



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
22 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0022

NICHOLAS D. LIVESAY
EXECUTIVE DIRECTOR

Memorandum

To: LUPC Commissioners
From: Naomi Kirk-Lawlor, Senior Planner
Date: February 11, 2019
Re: Initiation of Rulemaking – Prohibition of Personal Watercraft on Upper Wilson Pond

Introduction

On January 3rd the Commission received a petition (attached) requesting rulemaking to update the list of “Lakes and rivers on which the use of personal watercraft is prohibited” (Chapter 10, Appendix D). Specifically, the petitioner requests that the Commission add Upper Wilson Pond in Bowdoinham College Grant West Township to the list.

The use of personal watercraft on certain categories of great ponds is prohibited by statute (12 M.R.S. §685-C,10, attached). Since the Moosehead Region Conservation Easement became effective (2009), Upper Wilson Pond now falls into one of those categories. The Commission maintains a list of the waterbodies on which the use of personal watercraft is statutorily prohibited in Chapter 10, Appendix D. This list is used by the public and by staff as a helpful reference, however, Upper Wilson Pond is not currently included in the list.

Statutory Criteria

The statute (12 M.R.S. §685-C,10) reads, in part:

10. Operating a personal watercraft is prohibited on the following categories of great ponds:

...

D. Great ponds with less than all but more than 2/3 of their surface area in or partly in the jurisdiction of the commission that are identified as being of statewide significance in the “Maine Wildlands Lake Assessment” dated June 1, 1987 prepared by the commission, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character and with more than 1/2 of their shoreline in public and private conservation ownership with guaranteed public access for low-impact public recreation.

Upper Wilson Pond is a Great Pond designated as a resource class 1A lake. This means that it is a lake of statewide significance with two or more outstanding values, specifically outstanding fisheries and scenic values.

About 88%, or more than 2/3, of the surface area of Upper Wilson Pond is in Bowdoinham College Grant West Township and within the LUPC jurisdiction. The remainder of Upper Wilson Pond lies within the town of Greenville. Approximately 67% of the shoreline of Upper Wilson Pond, or more than 1/2, is protected by the Moosehead Region Conservation Easement. These figures are illustrated in a map attached to this memo.

The Moosehead Region Conservation Easement establishes a permanent right of public access for low-intensity outdoor recreation on protected lands. This right is described in Section 6 of the Conservation Easement (attached).

Therefore, based on the facts presented here, the use of personal watercraft is prohibited by statute on Upper Wilson Pond.

Staff Initiated Rulemaking

The petitioner's proposed rule change is straightforward, and after consultation with Chair Worcester, it does not seem necessary to wait for the next regular Commission meeting to start the rulemaking process. Commission Staff will move forward and initiate rulemaking to update the list of "Lakes and rivers on which the use of personal watercraft is prohibited" in Chapter 10, Appendix D, to include Upper Wilson Pond. To begin this process, staff will post the attached redline for a 30-day public comment period. Following public comment, the staff will prepare a recommendation for the Commissioners to consider at a future meeting. The final decision of whether to adopt the rule change will rest with the Commission. If any Commissioners have questions about this proposed rule or the public process, please contact me at naomi.e.kirk-lawlor@maine.gov or 207-287-4936 or you can always contact Director Livesay.

Attachments:

Petition Letter

12 M.R.S. §685-C: Section 10 highlighted

Moosehead Region Conservation Easement Figure

Conserved and Non-Conserved Shoreline Figure

Moosehead Region Conservation Easement: Section 6

Proposed Rulemaking Redline

Petition Letter

Friends of

Wilson Ponds
A MAINE LAND TRUST

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LUPC - AUGUST

December 28, 2018

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22 State House Station
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Dear Mr. Worcester,

The Friends of Wilson Ponds is requesting to petition for rulemaking to add Upper Wilson Pond, Bowdoinham College Grant West TWP, to Chapter 10, Appendix D, the list of "Lakes and rivers on which the use of personal watercraft is prohibited."

In accordance with 12 MRS, section 685-C,10,D Upper Wilson meets the all of the required criteria. Roughly 90% of the surface area of the pond falls within the jurisdiction of the commission. In the "Maine Wildlands Lake Assessment" dated June 1, 1987 prepared by the commission Upper Wilson Pond is identified as Class 1A, with 4 outstanding values identified (fisheries, wildlife, shore character, and physical.) While development of a small portion of the shoreline does exist, it is limited to a dozen or so generally rustic off the grid camps. More than half of the shoreline is held in easement by the Forest Society of Maine, acquired as a result of the Moosehead Lake Region Concept Plan. Public access is allowed as one of the terms of that easement.

