

§6207. Acquisition criteria

1. Distribution of funds. The board shall authorize the distribution of funds from the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund and the Public Access to Maine Waters Fund to state agencies and cooperating entities for the acquisition of natural lands that meet the criteria set forth in this chapter.

[PL 2023, c. 284, §15 (AMD).]

2. Determination of statewide significance. In determining whether a proposed acquisition must be funded, in full or in part, by the Land for Maine's Future Trust Fund, the Conservation and Recreation Fund or the Public Access to Maine Waters Fund, the board shall consider whether the site is of statewide significance and:

A. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, significant undeveloped archeological sites, wetlands, fragile mountain areas or lands with other conservation, wilderness or recreation values; [PL 2007, c. 64, §1 (AMD).]

B. Is habitat for plant or animal species or natural communities considered rare, threatened or endangered in the State; [PL 2007, c. 353, §1 (AMD).]

C. Provides nonmotorized or motorized public access to recreation opportunities or those natural resources identified in this section; [PL 2021, c. 409, §2 (AMD).]

D. Provides public water supply protection when that purpose is consistent and does not conflict with the natural resource conservation and recreation purposes of this chapter; or [PL 2021, c. 409, §2 (AMD).]

E. Contains deer wintering areas and satisfies all the requirements of subsection 3, paragraph A. [PL 2021, c. 409, §2 (NEW).]

[PL 2023, c. 284, §15 (AMD).]

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

A. When evaluating projects to be funded, the board shall give a preferential consideration to projects that conserve lands that have been determined by the Department of Inland Fisheries and Wildlife to be important for conserving deer in northern, eastern and western Maine. To be given preferential consideration under this paragraph, a project must result in the acquisition of a fee interest or an easement interest in the land, the department's holding the interest in the land and the department's managing the land area as a wildlife management area, as defined in Title 12, section 10001, subsection 74, with deer conservation as the highest management priority. Only projects that satisfy the requirements of this paragraph may be given preferential consideration. Nothing in this paragraph limits the ability of the board to use the Land for Maine's Future Trust Fund or the Conservation and Recreation Fund to fund other projects that may also help conserve deer or deer habitat but that do not receive preferential consideration under this paragraph. [PL 2023, c. 284, §15 (AMD).]

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.

[PL 2023, c. 284, §15 (AMD).]

4. Nonqualifying expenditures. The board may not fund:

A. Facilities for organized recreational activities, including, but not limited to, ballparks, tennis courts or playgrounds; [PL 1987, c. 506, §§1,4 (NEW).]

B. Except as provided in section 6203-A, subsection 3, paragraph B, section 6203-D, subsection 2 and section 6203-E, subsection 3, paragraph B, capital improvements on any publicly owned facilities; and [PL 2023, c. 284, §15 (AMD).]

C. The acquisition of land of which the primary use value has been and will be as commercially harvested or harvestable forest land. [PL 1993, c. 728, §10 (AMD).]

[PL 2023, c. 284, §15 (AMD).]

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 Trust Fund, the Conservation and Recreation 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; [PL 2001, c. 564, §1 (NEW).]

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 [PL 2001, c. 564, §1 (NEW).]

C. Preliminary estimates of the costs associated with monitoring compliance with an easement when an interest in land is acquired. [PL 2001, c. 564, §1 (NEW).]

[PL 2023, c. 284, §15 (AMD).]

6. Public uses. Hunting, fishing, trapping and public access may not be prohibited on land acquired with proceeds from the Land for Maine's Future Trust Fund or the Conservation and Recreation Fund, except to the extent prohibited by applicable state, local or federal laws, rules and regulations and except for working waterfront projects and working farmland preservation projects.

[PL 2023, c. 284, §15 (AMD).]

SECTION HISTORY

PL 1987, c. 506, §§1,4 (NEW). PL 1989, c. 876, §B1 (AMD). PL 1993, c. 728, §10 (AMD). PL 1995, c. 462, §D1 (AMD). PL 2001, c. 466, §2 (AMD). PL 2001, c. 564, §1 (AMD). PL 2007, c. 64, §1 (AMD). PL 2007, c. 353, §§1-3 (AMD). PL 2011, c. 381, §1 (AMD). PL 2021, c. 398, Pt. FFFF, §§4-6 (AMD). PL 2021, c. 409, §§2, 3 (AMD). PL 2021, c. 676, Pt. A, §4 (AMD). PL 2023, c. 284, §15 (AMD).

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