the two year period, 2001-2002, following the last biennial report. A summary of information is provided on the conservation projects completed in 2003. A full report on these 2003 projects will be included in the 2005 biennial report.

Most of the conservation and recreations lands protected in the past three years by LMF (74.5%) has been through the acquisition of full public ownership (“fee interest”) by a state agency, nonprofit land trust or town. Acquisition of partial interest via conservation easement is a growing trend for the Land for Maine's Future Program as the Board seeks to protect the specific public interests needing conservation while leaving the property in private ownership for other productive uses that are compatible with conservation. LMF has 35 project finalists under active negotiation with closure

expected over the coming 12-18 months. In January 2004, the Board designated 26 new applications as finalists which exhaust the available funding for this category.

During the past reporting period, the Program has funded the acquisition of 12 properties to provide Maine citizens with access to inland and coastal waters. These range from Machiasport and Pocomoonshine Lake in Washington County to the Presumpscot River in Falmouth to Bear River Rips on the upper Androscoggin River close to Bethel. An additional three water access projects were completed in 2003. Detailed information on these additional projects is available from program staff and will be included in the next biennial report.

Since the last report to the Legislature, three farms have been conserved through the acquisition of agricultural conservation easements. In addition, the Maine Department of Agriculture, Food and Rural Resources co-holds an easement on property that combines scenic, historic and recreational attributes with an organic wild blueberry operations. Taken together, approximately 589 acres of agricultural land have been conserved for current and future farming operations. Progress was made on two additional farm projects during 2003 which will be reported in the next biennial report. Six more farm projects are under negotiations. A final round of finalists were chosen in January 2004 which has fully committed the remaining farmland protection funds.

The interested reader is also encouraged to seek out the program evaluation study conducted by the Edmund S. Muskie Policy Center at the University of Southern Maine in partnership with the Margaret Chase Smith Center at the University of Maine. This study provides an analysis of the current LMF program and makes recommendations for improvements in its operation.

II. PROGRAM DESCRIPTION AND OVERVIEW

History

The Land for Maine's Future Program was first established in 1987 building on the recommendations of a gubernatorial commission on outdoor recreation issues. Approved at referendum in November of that year, the Program was funded through an initial general obligation bond of \$35 million. Over the years, the Legislature has amended and added to the Program's mission and has continued to support its work with new funding. Most recently, the Legislature proposed and Maine citizens overwhelmingly approved a \$50 million bond issue to continue land conservation.

Board Composition

The eleven-member Board consists of six public 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." Public members are appointed by the Governor and confirmed by the Joint Standing Committee of the Legislature for Agriculture,

Conservation and Forestry. This Committee also confirms two of the five gubernatorial appointees who serve on the Board. The public members of the Board and their terms of service are listed below.

Public Members during the Reporting Period

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

Roger Milliken, Jr
Cumberland, Maine 04021
term: 11/14/02 - 11/13/06
10/6/98 - 11/13/02
9/20/95 - 11/13/98 (partial)

Linda Pagels
Cherryfield, Maine 04622
term: 10/01 - 1/31/04 (partial)

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

Marcia McKeague
Medway, Maine 04460
term: 2/1/02 - 1/31/06
4/13/00 - 1/31/02 (partial)

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

State Agency Members during the reporting period

George Lapointe, Commissioner*
Department Marine Resources
State House Station # 21
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

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

Ronald Lovaglio, Commissioner*
Department of Conservation
State House Station # 22
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

***Note:** Director Richert resigned in 2002. SPO Director Martha Freeman currently serves on the LMF Board. Commissioner Lapointe was named as Board Chair. Commissioners Lovaglio and Perry stepped down in early 2003 and have been replaced in 2003 by Commissioner of Conservation Patrick McGowan and Commission of Inland

Fisheries & Wildlife Roland Martin. Roger Berle's term expired in January 2003. Leon Gorman of Yarmouth Maine has been confirmed to fill this public member position.

Program Staffing

The Program is administered by limited staff housed in the State Planning Office. As the agency of state government typically charged with coordinating interdepartmental programs, SPO is uniquely suited to support the Land for Maine's Future Program. Only one staff position is dedicated to Land for Maine's Future work, while the other SPO staff assigned to this program have additional responsibilities within SPO.

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 conservation 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 for interpreting the LMF statutes and reviewing policy and process along with 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.

Program Staff

Tim Glidden, Program Director*
Steve Brooke, Senior Planner
Jim Connors, Senior Planner (half-time on LMF projects)
Aline A. LaChance, Support Staff
R. Collin Therrien, Senior Planner
State Planning Office
184 State St., State House Station # 38
Augusta, Maine 04333

***Note:** Mark DesMeules served as program director until his resignation in August, 2001.

III. ACCOMPLISHMENTS AND CHALLENGES

- Recent Acquisitions – A Summary

Since the last program report in January 2001, the Land for Maine's Future Program has funded the conservation over 61 projects resulting in the acquisition of more than 79,541 acres of forest, shoreline, farmland and other special areas by various state agencies, towns and land trusts and an additional 27,121 acres protected by conservation easements that remain in private ownership. Reflecting the pressures of development, these projects are concentrated along Maine's coast and in the southern counties although the program has also supported conservation efforts elsewhere in the State. This report provides detailed information on the projects completed during the two year period, 2001-2002, following the last biennial report. A summary of information is provided on the conservation projects completed in 2003. A full report on these 2003 projects will be included in the 2005 biennial report. More information is available on the LMF web site's project directory.

Collectively, these projects represent the dreams and hard work of thousands of Maine citizens who, working through their land trusts, town governments, and state agencies, came together to protect Maine's natural heritage for future generations. There is a great story associated with each project which can only be hinted at in this report. Taken as a whole, these stories constitute another exciting chapter in the exciting and continuing history of land conservation in Maine. Drawing on deep and honorable roots extending back to Henry David Thoreau and Governor Percival Baxter, this is a story as much about Maine's future as its past. Maine is adapting to the changes brought by growth and seeks to shape a future for its citizens that includes both economic opportunity and a high quality of life. In doing so, Maine citizens have always understood that land conservation plays a vital and unique role. The tradition of open access to undeveloped land needs support as it is threatened by rapid development and changing ownership. Prime agricultural soils need to be conserved as part of the State's larger effort to sustain the vitality of its farm sector. Public access to the State's inland and coastal waters needs to be protected and expanded. Each of these actions and many others are necessary to bring the best of Maine's past forward into the future.

While each project has its own unique story and value, the following vignettes offer the briefest glance of the treasures that have been conserved for Maine's citizens today. The organizations mentioned below are only a few of the many hardworking groups across the State working to ensure this legacy for future generations. To learn more, be sure to read the project descriptions contained in Section VI.

Lakeside Orchards in Manchester, Maine has been protected with an agricultural conservation easement held by the Maine Department of Agriculture, Food and Rural Resources. Recently sold to new owners, this farm continues as an active producer, a popular landmark and source of apples, cider and related products in an area with rapid residential growth and in the face of increasing competitive pressures on the apple industry.

For more information visit www.maine.com/apples/Welcome.html .

The Kennebec Highlands, in the towns to the west of Augusta, have been conserved in a remarkable assemblage of properties now totally over 5200 acres. At the instigation and with the tireless efforts of the Belgrade Regional Conservation Alliance, this treasured area of remote ponds, steep trails and spectacular views has been protected. In an area of the State with a limited number

of public parks and recreation lands, the Kennebec Highlands will play an essential role in meeting the regional recreation needs.

For more information visit www.kennebechighlands.org.

