

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**Sec. 1. 12 MRSA §1882**, as enacted by PL 1997, c. 678, §13, is repealed and the following enacted in its place:

**1882. Access points and control stations**

Except as provided in this section, the bureau may determine the location of access points, control stations and watercourse crossings within the waterway.

**1. Spring, summer and fall motor vehicle access to watercourse.** Spring, summer and fall access by motor vehicle to the edge of the watercourse must be maintained at:

- A. Chamberlain Thoroughfare Bridge;
- B. Churchill Dam;
- C. Umsaskis Lake Thoroughfare;
- D. Henderson Brook Bridge;
- E. Michaud Farm; and
- F. Twin Brooks.

**2. Spring, summer and fall access by motor vehicle to existing short trails.** Spring, summer and fall access by motor vehicle to short trails existing on the effective date of this subsection and leading to the watercourse must be maintained at:

A. John's Bridge, limited to:

- (1) Unloading and access during the months of May and September;
- (2) Day use only with a permit from the bureau;
- (3) Parking outside the restricted zone; and
- (4) No vehicle access to the water's edge;

B. Bissonette Bridge road, over the road existing on the effective date of this paragraph to the trail existing on the effective date of this paragraph to the water's edge;

C. Finley Bogan, from the Inn Road to the top of the high bank;

D. Ramsey Ledge Campsite, limited to the motor vehicle parking area behind vegetative screening. Self-contained motor vehicle camping is allowed and canoe access is allowed; and

E. Indian Stream, by the trail existing on the effective date of this paragraph.

**3. Snowmobile access to watercourse.** The bureau shall maintain 19 snowmobile access points to the watercourse. Snowmobiles are prohibited on Allagash Lake and Allagash Stream.

**4. Permanent watercourse crossings.** Notwithstanding section 1876, subsection 1, only the following six bridges within the waterway are permanent watercourse crossings:

A. Henderson Brook Bridge;

B. Reality Bridge, also known as Umsaskis Bridge;

C. Churchill Dam Bridge;

D. John's Bridge;

E. Chamberlain Thoroughfare Bridge; and

F. Allagash Stream Bridge.

Watercourse crossings may not be constructed at the locations of the former Schedule Brook Bridge or the former Bissonette Bridge. Any right or interest granted to any person by the State to construct or maintain a bridge at those sites is extinguished.

**Sec. 2. Findings of fact.** The Legislature finds that the Henderson Brook Bridge in the Allagash Wilderness Waterway, which is designated as a wild river pursuant to the federal Wild and Scenic Rivers Act, 16 United States Code, Section 1273(a)(ii), is a vital economic link to the Town of Allagash and the surrounding areas, providing access: **1. Timber harvesting.** For approved timber harvesting operations of approximately 150,000 tons of timber annually, with an economic value to the region of over \$6,500,000 per year; **2. Employment.** To enhanced employment for the residents of the region; and **3. Recreation.** To recreational activities in the Allagash region.

**Sec. 3. Private rights to “ghost bridges” to be extinguished.** The Department of Conservation, Bureau of Parks and Lands shall identify any private right, title or interest held by any person to construct or maintain a bridge at the locations of the former Schedule Brook Bridge or the former Bissonette Bridge, or at any other point within the Allagash Wilderness Waterway, and shall make every effort to enter into agreements with those persons to convey all such rights to the bureau on behalf of the State. Upon conveyance to the State of those rights, all such rights are extinguished. Nothing in this section may be construed to interfere with any person's right to lawfully cross the watercourse as defined in the Maine Revised Statutes, Title 12, section 1872. The department shall report to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters on the progress of these discussions at the time it submits its proposed amendments to the 1999 Allagash Wilderness Waterway management plan under section 4.

**Sec. 4. Submission of management plan for review.** No later than January 15, 2007, the Department of Conservation, Bureau of Parks and Lands shall submit all changes proposed to the 1999 Allagash Wilderness Waterway management plan to the joint standing committee of the Legislature

having jurisdiction over agriculture, conservation and forestry matters for review. The department may proceed with improvements proposed in the plan that were begun prior to the effective date of this Act, but may not begin any other improvements proposed in the plan until the committee completes its review. Following completion of its review, the committee may report out a bill to the First Regular Session of the 123rd Legislature on any matter pertaining to the management of the Allagash Wilderness Waterway.

**Sec. 5. Study.** The Commission to Study the Henderson Brook Bridge in the Allagash Wilderness Waterway, referred to in this section as "the commission," is established. **1. Commission membership.** The commission consists of 15 members, appointed as follows:

- A. Two members of the Senate, appointed by the President of the Senate;
- B. Three members of the House of Representatives, appointed by the Speaker of the House;
- C. Seven members appointed by the Governor, as follows:
  - (1) Three persons, each representing a statewide environmental organization;
  - (2) One person representing the interests of the Friends of the Allagash;
  - (3) One person representing the interests of J.D. Irving, Limited;
  - (4) One person representing the interests of Clayton Lake Woodlands; and
  - (5) One person representing the interests of Seven Islands Land Company;
- D. The Commissioner of Conservation, or the commissioner's designee;
- E. The Executive Director of the Sportsman's Alliance of Maine, or the executive director's designee; and
- F. The representative of the National Park Service, Boston Support Office having responsibility for assistance to the State on matters pertaining to the Allagash Wilderness Waterway under the National Park Service's Rivers, Trails and Conservation Program, or that person's designee.

