

§6209. Ownership; title; management

1. Uses of funds. The board may use the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund to acquire real property in both fee and less-than-fee simple interest, including, but not limited to, conservation easements, access easements, scenic easements, other permanent interests in land and long-term leases of at least 99 years as long as those acquisitions are primarily natural lands meeting the criteria set forth in this chapter. [PL 2023, c. 284, §16 (AMD).]

2. Title. Title to all lands acquired pursuant to this chapter must be vested solely in the State. Management responsibilities for the acquired lands may be contracted by the land-owning state agency to cooperating entities, subject to appropriate lease arrangements, upon the recommendation of the agency's commissioner and approval of the board. [PL 1993, c. 728, §13 (AMD).]

3. Matching funds. When matching funds for a project include cash not derived from a bond request, an allocation of up to 20% of the appraised value of the acquired land or the amount of cash, whichever is less, may be put into the stewardship account of the state agency holding title to the land. [PL 1993, c. 728, §13 (AMD).]

4. Payments. Payments from the fund may be made to cooperating entities for qualifying lands acquired on behalf of the State, provided that a state agency has issued to the cooperating entity a letter of intent requesting assistance in the acquisition. Upon submission to the state agency of a cooperating entity's direct expenses for acquisition and related costs of an authorized acquisition, the board shall authorize payment of those expenses, provided that the total of all expenses does not exceed the appraised value of the acquired property. Expenses must be paid at intervals during the acquisition process, as determined by the board. [PL 1993, c. 728, §13 (AMD).]

5. Land evaluated. All lands acquired with money from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund or the Public Access to Maine Waters Fund must be evaluated for rare, threatened or endangered species of plants and animals, exemplary natural communities, features of historic significance and other high priority natural features and ecologic functions as determined by the board, with reference to the best inventory data available to the State. Subsequent management by state agencies holding properties found to have such important features and functions must reflect the objective of maintaining and protecting those features and functions. [PL 2023, c. 284, §17 (AMD).]

6. Legislative approval. Except as provided in subsection 7, land acquired under this chapter may not be sold or used for purposes other than those stated in this chapter, unless approved by a 2/3 majority of the Legislature. [PL 2011, c. 278, §1 (AMD).]

7. Conveyance of an access easement across a rail trail. Notwithstanding any other provision of law, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry, with the approval of the Governor and the Commissioner of Agriculture, Conservation and Forestry, may sell or otherwise convey in accordance with Title 12, section 1814-A access rights by easement across a rail trail acquired under this chapter.

For the purposes of this subsection, "rail trail" means a former railroad right-of-way in which the Department of Agriculture, Conservation and Forestry holds an ownership interest and that is:

- A. No longer used for rail service; and [PL 2011, c. 278, §2 (NEW).]
- B. Managed by the Department of Agriculture, Conservation and Forestry for use as a recreational trail. [PL 2011, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §5 (REV).]

[PL 2011, c. 278, §2 (NEW); PL 2011, c. 657, Pt. W, §§5-7 (REV); PL 2013, c. 405, Pt. A, §24 (REV).]

SECTION HISTORY

PL 1987, c. 506, §§1, 4 (NEW). PL 1993, c. 728, §13 (AMD). PL 2011, c. 278, §§1, 2 (AMD). PL 2011, c. 657, Pt. W, §§5-7 (REV). PL 2013, c. 405, Pt. A, §24 (REV). PL 2023, c. 284, §§16, 17 (AMD).

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