The Mount Blue State Park has been dramatically expanded through the acquisition of key, core properties within the park and the conservation of important buffer areas around the park through the use of conservation easements. In addition, the popular summit and ridgeline of Tumbledown Mountain has been acquired and the view to the north of the summit has been protected through conservation easement on these working forests. Active negotiations continue with willing sellers in the area to acquire the trails up Tumbledown. This success would not have been possible without the unflagging enthusiasm and will of the Tumbledown Conservation Alliance and the Trust for Public Lands who, working together with the Maine Department of Conservation, negotiated successful acquisitions and marshaled the necessary state, local and federal funds.

For more information visit www.tumbledown.org.

The Town of Machiasport was able to acquire Pettegrow Beach to protect a traditional water access and boat launch site that had been used for generations by the public and commercial fishermen. Working with the Maine Coast Heritage Trust and the Department of Conservation, the Town sought and received an LMF grant to support this small but essential property.

For more information visit www.mcht.org/pdf/maine_heritage/mh_summer02.pdf.

Taken as whole the 61 projects completed since January 2001 reflect the commitment of \$19.1 million of LMF funds which has in turn drawn matching funds of \$45.1 million, far surpassing the legislative goal of 50% match. Private donations, contributions of property, foundation grants, and municipal funds, along with other state and federal sources, have provided this generous match.

- Conservation & Recreation.

Most of the conservation lands protected in the past three years by LMF (74.5%) have been through the acquisition of full public ownership (“fee interest”) by a state agency, nonprofit land trust or town. Acquisition of partial interest via conservation easement is a growing trend for the Land for Maine's Future Program as the Board seeks to protect the specific public interests needing conservation while leaving the property in private ownership for other productive uses that are compatible with conservation. LMF has 35 project finalists under active negotiation with closure expected over the coming 12-18 months. In January 2004, the Board will be considering 27 new applications for a final round of project selections which will exhaust its available funding for this category.

LMF shares the challenges facing Maine's land conservation efforts in general. Low density commercial and residential development continues to sprawl out of Maine's service center communities and into the surrounding rural areas gobbling up undeveloped open space and putting pressure on farmlands, traditional recreational opportunities and wildlife habitat. Despite the sluggish economy of the past several years, southern and coastal Maine's real estate market

continues to be hot with annual price increases in double digits in many areas, especially those with highest conservation interest. While much of this is clearly driven by continuing strong housing demand and lower interest rates, the stock market decline also appears to have triggered a run to real estate as an alternative investment during uncertain times. Though uneven, these trends are affecting properties in remote areas of Maine with prime lake frontage deep in Maine's north woods and far Downeast in Washington County going for prices that could not have been imagined only five years ago when the current land conservation bond was being designed. To understand the level of this pressure, one has only to review the internet-based real estate operations that are now aggressively marketing Maine properties to larger regional and national markets with an intensity not seen since the late 1980's.

Sprawl and hot housing markets are not the only drivers of these trends. Even as LMF supported conservation efforts along the coast and in southern Maine, the Program has responded to the massive shifts in timberland ownership in northern and eastern Maine with funding commitments that have or will result in the conservation of dozens of miles of prime recreational opportunities and fisheries habitat along with thousands of acres of working forest land that will continue to be available for both outdoor recreation and sustainable commercial forest management. Even with these accomplishments however, the vast majority of the North Woods continues to be subject to substantial uncertainty as major corporate landowners examine their options and respond to global investment opportunities.

- Public Access to Maine Waters.

During the past reporting period, the Program has funded the acquisition of 12 properties to provide Maine citizens with access to inland and coastal waters. These range from Machiasport and Pocomoonshine Lake in Washington County to the Presumpscot River in Falmouth to Bear River Rips on the upper Androscoggin River close to Bethel. An additional three water access projects were completed in 2003. Detailed information on these additional projects is available from program staff and will be included in the next biennial report.

The same hot real estate market that challenges land conservation in general also presents a serious obstacle to Maine's efforts to increase its citizens' access to state waters. Shorefront properties have never been in higher demand than they are today. Land values are appreciating rapidly. Congestion associated with water access sites can instill skepticism and even resistance among neighbors of potential sites. The spread of milfoil and growing concern over the other invasive aquatic species also pose special challenges. In areas of high demand, the limited availability of access increases the pressures at existing sites that feeds these wary attitudes. Improving public water access is as much a question of management and maintenance of existing sites as it is increasing the supply of new sites.

Responding to these challenges, the Departments of Conservation, Marine Resources and Inland Fisheries and Wildlife along with the State Planning Office are stepping up their efforts to identify potential water access projects. This is an ongoing process with Board consideration of

applications possible at any time during the year. Several are under consideration as of the date of this report. These departments also continue to develop local partnerships with towns and in some instances local land trusts to own and/or operate these sites in an effort to make better use of state resources and to bring the management “closer to home”.

- Farmland Protection.

Since the last report to the Legislature, three farms have been conserved through the acquisition of agricultural conservation easements; also known as purchased development rights. In addition, the Maine Department of Agriculture, Food and Rural Resources also co-holds an easement on property that combines scenic, historic and recreational attributes with an organic wild blueberry operation. Taken together, approximately 589 acres of agricultural land have been conserved for current and future farming operations. Progress was made on two additional farm projects during 2003 totaling 358 acres of agricultural easements which will be reported in the next biennial report. Six more farm projects totaling over 1000 acres are under negotiations. A final round of project selection is anticipated in January 2004 at which point available farmland protection funding is expected to be almost fully committed.

Farmland conservation in Maine has grown slowly in Maine. While clear opportunities exist, this effort faces special challenges. Foremost among these is the crushing pressure Maine farmers face as they seek to compete in regional, national and now global markets. The rising imports of apple juice concentrates from China and an increasingly nationalized market for processed dairy products are just two examples of this trend. Many Maine farmers have responded with careful attention to cost, niche product marketing and local marketing to survive. While the sale of development rights can bring the farmer a portion of the return on their investment that would otherwise only be available through liquidation of the farm, costs associated with holding the land are only a piece of the economic puzzle each farmer faces. An agricultural easement sale is only one tool in the farm protection toolbox.

In addition, many farmers are reluctant to undertake the one-time sale of development rights and forego the speculative returns in future real estate markets even when, on paper, the two options are equivalent. The sale of an easement brings a new “partner”, the easement holder, into the farm operations. This is a new concept for most Maine farmers. Careful education and listening to farmer concerns has been necessary to improve the program.

The Department of Agriculture, the agency charged with sponsoring farmland projects to LMF, has responded to these challenges in several ways. Departmental presentations, publications and outreach to farmer and community groups has significantly increased. In 2001, the Department met with over 100 agricultural stakeholders to initiate a 2-year effort to formulate a strategic plan with the vision of protecting “currently active and potentially productive farmland as a means to sustaining economically viable agricultural communities.” *Saving Maine's Farmland - Collaborative Action*

Plan was published in June, 2003¹. It seeks to combine the purchase of development rights with other existing and merging programs and "tools" that can and will support Maine farmers for generations to come. Currently the toolbox includes assisting farmers with referrals on estate planning, enrolling in the farmland tax program, expanding commodity and niche markets, business planning, and farm transfer to the next generation of Maine farmers. The Plan's Steering Committee also developed screening criteria to assist the Department, landowners and other key federal, state and local partners with applying for LMF farmland funding. These criteria are aligned with LMF and federal funding criteria, and they allow the Department staff to work closely with project partners to improve the landowner's readiness and local capacity to both plan and implement a successful farmland protection project.

- Adoption of Working Forest Easement Guidelines & Experience to Date.