Past President

Dot Lamson

The Friends of Wilson Ponds is appreciative of your consideration of this request.



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12 M.R.S. §685-C: Section 10 highlighted

Maine Revised Statutes
Title 12: CONSERVATION
Chapter 206-A: USE REGULATION

§685-C. MISCELLANEOUS PROVISIONS

1. Comprehensive land use plan. The commission shall prepare an official comprehensive land use plan, referred to in this subsection as "the plan," for the unorganized and deorganized areas of the State.

The commission must use the plan as a guide in developing specific land use standards and delineating district boundaries and guiding development and generally fulfilling the purposes of this chapter.

The plan may consist of maps, data and statements of present and prospective resource uses that generally delineate the proper use of resources, and recommendations for its implementation.

The commission shall hold public hearings to collect information to be used in establishing the plan. The public hearings must be conducted according to commission rules adopted in accordance with procedures for the establishment of rules pursuant to Title 5, chapter 375, subchapter 2.

The commission may, on its own motion or petition of any state agency or regional planning commission, hold such other hearings as the commission considers necessary from time to time for the purpose of obtaining information helpful in the determination of its policies, the carrying out of its duties or the formulation of its land use standards or rules.

A. The commission may not finalize a plan or a portion of a plan without:

(1) Submitting the tentative plan to each regional planning commission and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days;

(2) Submitting the tentative plan to the State Planning Office or its successor, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days;

(3) Considering all comments submitted under paragraphs A and B; and

(4) Submitting the tentative plan to the joint standing committee of the Legislature having jurisdiction over conservation matters and the committee reviewing the plan at a public meeting. The commission shall brief the committee on any anticipated changes to land use districts and subdistricts based on revisions in the comprehensive land use plan and a projected timetable for rulemaking to adopt these changes. [2011, c. 682, §21 (AMD).]

B. [2013, c. 405, Pt. B, §1 (RP).]

B-1. After the commission has finalized a plan or a portion of a plan, but prior to adoption, the commission shall provide a copy to the Commissioner of Agriculture, Conservation and Forestry, who shall submit the finalized plan or a portion of the plan to the Governor for comments. The commissioner shall submit the finalized plan or a portion of the plan including the Governor's comments to the Legislature within 30 days after the convening of the next regular session for approval. The Legislature shall, by act or resolve, approve, disapprove or require changes to the plan or any portion of the plan prior to adjournment. If the plan or a portion of the plan is approved or the Legislature fails to act on the plan or a portion of the plan before adjournment, the plan or a portion of the plan may be finally adopted by the commission. If the plan or a portion of the plan is disapproved or revisions are required, the plan or a portion of the plan must be revised by the commission and resubmitted to the Legislature for approval by act or resolve. The joint standing committee of the Legislature having jurisdiction over conservation matters may submit legislation to implement the provisions of this paragraph. [2013, c. 405, Pt. B, §2 (NEW).]

C. [2013, c. 405, Pt. B, §3 (RP).]

D. [2011, c. 682, §21 (RP).]

This subsection also applies to any alteration in the plan.

[2011, c. 655, Pt. JJ, §§6, 7 (AMD); 2011, c. 655, Pt. JJ, §41 (AFF); 2013, c. 405, Pt. B, §§1-3 (AMD); 2013, c. 405, Pt. B, §1 (AMD); 2013, c. 405, Pt. B, §3 (AMD) .]

1-A. Regional comprehensive land use plans. A county, separately or in partnership with another county or counties, may request the commission to develop and implement a regional comprehensive land use plan and associated zoning for all or a portion of the territory within the jurisdiction of the commission in the county or counties making the request. If the commission provides assistance under this subsection, it shall:

A. Consult with regional economic development organizations and regional planning and development districts described in Title 30-A, chapter 119; [2011, c. 682, §22 (NEW) .]

B. Seek input from representatives of service center communities as defined in Title 30-A, section 4301, subsection 14-A and neighboring municipalities in the area for which assistance is requested; and [2011, c. 682, §22 (NEW) .]

C. Provide for involvement by members of the public, landowners in the unorganized and deorganized areas of the State and residents of the unorganized and deorganized areas of the State. [2011, c. 682, §22 (NEW) .]