In appointing legislative members, the Speaker of the House and the President of the Senate shall ensure that not more than 3 of the 5 appointed Legislators are members of the same political party. The Governor shall make his appointments from names recommended to the Governor by the organizations referenced in paragraph C.

**2. Chairs.** The first-named Senate member is the Senate chair of the commission and the first-named House of Representatives member is the House chair of the commission.**3. Appointments.** All appointments must be made no later than 30 days following the effective date of this Act. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. Within 15 days after appointment of all members, the chairs shall call and convene the first meeting of the commission.**4. Duty.** The duty of the commission is to make recommendations on the design of a bridge to replace the existing Henderson Brook Bridge within the Allagash Wilderness Waterway. In performing this duty, the commission shall consider the economic, environmental and aesthetic issues associated with the design, the specific location of the bridge within the immediate area of the existing bridge, approaches to the bridge and the configuration of a motor vehicle access site to the watercourse at the bridge. The commission shall consider designs that locate the bridge abutments away from the edge of the watercourse to the extent that is within economic and engineering constraints. In conducting its study, the commission shall consult with engineering professionals experienced in bridge

design and construction, including, but not limited to, design professionals affiliated with the Advanced Engineered Wood Composites Center at the University of Maine.**5. Staff assistance.** The Legislative Council shall provide necessary staffing services to the commission.**6. Compensation.** Legislative members of the commission are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the commission. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission.**7. Report.** The commission shall submit a preliminary report to the Joint Standing Committee on Agriculture, Conservation and Forestry no later than November 1, 2006 and shall submit a final report including its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters no later than January 15, 2007. The commission is authorized to introduce legislation related to its report to the First Regular Session of the 123rd Legislature at the time of submission of its final report.**8. Extension.** Upon request by the commission, the Legislative Council may grant a limited extension of time for the commission to complete its study and make its final report.**9. Commission budget.** The Department of Conservation, Bureau of Parks and Lands shall, no later than 15 days following the effective date of this Act, transfer to the Executive Director of the Legislative Council sufficient funds to fund all per diem and expense costs for legislative members of the commission. All other costs of the commission, including per diem and expenses for other members, must be funded by the bureau from within existing resources. The commission shall hold at least 6 meetings. The Executive Director of the Legislative Council shall administer any funds received by the commission. The executive director shall notify the chairs of the commission when sufficient funding has been received. Within 10 days after its first meeting, the commission shall present a work plan and proposed budget to the Legislative Council for its approval. The commission may not incur expenses that would result in the commission's exceeding its approved budget.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Allocates funds for the per diem and expenses of legislative members of the Commission To Study the Henderson Brook Bridge in the Allagash Wilderness Waterway. Funds are provided through a transfer from the Department of Conservation to the Legislature.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2005-06</b>	<b>2006-07</b>
Personal Services	\$0	\$1,650
All Other	\$0	\$3,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$4,650</b>

**SUMMARY**

This amendment replaces the bill. The amendment lists in statute the locations within the Allagash Wilderness Waterway of motor vehicle access points to the watercourse, requires that there be 19 snowmobile access points to the watercourse and lists the 6 permanent watercourse crossings in the waterway. The amendment also prohibits any future construction of bridges at the sites of the former Bissonette Bridge and Schedule Brook Bridge and extinguishes any right granted by the State to any person for the construction of such bridges. The amendment also directs the Department of Conservation, Bureau of Parks and Lands to identify any persons claiming to have a private right to build such bridges and to make all efforts to acquire those rights on behalf of the State, at which time those rights would also be extinguished.

The amendment also includes legislative findings of fact that the Henderson Brook Bridge is a vital link to the Town of Allagash and the surrounding areas, providing access for timber harvesting operations, enhancing employment for the residents of the region and providing recreational activities.

The amendment also directs the Bureau of Parks and Lands to submit its proposed amendments to the 1999 Allagash Wilderness Waterway management plan to the joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters by January 15, 2007 for review. The bureau may proceed with improvements proposed in the plan that were begun prior to the effective date of this Act, but may not begin any other improvements proposed in the plan until the committee completes its review. Following its review of the plan, the committee is authorized to report out a bill on any matter relating to the management of the Allagash Wilderness Waterway.

The amendment also creates a 15-member commission to study the design for a replacement of the existing Henderson Brook Bridge within the Allagash Wilderness Waterway. All costs of the commission are funded by the Bureau of Parks and Lands. The commission consists of 5 Legislators, 3 representatives of environmental organizations, one member of the Friends of the Allagash, 3 landowners engaged in timber harvesting and land management, a representative of the Sportsman's Alliance of Maine, the Commissioner of Conservation or the commissioner's designee and a representative of the National Park Service, Boston Support Office. The commission is required to submit a preliminary report to the Joint Standing Committee on Agriculture, Conservation and Forestry by November 1, 2006 and to submit its final report by January 15, 2007.

**FISCAL NOTE REQUIRED**  
**(See attached)**