The accelerated pace of major land sales in Maine over the past five years has created a unique opportunity in the State's history of land conservation. During this period of time more than a quarter of the State has changed ownership. Shifting ownership objectives have raised the possibility of sweeping land use changes on holdings that have been managed for timber for more than a century. Development pressures of various kinds are growing in many areas of the state. Wildlife habitat, recreational assets, other natural resource values, and the economic productivity of these lands are potentially at risk. Large-scale conservation easements for working forest land have emerged as a promising tool for land conservation.

Working forest conservation easements can provide an effective and economical alternative to fee acquisition where the conservation and recreational needs of the people of Maine can be served by continuing private ownership with certain limitations on land use. Typically, a landowner sells or gives the State or its partners a conservation easement which extinguishes, by mutual agreement, certain development and land use rights otherwise available to the landowner, and which guides the future use of the land. At the same time, the forests of these properties can continue to be commercially managed with the attendant economic benefits for the landowner and society. The terms of an easement also guide the monitoring and enforcement of the easement by the easement holder.

On May 9, 2001, the Land for Maine's Future Board adopted a set of principles for working forest easements. Although each easement will vary depending on the property involved and the intentions of the grantor and grantee, it will:

- prohibit (or strictly limit) additional non-forestry and non-recreation related development, subdivision, and non-forestry commercial uses,
- require continuation of traditional recreational access and uses such as fishing, hiking, hunting, and nature observation, and

¹ Available on the web at <http://www.state.me.us/agriculture/mpd/farmland/collaborativeplan6x8.pdf> or from the Maine Department of Agriculture, State House Station # 28 Augusta, Maine 04333 attn. Stephanie Gilbert.

- require any future forest management of the property to be conducted on a sustainable basis that protects the property's productivity.

After articulating these general principles for direction, the Board was asked to delineate more detailed easement guidelines, recognizing that each situation will raise unique questions that will require negotiation and modification on a case by case basis. In June 2002, the Board adopted a set of drafting guidelines² which are intended to extend the previous work so as to regularize the structure and form of this type of easement and address related areas of policy. While these guidelines will have application to many conservation easements, they are specifically intended for application to working forest conservation easements over large areas, typically including thousands of acres.

Since adoption of the Board's policy, LMF has funded the acquisition of several working forest easements. Additional easements are under consideration or development now. In addition, the Board supported the acquisition of the Nicaious Lake easement which predates these guidelines.

Moving forward, the emerging challenge for this new project type will be effective monitoring of easement provisions. Already, the State is establishing partnerships to carry out these responsibilities and has been raising funds as part of the original projects to endow stewardship funds. Several nonprofit organizations, landowners and the State are also collaborating on new techniques and technology applications for easement monitoring.

- Working Regionally and Locally

When the Legislature endorsed the most recent LMF Bond issue in 1999, it also made a series of important changes in the operation of the program. Most significant among these was the addition of new authority to work with local and regional partners directly and to fund conservation projects that would be owned or held by the "cooperating entities". This change has spurred a burst of creativity and drawn many additional Maine citizens to land conservation.

As will be evident from a review of the individual project descriptions later in this report, many local land trusts along with towns and cities have taken advantage of this legislative change to initiate efforts that are best suited to local management and which stimulated new local support that would not likely been available to a state-controlled proposal. This is a very positive trend that reflects the growing interest and capacity at the local level. In addition, this device has allowed for the emergence of locally developed and managed projects that better respond to smart growth efforts within local communities. Another promising trend is that in at least several instances, local land trusts and municipal governments are collaborating on regional projects that cross town lines and that respond to land use challenges that are driven by the regional real estate markets. The projects along the Presumpscot River provide a good example (see Section VI).

² Available on the web at <http://www.state.me.us/spo/lmf/publications/>

At the same time, the Legislature directed the LMF Program to develop mechanisms to safeguard this significant investment of state taxpayer dollars and to ensure that the purposes of these grants were guaranteed. In response, the Board developed a model contract to be signed between the cooperating entity and the sponsoring state agency. This contract, referred to as a project agreement, is recorded at the county registry of deeds to ensure permanent notice of the management commitments made for the conservation lands. The project agreement also provides for recovery of the State's funds should the terms of the grant not be fulfilled for whatever reason.

LMF staff have established a database to track these project agreements and the annual reports which the cooperating agencies make to the State on management activity over the preceding year. To date, the State has funded 27 projects under this system with all cooperating entities to date reporting in a timely manner.

IV. LEGISLATION AFFECTING PROGRAM

Since 2000, the Legislature has enacted numerous pieces of legislation affecting the Land for Maine's Future Program. The topics of this activity concentrate in the areas of review, new mandates, and budgetary changes. In addition, there were minor changes in two LMF-funded conservation holdings that required legislative approval.

- Review & Oversight

In 2000, the Joint Standing Committee on Agriculture, Conservation and Forestry assumed jurisdiction over the LMF Program pursuant to the State Government Evaluation Act and carried out that review in 2002. The Committee reviewed a detailed report on LMF activities since its inception and held a public hearing and work session to discuss its conclusions. As a result of the review, the Committee found that the program had operated successfully and consistently with its statutory mandate. The Committee made one amendment to include a provision within the existing biennial report on the LMF Board's "experience ... with projects ... in which the land or interest in land is acquired by a cooperating entity." The topic is discussed at greater length in the preceding section.

In 2002, the same committee also received and reviewed the biennial report for the period of 1998 – 2000, the production of which had been delayed due to staff turnover.

- New Mandates

In 2000, the Legislature authorized the Program to provide business planning and capital improvement grants to farms protected with LMF funds. Also in 2000, the Legislature clarified that the LMF account receiving funding under the LMF-affiliate credit card is an interest bearing nonlapsing account and that these funds may be employed to cover administrative and staff expenses.

In 2001, as part of the Legislative Study of Access to Public and Private Lands, the Board was directed to acquire guaranteed public vehicular access rights to its conservation projects whenever

possible and appropriate. The Board was further directed to include in its biennial report a justification for not obtaining these rights for any projects for which this is the case. Excepting islands, farmland easements, and a project along the Denny's River in Cooper and Meddybemps, no project completed during 2000 – 2002 triggered this requirement. The protected islands are all accessible via boat. Public vehicular access to the farmland projects is possible but public access over these lands was not acquired so as not to interfere with the working farm operations. In the case of the Cooper/Meddybemps parcel, the landowner did not hold deeded vehicular access to convey. The habitat values of these properties nonetheless justified their acquisition and the public may access these lands from the Denny's River.

In 2002, The Legislature directed the Program to require all parties receiving LMF funding to provide a description of the intended management of the conservation project over the following ten year period. In the case of an easement, a description of management responsibilities retained by the landowner and assumed by the easement holder is also required. The recipients must also provide a preliminary estimate of the cost of this management or in the case of easements, the cost of monitoring the easement. The Program began implementing this requirement with the 2003 round of new LMF applications.

Also in 2002, the Legislature enacted a resolve to allow a legislator to participate in an Executive Branch working group that was developing guidelines for the drafting and use of conservation easements on large tracts of commercial timber land (previously discussed). The resolve also directed the group to consider incorporating several criteria in the guidelines and to report back to the committee. This effort was completed in 2002.

- Funding Changes

In two separate enactments, the Legislature deappropriated a total of \$384,261 which represented unexpended funding from the 1998 general fund appropriation of \$3 million for land conservation. This action was taken as part of State Government's efforts to address budget shortfalls beginning in 2002. The impact of this deappropriation has been to shift previous project commitments to the 1999 Bond revenues which will have the effect of diminishing the level of overall land conservation that would otherwise have occurred.