[2011, c. 682, §22 (NEW) .]

2. Land use guidance and planning manual. The commission shall prepare, maintain and distribute from time to time a land use guidance and planning manual setting forth:

A. A copy of this chapter, together with all amendments thereof and other applicable legislation; [1971, c. 457, §5 (NEW) .]

B. Examples of land use planning policies, standards, maps and documents prepared in conformance with the purposes of this chapter; [1971, c. 457, §5 (NEW) .]

C. An explanation and illustrative examples of the land use standards and procedures authorized in this chapter; [1971, c. 457, §5 (NEW) .]

D. Other explanatory material and data which will aid landowners in the preparation of their plans in conformance with the procedures, rules and standards authorized in this chapter. [1971, c. 457, §5 (NEW) .]

The commission shall, from time to time, confer with interested parties with a view toward insuring the maintenance of such manual in the form most useful to those making use of it.

Sections of this manual may be cited in any plan or standard in the same manner as citations of this chapter, and may be incorporated by reference in any plan, standard, rule or regulation.

[1971, c. 457, §5 (NEW) .]

3. Schedule of fees. The commission shall adopt rules in accordance with Title 5, chapter 375, subchapter 2 to establish a schedule of reasonable fees for the administration of this chapter. Amendments to those rules adopted after October 1, 2005 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

No approval, certificate, special exception or variance may be issued unless or until such fees established by the commission have been paid in full, nor may any action be taken on proceedings before the commission unless or until preliminary fees have been paid in full.

[2005, c. 386, Pt. I, §1 (AMD) .]

4. Conservation easements.

[1975, c. 508, §4 (RP) .]

5. Additional powers and duties. In order to implement this chapter, the commission may, in addition to its powers and duties previously authorized in this chapter:

- A. Adopt rules to interpret and carry out this chapter in accordance with Title 5, chapter 375, subchapter II, unless otherwise provided by this chapter; [1977, c. 694, §235 (AMD) .]
- B. Have the power to compel attendance of witnesses, and require production of evidence; [1971, c. 457, §5 (NEW) .]
- C. Designate or establish such regional offices as it deems necessary; [1971, c. 457, §5 (NEW) .]
- D. Designate or request other appropriate agencies to receive application, provide assistance, investigations and make recommendations; [1971, c. 457, §5 (NEW) .]
- E. By rule allow joint hearings to be conducted with other appropriate agencies; [1971, c. 457, §5 (NEW) .]
- F. Execute contracts and other agreements to carry out its purposes. [1971, c. 457, §5 (NEW) .]

[1977, c. 694, §235 (AMD) .]

6. Adjustments of assessing practices. Upon adoption of district boundaries and land use standards, a certified copy of each official land use guidance map, delineating district boundaries, and associated land use standards shall be filed with the State Tax Assessor.

[1971, c. 457, §5 (NEW) .]

7. Time periods. In computing the period of time to perform any act under these rules, the first day on which an act may be performed shall not be included but the last day of the period shall be included unless it is a Saturday, Sunday or holiday in which event the period shall be extended until the next business day.

A holiday is any day appointed as such by the President or Congress of the United States, or the Governor or Legislature of the State of Maine.

[1971, c. 457, §5 (NEW) .]

8. Enforcement, inspection and penalties for violations. Standards, rules and orders issued by the commission pursuant to this chapter have the force and effect of law. No development may be undertaken, except in conformance with this chapter, the standards, rules and orders enacted or issued pursuant to this chapter, and any real estate or personal property existing in violation of such is a nuisance. For the purposes of inspection and to ensure compliance with standards, orders and permits issued or adopted by the commission, authorized commission staff, forest rangers and the state supervisor or consultant personnel may conduct investigations, examinations, tests and site evaluations necessary to verify information presented to it and may obtain access to any lands and structures regulated pursuant to this chapter.

Any person who violates any provision of this chapter, or the terms or conditions of any standards, rules, permits or orders adopted or issued pursuant to this chapter, is subject to a civil penalty, payable to the State, of not more than \$10,000 for each day of the violation.

In addition to the other penalties provided, the commission may, in the name of the State of Maine, institute any appropriate action, injunction or other proceeding to prevent, restrain, correct or abate any violation hereof or of the orders or standards or rules promulgated hereunder. This action may include, but is not limited to, proceedings to revoke or suspend any commission permit or approval, taken either before the commission itself in accordance with Title 5, section 10004, before the District Court in accordance with Title 4, chapter 5 or, notwithstanding the provisions of Title 4, section 152, subsection 9 or Title 5, section 10051, before the Superior Court as part of an enforcement action brought by the commission.