In 2002, the Legislature appropriated funds to support a part-time position in the Maine Department of Agriculture, Food and Rural Resources to support farmland protection. This funding has since been rescinded as part of the effort to address the State's budget shortfalls.

- Specific Conservation Holdings

In 2000, the Legislature authorized the grant of an easement over conservation property held by the Maine Department of Inland Fisheries and Wildlife in Oquossoc Village to allow the drilling of a well and installation of a waterline to supply residences and businesses in the areas whose wells had been tainted by an underground storage tank petroleum leak.

In 2002, the Legislature authorized the sale of an access easement across a public, multiple-use trail in Van Buren held by the Maine Department of Conservation. The easement was conveyed at fair market value to Irving Woodlands, LLC.

V. FINANCIAL REPORT

During the reporting period, LMF started its first conservation projects funded by the \$50 million bond passed in 1999 with overwhelming support by Maine voters. After retooling its scoring and evaluation system during 2000, the Board funded a round of projects in January, 2001 and followed that with three further rounds of funding in January 2002, April 2003, and January 2004. In addition, throughout this period, the Board has considered and funded fifteen water access projects from the separate Public Access to Maine Waters Fund with several additional water access proposals anticipated shortly.

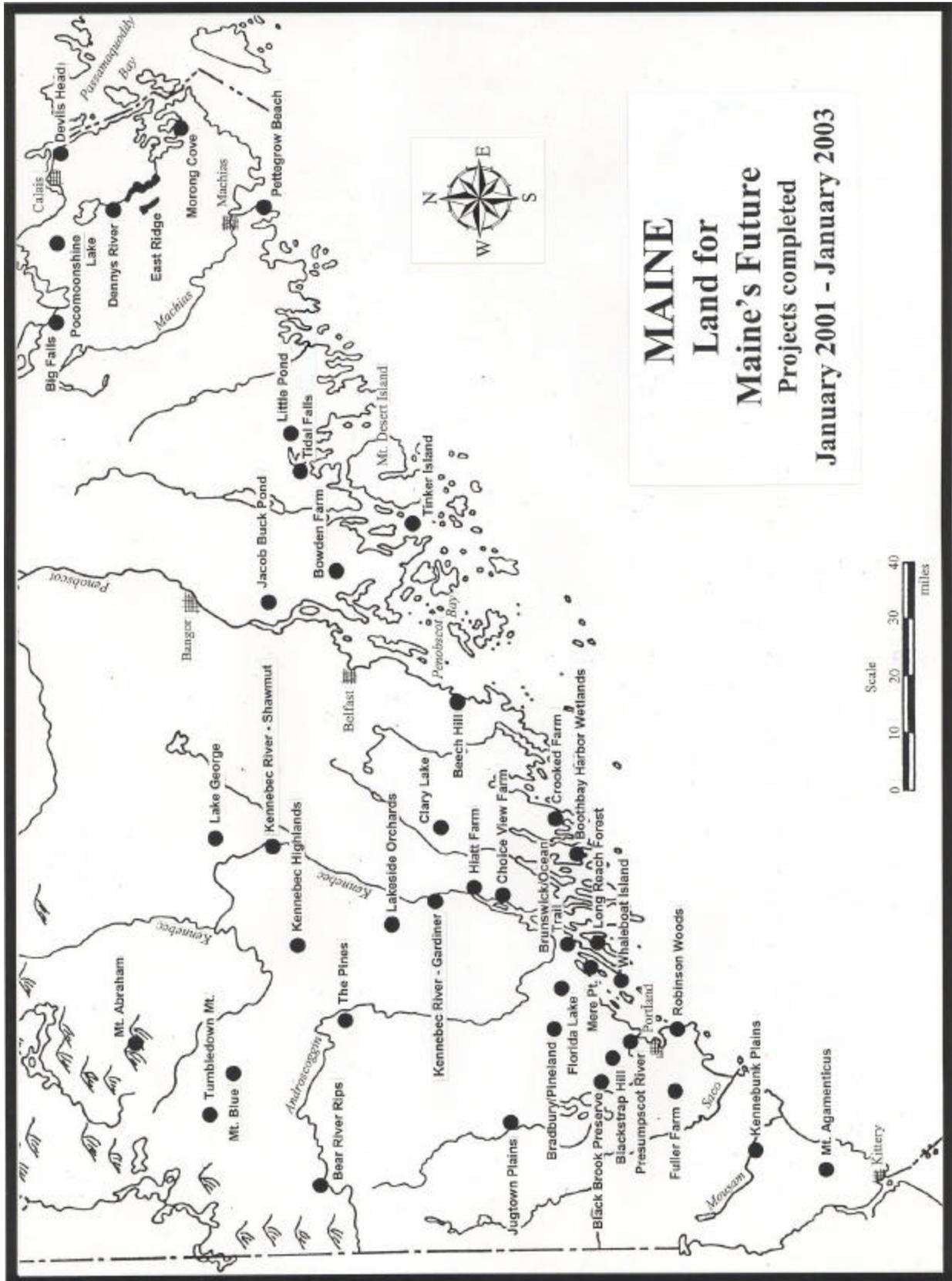
Between January, 2000 and January 2004, LMF has allocated \$46.4 million to conservation and recreation, farmland and water access projects. Of this amount, approximately \$18.8 million has actually been expended on completed projects and associated legal and transaction costs. The remaining funds are held in reserve in anticipation of the successful conclusion of these projects. In addition and as part of these transactions, the final funds remaining from the original \$35 million bond and the \$3 million general fund appropriation in 1998 were expended or, in the case of a portion of the general fund appropriations, rescinded as part of the effort to address the State's budget problems.

Under contract to the State, MBNA America manages an affiliate credit card for the benefit of land conservation in Maine. Supported by the voluntary participation of over 7,000 card holders, this program has generated a total of \$351,022 since its inception in 1996. These revenues are based on a portion of the administrative fee on each card transaction (0.5% of the transaction amount). These funds are used primarily to support the program's single dedicated staff position. Over the past several years, revenues have declined modestly as the State's marketing support for the program diminished. Efforts are currently underway to strengthen this marketing and to stabilize this modest but essential funding source.

VI. PROJECTS & ACQUISITIONS

The following section provides a tabular summary of all LMF-funded projects completed between January 2001 and January 2003. A map is also provided to generally locate these projects. The bulk of this section consists of short descriptions and more detailed maps of each a project. A separate summary table is included which lists projects completed during calendar year 2003. The more detailed

descriptions and maps of these projects will be included in the 2005 Biennial report. Additional information is available in project directory on the LMF web site at www.state.me.us/spo/lmf.



LMF Project Lands Closed between January 2000 and January 2003

Conservation & Recreation		Year	Location MCD	County	Acres Total	Fee	Ease	LMF \$ for land only*	DOCUMENTED MATCH	Agency
Beech Hill - CSR portion	2003	Rockport	Knox	195.0	195.0			\$300,000	\$1,029,225	DOC & AG
Black Brook Preserve	2002	Wintham	Cumh	105.0	105.0			\$180,000	\$169,674	DOC
Blacktop Hill	2002	Falmouth	Cumh	285.0	285.0			\$200,000	\$746,639	IF&W
Boothbay Harbor Wetlands	2002	Boothbay Harbor	Linc	65.8	65.8			\$75,000	\$237,000	IF&W
Bradbury-Finland Corridor (ongoing)	2002	Pownal	Cumh	42.0	42.0			\$30,450	\$16,226	DOC
Bruswick To The Ocean Trail	2002	Bruswick	Cumh	100.5	100.5			\$150,000	\$213,000	DOC
Choice View Farm	2001	Dresden	Linc	16.3	16.3			\$50,000	\$138,987	IF&W
Crooked Farm	2002	Bristol	Linc	130.0	125.0	5.0		\$76,000	\$187,753	DOC
Derry's Head	2002	Cooper & Moodytowns	Wash	1005.0	1005.0			\$190,000	\$240,125	ASC
East Ridge Project	2002	Calais	Wash	319.0	319.0			\$204,333	\$115,394	DOC
Florida Lake	2002	Westington County	Wash	9640.4	3649.4			\$766,752	\$383,204	ASC
Fuller Farm Conservation Project	2001	Freeport	Cumh	150.8	147.8	3.0		\$200,333	\$195,000	DOC
Granier Mt. Aquaticous (ongoing)	2000-2	Seabrook	Cumh	180.0	180.0			\$250,000	\$498,424	IF&W
Jugtown Plains	2002	York, Elor & South Brunswick	York	334.9	334.9			\$255,284	\$164,167	IF&W
Kennebec Highlands Project (ongoing)	2001-2	Casco, Naples & Orlinfield	Cumh & Fran	3281.0	5252.0	3281.0		\$195,000	\$155,000	DOC
Kennebunk Plains - 3 parcels	2002	Wetwa, Rome, New Sheron, Mt Vernon	York	650.0	650.0			\$1,915,144	\$1,016,982	DOC
Lake George Regional Park	2001	Kennebunk, Sanford	York	39.7	36.7			\$35,000	\$35,000	DOC
Lake Pond Acquisition	2001	Franklin	Hanc	882.0	882.0			\$100,000	\$332,385	DOC
Mt. Blue-Tumbledown Phase II	2002	Lubec	Wash	136.0	136.0			\$70,000	\$70,000	IF&W
Mt. Arden	2002	Township 6 North of Wind	Fran	3778.0	3778.0			\$1,150,000	\$900,000	DOC
Mt. Blue-Tumbledown Phase I	2001	Mt Arden and Salem	Fran	5059.0	1025.0	4033.0		\$273,333	\$1,375,167	DOC
Presumpscot River Preserve	2002	Franklin County	Fran	2458.0	2458.0			\$500,000	\$480,000	DOC
Robinson Woods	2002	Portland & Falmouth	Cumh	103.0	103.0			\$463,334	\$241,666	DOC
Tinker Island	2002	Cape Elizabeth	Cumh	81.3	81.3			\$250,000	\$1,466,826	DOC
Tudler-Sumner	2002	Tennoe & Blue Hill Bay	Hanc	225.0	225.0			\$600,000	\$1,003,021	DOC
Whaleback Island	2002	Hampden	Cumh	99.0	99.0			\$70,728	\$114,362	DOC
				125.0	125.0			\$200,000	\$821,206	DOC
Farms										
Beech Hill - farm portion	2003	Rockport	Knox	100.0	100.0			\$100,000	\$1,029,225	DOC & AG
Bowden Farm	2001	Blue Hill	Hanc	208.0	208.0			\$35,000	\$35,000	AG
Hill Farm	2001	Dresden	Linc	92.0	92.0			\$50,000	\$80,000	AG
Labrador Orchards	2002	Marchester	Kann	188.9	188.9			\$199,705	\$189,705	AG
Water Access										
Bear River Rips	2002	Hallow	Dor	4.7	4.7			\$40,000	\$57,882	DOC
Big Falls - Grand Lake Stream	2001	TZ ED BPP	Wash	0.6	0.6			\$15,000	\$10,400	IF&W
Clary Lake	2001	Jaffrey	Linc	5.0	5.0			\$30,000	\$21,576	IF&W
Second Buck Pond	2001	Bucksport	Hanc	2.5	2.5			\$20,000	\$11,891	IF&W
Kennebec-Shawmut	2001	Fairfield	Kenn	32.8	32.8			\$110,000	\$46,007	IF&W
Kennebec-Gardier	2002	Gardier	Kenn	1.9	1.9			\$73,334	\$77,272	DOC
Middle Bay - Mee Point	2002	Brunswick	Cumh	5.5	5.5			\$153,333	\$85,700	IF&W
Pedernow Beach	2002	Machiasport	Wash	1.8	1.8			\$118,897	\$90,000	DOC
Presumpscot Lake	2002	Panola	Wash	1.3	1.3			\$21,333	\$11,547	IF&W
Presumpscot River Bridge Site	2002	Falmouth	Cumh	4.4	4.4			\$158,895	\$85,334	DOC
Round Pond The Pines	2000	Lewmore	Dor	18.9	18.9			\$103,333	\$93,495	IF&W
Tad Fills Acquisition	2002	Town of Hancock	Hanc	4.0	0.0	4.0		\$100,000	\$886,051	DOC

GRAND TOTALS 294179.9 21665.1 7814.9 10483091.0 15105108.5

LMF Project Lands Closed since January 2003

Conservation & Recreation		Year	Location MCD	County	Acres Total	Fee	Ease	LMF \$ for land only*	Agcy
Project Name									
Bradbury-Pineland (ongoing)		2003	Pownal	Cumb	211.0	184.0	27.0	\$452,000	DOC
Ferry Beach State Park		2003	Saco	York	5.8	5.8	0.0	\$91,000	DOC
Flag Island		2003	Harpwell	Cumb	26.6	26.6	0.0	\$70,000	IF&W
Frenchman's Hole		2003	Riley Township	Oxf	385.0	385.0	0.0	\$207,000	DOC
Leavitt Plantation Forest		2003	Parsonsfield	York	8603.0	0.0	8603.0	\$1,165,000	DOC
Machias River - Phase 1		2003	multiple	Wash	13060.0	5820.0	7240.0	\$2,800,000	ASA
Mattawamkaeg Lake - Farrar		2003	T4&T4- R3 WELS	Aroos	3216.0	190.0	3026.0	\$256,200	DOC
Newport to Dover Foxcroft Rail Trail		2003	Newport, Corinna, Dexter, Sangerville, Dover-Foxcroft	Pisc & Pen	260.3	260.3	tbid	\$537,000	DOC
Page Farm		2003	Drew Plant & Kingman Twp	Pen & Aroos	1204.0	1204.0	0.0	\$100,000	IF&W
Sebago Headwaters (ongoing)		2003	Bridgton	Cumb	52.0	0.0	52.0	\$40,000	DOC
Skolfield Farm		2003	Harpwell	Cumb	19.0	19.0	0.0	\$200,000	DOC
Spednic/St.Croix		2003	MULTIPLE	Wash	2773.0	2773.0	0.0	\$1,435,000	IF&W
West Branch Phase 1		2003	Multiple	Som & Pisc	46985.0	46985.0	0.0	\$1,000,000	DOC

Farm		Year	Location MCD	County	Acres Total	Fee	Ease	LMF \$	Agcy
Project Name									
Lorio-Brayton Farm		2003	Blue Hill	Hanc	116.0	0.0	116.0	\$16,000	Ag
Clarry Hill Phase 1 (ongoing)		2003	Union	Knox	242.0		242.0	\$65,000	Ag

Water Access		Year	Location MCD	County	Acres Total	Fee	Ease	LMF \$	Agcy
Project Name									
Tibbetts Pond		2003	Concord TWP	Som	9.5	9.5	0.0	\$20,000	IF&W
Presumpscot Falls		2003	Falmouth	Cumb	4.0	4.0	0.0	\$66,667	DOC
Mill Pond Park		2003	Swan's Island	Hanc	10.0	10.0	0.0	\$133,333	Doc

TOTALS 77182.3 57876.3 19306.0 \$8,654,200

Individual Projects Descriptions & Maps

Individual project descriptions can be accessed on our web page: www.state.me.us/spo/lmf/projects .

For a full copy of the biennial report contact: Land for Maine's Future Program, c/o Maine State Planning Office, 184 State Street, State House Station # 38, Augusta, Maine 04333.

Appendix One - Legislation

PUBLIC LAWS OF MAINE Second Regular Session of the 119th

CHAPTER 603 H.P. 1891 - L.D. 2629

An 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 Act

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

Sec. 1. 3 MRSA §959, sub-§1, ¶A, as amended by PL 1999, c. 127, Pt. C, §1, is further amended to read:

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in ~~1997~~ 2003;
- (2) Department of Conservation in ~~1997~~ 2005;
- (3) Blueberry Advisory Committee in ~~1999~~ 2005;
- (4) Board of Pesticides Control in ~~1999~~ 2005;
- (5) Wild Blueberry Commission of Maine in ~~1999~~ 2005;
- (6) Seed Potato Board in ~~1999~~ 2005;
- (7) Maine Dairy and Nutrition Council in 2001;
- (8) Maine Dairy Promotions Board in 2001;
- (9) Maine Milk Commission in 2001;
- (10) State Harness Racing Commission in 2001;
- (11) Maine Agricultural Bargaining Board in 2003;
- (12) Department of Agriculture, Food and Rural Resources in 2003; ~~and~~
- (13) State Soil and Water Conservation Commission in 2003; ~~;~~ and
- (14) Land for Maine's Future Board in 2001.

Sec. 2. 3 MRSA §959, sub-§1, ¶M, as amended by PL 1999, c. 415, §1, is further amended to read:

M. The joint standing committee of the Legislature having jurisdiction over state and local government matters shall use the following list as a guideline for scheduling reviews:

- (1) Capitol Planning Commission in 1997;
- (2) State Civil Service Appeals Board in 1999;
- (3) State Claims Commission in 1999;
- (4) Maine Municipal Bond Bank in 2001;
- (5) Office of Treasurer of State in 2001;
- (6) Department of Administrative and Financial Services, except for the Bureau of Revenue Services in 2003;
- (7) Department of the Secretary of State, except for the Bureau of Motor Vehicles, in 2003; and
- (9) State Planning Office, except for the Land for Maine's Future Board, in 2001.

Sec. 3. 5 MRSA §6204, sub-§2, as amended by PL 1993, c. 728, §6, is further amended to read:

2. Appointments. The 6 private citizens are appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~natural resources~~ matters pertaining to state parks and public lands and to confirmation by the Legislature.

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 Future Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines.

Effective August 11, 2000, unless otherwise indicated.

CHAPTER 731

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

PART H (only)

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.

**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**

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

Sec. 1. 5 MRSA §6203, sub-§3, ¶¶A and B, as amended by PL 1993, c. 728, §4, are further amended to read:

A. Acquire property or an interest in property that is determined by the board to be of state significance under the guidelines of this chapter; ~~and~~

B. Fund minor capital improvements on lands acquired by proceeds from the Land for Maine's Future Fund to improve accessibility, as long as these improvements do not exceed 5% of the appraised value of the acquired property; and

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.

[other sections not relevant to LMF not shown]

RESOLVES
Second Regular Session of the 119th

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.

PUBLIC LAWS OF MAINE
First Regular Session of the 120th

CHAPTER 466
H.P. 1353 - L.D. 1810

An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine

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

Sec. 1. 5 MRSA §6206, sub-§1, ¶E, as amended by PL 1999, c. 603, §4, is further amended to read:

E. On January 1, 1995 and on January 1st every 2 years thereafter 1st of every odd-numbered year, report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines. This report must include a description of access to land and interest in land acquired during the report period. If an acquisition has been made that does not include guaranteed public vehicular access to the land acquired, the board must provide justification for that acquisition and a plan for continuing efforts to acquire guaranteed public access to the land.

Sec. 2. 5 MRSA §6207, sub-§3, as amended by PL 1993, c. 728, §10, is further amended to read:

3. Priorities. Whenever possible, the Land for Maine's Future Fund and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, provided that the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, provide geographic representation and build upon or connect existing holdings.

When acquiring land or interest in land, the board shall examine public vehicular access rights to the land and, whenever possible and appropriate, acquire guaranteed public vehicular access as part of the acquisition.

Sec. 3. 12 MRSA §1812, first ¶, as enacted by PL 1997, c. 678, §13, is amended to read:

With the consent of the Governor and the commissioner, the director may acquire on behalf of the State land or any interests in land within this State, with or without improvements, by purchase, gift or

eminent domain for purposes of holding and managing the same as parks or historic sites. When acquiring land or interest in land, the director shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the director shall describe the acquisition in the report required under section 1817 and the justification for that acquisition. The right of eminent domain may not be exercised to take any area or areas for any one park that singly or collectively exceed 200 acres, nor may it be exercised to take any developed or undeveloped mill site or water power privilege in whole or in part or any land used or useful in connection therewith or any land being used for an industrial enterprise.

Sec. 4. 12 MRSA §1817, sub-§7 is enacted to read:

7. Comprehensive outdoor recreation plan. Beginning January 1, 2003 and every 5 years thereafter, the director shall submit a state comprehensive outdoor recreation plan to the joint standing committee of the Legislature having jurisdiction over state parks and public lands matters, referred in this subsection as the "committee of legislative oversight." The plan submitted by the bureau for review and approval by the National Park Service to establish the bureau's eligibility for funding from the land and water conservation fund under 16 United States Code, Section 4601-11 meets the requirements of this subsection. If federal funding is not available for updating the state plan, the bureau may make a written request to the committee of legislative oversight for an extension for submitting the plan. Upon receiving an extension request, the committee of legislative oversight shall discuss the advisability of an extension and the availability of state funds for preparation of the update. The committee may authorize an extension by writing to the director and stating the year by which an update must be received. A copy of the written extension must be filed by the committee with the Executive Director of the Legislative Council.

Sec. 5. 12 MRSA §1836, sub-§1, as enacted by PL 1997, c. 678, §13, is amended to read:

1. Authority to acquire lands. The bureau with the consent of the Governor and the commissioner may acquire lands or interests in lands on behalf of the State to be managed as nonreserved public lands. When acquiring land or interest in land, the bureau shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the bureau shall describe the acquisition in its annual report submitted pursuant to section 1839 and the justification for that acquisition. The bureau shall deliver to the State Archives within a reasonable period of time after their creation or acquisition the originals of all deeds, planbooks and surveyors' field and chainage notes, and any other materials the preservation of which it considers necessary, relating to the ownership, location and management of nonreserved public lands described in this subchapter.

Sec. 6. 12 MRSA §1850, sub-§1, as enacted by PL 1997, c. 678, §13, is amended to read:

1. Authority to acquire lands. With the consent of the Governor and the commissioner, the bureau may acquire lands or interests in lands on behalf of the State to be managed as public reserved lands. When acquiring land or interest in land, the bureau shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the bureau shall describe the acquisition in its annual report submitted pursuant to section 1853

and the justification for that acquisition. The bureau shall deliver to the State Archives within a reasonable period of time after their creation or acquisition the originals of all deeds, planbooks and surveyors' field and chainage notes, and any other materials the preservation of which it considers necessary, relating to the ownership, location and management of public reserved lands described in this subchapter.

Sec. 7. 12 MRSA §1893-A is enacted to read:

§1893-A. Recreational management areas

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

A. "Excavation" means an excavation for borrow, topsoil, clay or silt, whether alone or in combination.

B. "Recreational management area" means an area formerly used for excavation on which trails that have been designed for all-terrain vehicle use are developed and on which recreational use by the public is allowed.

2. Development of recreational management areas. An owner or operator of an excavation site proposing to develop a recreational management area and requesting a variance from reclamation standards under Title 38, section 490-E shall request the assistance of the division.

Upon receipt of a request for assistance, the division shall assess the affected land for suitability for an all-terrain vehicle trail system. The division shall advise the landowner of funding, technical assistance and other assistance available through the ATV Recreation Management Fund established in section 7854, subsection 4, paragraph B. When an initial assessment of the affected land indicates the area is appropriate for an all-terrain vehicle trail system, the division may assist the owner or operator in developing a plan and completing a variance application.

Sec. 8. 12 MRSA §7652, sub-§1, ¶A, as amended by PL 1989, c. 493, §49, is further amended to read:

A. The commissioner may acquire in the name of the State, by gift, bequest or otherwise, real and personal property for the location, construction and convenient operation of a wildlife management area or public access sites to inland or coastal waters. When acquiring land or interest in land, the commissioner shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the commissioner shall describe the acquisition in the annual report submitted pursuant to section 7034, subsection 11 and the justification for that acquisition.

Sec. 9. 38 MRSA §490-D, sub-§14, as amended by PL 1995, c. 700, §24, is further amended by amending the first paragraph to read:

14. Reclamation. The Except as provided in subsection 15, the affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Reclamation

should be conducted in accordance with the department's best management practices for erosion and sediment control, and must include:

Sec. 10. 38 MRSA §490-D, sub-§15 is enacted to read:

15. Recreational management areas. An owner or operator may request a variance to develop a recreational management area on the affected land as an alternative to reclamation in accordance with subsection 14. The department may grant a variance under section 490-E if the Off-road Recreational Vehicle Division determines the site is suitable under Title 12, section 1893-A.

Sec. 11. 38 MRSA §490-E, as amended by PL 1995, c. 700, §25, is further amended by adding after the 2nd paragraph a new paragraph to read:

When an owner applies for a variance to allow an excavation to be reclaimed as a pond of at least 10 acres but less than 30 acres in size, the department may require public access as a condition for granting the variance. When an owner applies for a variance to allow an excavation to be reclaimed as a pond of 30 acres or greater in size, the department may grant the variance only if the owner demonstrates that public access to the pond is ensured. The requirement for public access may be met by existing public rights or by granting an easement or other right including a right to travel a reasonable distance by foot to a designated area of the shoreline.

Effective September 21, 2001, unless otherwise indicated.

**CHAPTER 548
H.P. 1650 - L.D. 2156**

An Act to Implement the Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to Review of the Land for Maine's Future Board Under the Government Evaluation Act

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

Sec. 1. 3 MRSA §959, sub-§1, ¶A, as amended by PL 1999, c. 603, §1, is further amended to read:

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in 2003;
- (2) Department of Conservation in 2005;
- (3) Blueberry Advisory Committee in 2005;
- (4) Board of Pesticides Control in 2005;
- (5) Wild Blueberry Commission of Maine in 2005;

- (6) Seed Potato Board in 2005;
- (7) Maine Dairy and Nutrition Council in ~~2004~~ 2007;
- (8) Maine Dairy Promotions Board in ~~2004~~ 2007;
- (9) Maine Milk Commission in ~~2004~~ 2007;
- (10) State Harness Racing Commission in ~~2004~~ 2007;
- (11) Maine Agricultural Bargaining Board in 2003;
- (12) Department of Agriculture, Food and Rural Resources in 2003;
- (13) State Soil and Water Conservation Commission in 2003; and
- (14) Land for Maine's Future Board in ~~2004~~ 2007.

Sec. 2. 5 MRSA §6206, sub-§1, ¶E, as amended by PL 2001, c. 466, §1, is further amended to read:

E. On January 1st of every odd-numbered year, report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund and revisions to the strategies and guidelines. This report must include a description of access to land and interest in land acquired during the report period. If an acquisition has been made that does not include guaranteed public vehicular access to the land acquired, the board must provide justification for that acquisition and a plan for continuing efforts to acquire guaranteed public access to the land. This report must include a summary of the board's experience during the reporting period with projects funded pursuant to section 6203 or 6203-A and in which the land or interest in land is acquired by a cooperating entity.

Sec. 3. 7 MRSA §19, as enacted by PL 1991, c. 415, §2, is amended to read:

§19. Holding of real estate

The commissioner may accept, hold, administer ~~and~~, retain and dispose of interests in real estate in order to further the purposes of this Title.

Effective July 25, 2002, unless otherwise indicated.

**CHAPTER 564
H.P. 1594 - L.D. 2097**

An Act to Implement the Recommendations of the Committee to Study Access to Private and Public Lands in Maine

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

Sec. 1. 5 MRSA §6207, sub-§5 is enacted to read:

5. Estimation of monitoring and management costs. Prior to final approval of a project under this chapter, a person submitting a proposal to acquire property or an interest in property with funding from the Land for Maine's Future Fund or the Public Access to Maine Waters Fund shall provide:

- A. A description of the management envisioned for the property for the first 10 years following acquisition. When the application proposes acquiring an interest in property, the application must provide a description of the anticipated management responsibilities retained by the landowner and those to be assumed by the State or a cooperating entity;
- B. Preliminary estimates of the costs to the State or a cooperating entity of managing the land for the uses proposed in the application; and
- C. Preliminary estimates of the costs associated with monitoring compliance with an easement when an interest in land is acquired.

Sec. 2. 12 MRSA §8879, sub-§1-A is enacted to read:

1-A. Report on changes in ownership of forest land. Using information received under Title 36, section 581-E, the director shall monitor changes in ownership of parcels of forest land that are 1,000 acres or greater in area within the municipalities of the State and classified under the Maine Tree Growth Tax Law. Using information received under Title 36, sections 581-E and 581-F, the director shall monitor the number of parcels classified under the Maine Tree Growth Tax Law and the distribution of parcels by size. The biennial report must include information on the number of parcels, classified by size categories, for the organized and unorganized territories of the State. The information must be presented in a manner that facilitates comparison from year to year.

In assessing changes in forest land ownership, the director shall also consider information reported pursuant to Title 36, sections 305 and 2728. The director shall provide a summary of changes in ownership of forest land in the biennial report.

Sec. 3. 36 MRSA §305, sub-§5, as enacted by PL 1973, c. 620, §10, is amended to read:

5. Rules and regulations. Promulgate, after appropriate notice and hearing, all rules and regulations necessary to carry into effect any of its duties and responsibilities; and

Sec. 4. 36 MRSA §305, sub-§6 is enacted to read:

6. Report on changes in land ownership. On or before September 1st of each year, report to the Commissioner of Conservation, the Commissioner of Inland Fisheries and Wildlife, the Director of the State Planning Office within the Executive Department and the joint standing committee of the Legislature having jurisdiction over public lands on the transfer in ownership of parcels of land 10,000 acres or greater within the unorganized territory of the State. Using information maintained by the State Tax Assessor under section 1602 and section 4641-D, the bureau shall provide information for each transfer that includes:

- A. Name of the seller;
- B. Name of the buyer;

- C. Number of acres transferred;
- D. Classification of land;
- E. Location by township and county;
- F. Sale price; and
- G. A brief description of the property.

Sec. 5. 36 MRSA §581-F is enacted to read:

§581-F. Report to the Bureau of Forestry on land in unorganized territory

On or before September 1st of each year, the State Tax Assessor shall provide to the Department of Conservation, Bureau of Forestry information on land within the unorganized territory taxed according to this subchapter. The information must include the number of parcels enrolled, classified by parcel size categories. The State Tax Assessor shall consult with the Director of the Bureau of Forestry in determining the parcel size categories and shall provide the information in a consistent format to facilitate comparison from year to year.

Sec. 6. 36 MRSA §2728 is enacted to read:

§2728. Report on ownership of commercial forest land by size of ownership

On or before September 1st of each year, the State Tax Assessor shall provide the Director of the Bureau of Forestry within the Department of Conservation with information on the number of landowners filing tax returns in accordance with this chapter, including a breakdown of the number of landowners by acreage categories. The State Tax Assessor shall consult with the Director of the Bureau of Forestry in determining the acreage categories and shall provide the information in a consistent format to facilitate comparison from year to year.

Effective July 25, 2002, unless otherwise indicated.

CHAPTER 559

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

PART W

Sec. W-1. Land for Maine's Future Fund account; lapsed balances. Notwithstanding any other provision of law, \$325,000 of unencumbered balance forward in fiscal year 2001-02 in the Land for Maine's Future Fund, General Fund account in the Executive Department lapses to the General Fund in fiscal year 2001-02.

Land for Maine's Future – Biennial Report

RESOLVES OF MAINE
Second Regular Session of the 120th

CHAPTER 75
H.P. 1455 - L.D. 1952

Resolve, Authorizing the Director of the Bureau of Parks and Lands within the Department of Conservation to Convey a Crossing 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 for fair market value as determined by an independent appraiser to Irving Woodlands, LLC, a permanent easement in the Town of Van Buren to cross an abandoned railroad right-of-way acquired by the bureau with funds from the Land for Maine's Future Fund and managed as a public, multiple-use trail.

Effective July 25, 2002, unless otherwise indicated.

CHAPTER 116
H.P. 1593 - L.D. 2096

Resolve, to Promote the Interests of the People of Maine when Public Funds are Used to Acquire Conservation Easements

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 State Planning Office in the fall of 2001 convened a working group with duties that closely approximate the responsibilities envisioned in this resolve; and

Whereas, this group has engaged the services of a consulting attorney and is close to finalizing its guidelines for easements; and

Whereas, membership of the working group approximates that of the working group envisioned in this resolve with the exception of a Legislator; and

Whereas, participation by a Legislator in the final meetings of the working group is essential to assure that the intent of this resolve has been adequately addressed; 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. Participation in working group. Resolved: That the Director of the State Planning Office, within the Executive Department, expeditiously shall conclude the deliberations of the working group convened by the director to develop a set of principles to be addressed when any agency of the State is considering a conservation easement to be acquired in whole or in part with state funding. The Speaker of the House shall appoint one Legislator who served on the Committee to Study Access to Private and Public Lands in Maine established by Joint Study Order 2001, H.P. 1387 to participate in the working group; and be it further

Sec. 2. Process to be developed by working group. Resolved: That the working group described in section 1 shall continue its efforts to develop a process to be used by state agencies involved in negotiating any conservation easement to be acquired with state funds. The process must include provisions for:

1. Legal review by the Attorney General or the Attorney General's designee; and
2. Public comment on a proposed easement. The working group shall identify a process for the release of information to the public, including a description of the proposed project, a summary of provisions to be included in the easement, a draft of the proposed easement and public notice with an address and deadline for submitting comments on the proposed easement. The working group shall develop guidelines for holding public meetings on projects as part of the process. In developing this process, the working group shall make recommendations regarding the protection of information to preserve the State's negotiating position; and be it further

Sec. 3. Criteria for easements to be developed by working group. Resolved: That the working group described in section 1 shall continue and finalize its work on developing criteria for acquiring public access rights when acquiring interest in a property using state funds. For easements in which the right to harvest timber is retained by the landowner, the criteria must include, at a minimum, the right of the public to use the property for traditional, nonmotorized recreation including fishing, hiking, hunting, snowshoeing and nature observation.

The working group shall continue and finalize its work on developing model language to be used for negotiating a major conservation easement when state funds are used to acquire the easement. When the right to harvest timber is retained by the landowner, the model language must provide that the forest be managed to maintain the property's potential to provide fiber and timber and that forest management operations on the land use best management practices. The working group shall finalize guidelines being developed for evaluating the advisability and cost of including additional enforceable conditions to ensure sustainable forest management. These guidelines must also provide definitions and specify measures for monitoring compliance; and be it further

Sec. 4. Notices and report. Resolved: That the Director of the State Planning Office, within the Executive Department, shall provide members of the Joint Standing Committee on Agriculture,

Conservation and Forestry with notices of all remaining meetings of the working group. No later than January 15, 2003, the director shall report to the joint standing committee of the Legislature having jurisdiction over public lands matters with a summary of the group's activities and the guidelines and processes established in accordance with this resolve; and be it further

Sec. 5. Funding. Resolved: That notwithstanding the Maine Revised Statutes, Title 5, section 6203, the State Controller shall transfer \$470 from the Land for Maine's Future Fund to the Legislature to fund the Legislator who participates in the working group. These funds must be used for all costs incurred to pay the per diem and expenses of the Legislator who participates in the working group; and be it further

Sec. 6. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Legislature

Initiative: Provides funds for the per diem and expenses of one Legislator who served on the Committee to Study Access to Private and Public Lands in Maine to participate in a working group.

Other Special Revenue Funds	2001-02	2002-03
Personal Services	\$0	\$220
All Other	0	250

Total	\$0	\$470
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LEGISLATURE

DEPARTMENT TOTAL

2001-02 2002-03

OTHER SPECIAL REVENUE FUNDS	\$0	\$470
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Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 11, 2002.

PRIVATE & SPECIAL LAWS OF MAINE
Second Regular Session of the 120th

CHAPTER 74
S.P. 463 - L.D. 1516

An Act to Support Family Farms

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

Land for Maine's Future – Biennial Report

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

**AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF
Division of Market and Production Development**

Initiative: Provides funds for one additional 25-hours-per-week Senior Planner position to provide financial and estate planning to farmers, to provide outreach and assistance concerning land management and limited development planning in order to bring agricultural projects before the Land for Maine's Future Board and to conduct research and data collection in order to establish a base line of information about farmland values for guidelines for assessors to use in the farm and open space tax program.

General Fund	2001-02	2002-03
Positions - Legislative Count	(0.000)	(1.000)
Personal Services	\$0	\$38,379
All Other	0	1,250
Capital Expenditures	0	3,500

Total	\$0	\$43,129
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Office of the Commissioner

Initiative: Provides funds to be used for dues associated with membership in the Northeastern States Association for Agricultural Stewardship.

General Fund	2001-02	2002-03
All Other	\$0	\$20,000

**AGRICULTURE, FOOD AND RURAL RESOURCES,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2001-02	2002-03
GENERAL FUND	\$0	\$63,129

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$63,129
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Effective July 25, 2002, unless otherwise indicated.

PUBLIC LAWS OF MAINE
First Special Session of the 120th

Chapter 714

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2003

PART L

Sec. L-1. Land for Maine's Future Fund account: lapsed balances. Notwithstanding any other provision of law, \$59,261 of unencumbered balance forward in fiscal year 2002-03 in the Land for Maine's Future General Fund account in the Executive Department lapses to the General Fund in fiscal year 2002-03.

Sec. L-2. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$42,093 from the Weatherization and Repair Other Special Revenue funds program in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.

Sec. L-3. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$91,018 from the Low Income Home Energy Assistance Other Special Revenue funds program in the Executive Department to the unappropriated surplus of the General Fund no later than June 30, 2003.

Appendix Two - Financial