In addition to any such penalties or remedies provided in this subsection, the court may order restoration of any area affected by any action or inaction found to be in violation of any of the provisions of this chapter or of any order, standard, rule or permit of the commission, or any decree of the court, to the condition of such area prior to the violation. When such restoration is not practicable, the court may order other actions to be taken by the person charged with the violation which are in mitigation of the damage caused by the violation.

A person who willfully or knowingly falsifies any statement contained in a permit application or other information required to be submitted to the commission is in violation of this chapter and subject to the penalties of this chapter.

[1999, c. 547, Pt. B, §27 (AMD); 1999, c. 547, Pt. B, §80 (AFF) .]

9. Representation in court. The commission may authorize certified employees of the commission to serve civil process and represent the commission in District Court in the prosecution of violations of those laws enforced by the commission and set forth in Title 4, section 152, subsection 6-A. Certification of these employees must be as provided under Title 30-A, section 4453.

[1997, c. 296, §2 (AMD) .]

10. Operating a personal watercraft. Operating a personal watercraft is prohibited on the following categories of great ponds:

A. Great ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission pursuant to subsection 1 as being not accessible within 1/4 mile by 2-wheel drive vehicles, with less than one development unit per mile, and at least one outstanding resource value; [1997, c. 739, §1 (NEW) .]

B. Great ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission as being accessible within 1/4 mile by 2-wheel drive vehicles, with less than one development unit per mile, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character; [1997, c. 739, §1 (NEW) .]

C. Great ponds and smaller ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission as being not accessible within 1/2 mile by 2-wheel drive vehicles, with no more than one noncommercial remote camp and with a cold water game fishery; and [1997, c. 739, §1 (NEW) .]

D. Great ponds with less than all but more than 2/3 of their surface area in or partly in the jurisdiction of the commission that are identified as being of statewide significance in the "Maine Wildlands Lake Assessment" dated June 1, 1987 prepared by the commission, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character and with more than 1/2 of their shoreline in public and private conservation ownership with guaranteed public access for low-impact public recreation. [1997, c. 739, §1 (NEW) .]

The commission shall implement this subsection by rule adopted in accordance with section 685-A. Rules adopted to implement this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

This section does not apply to any waters subject to regulation by the Maine Indian Tribal-State Commission under Title 30, section 6207, subsection 3-A.

[1997, c. 739, §1 (NEW) .]

11. Landowner liability for actions of others. An owner, lessee, manager, easement holder or occupant of premises is not subject to criminal sanctions or civil penalties or forfeitures for a violation of laws or rules enforced by the commission if that person provides substantial credible evidence that the violation was committed by another person other than a contractor, employee or agent of the owner, lessee, manager, easement holder or occupant. This subsection does not prevent the commission or a court from requiring an owner, lessee, manager, easement holder or occupant of premises to remediate or abate environmental hazards or damage or to reimburse the commission for the cost of remediation or abatement. An owner, lessee, manager, easement holder or occupant of premises is subject to criminal sanctions or civil penalties or forfeitures for failure to comply with a lawful administrative order or court order to remediate or abate environmental hazards or damage.

A. The commission shall investigate substantiated allegations by an owner, lessee, manager, easement holder or occupant that the violation was caused by another person. [2001, c. 365, §1 (NEW) .]

B. If an owner, lessee, manager, easement holder or occupant is subjected to criminal sanctions or civil penalties or forfeitures, or if such a person is required to remediate or abate environmental hazards or damage as a result of violations by another person, the owner, lessee, manager, easement holder or occupant has a cause of action against the actual violator to recover all damages and costs, including attorney's fees, incurred in connection with the environmental damage, and all costs, including attorney's fees, incurred in bringing the action to recover. [2001, c. 365, §1 (NEW) .]

[2001, c. 365, §1 (NEW) .]

12. Campground storage. The commission may not limit the number of days a person may store an unoccupied camping device at a lawfully existing camping location within a campground permitted by the commission or a campground that is a nonconforming use. For the purposes of this subsection, "camping device" means a tent, registered tent trailer, registered pickup camper, registered recreational vehicle, registered trailer or similar device lawfully used for camping.

[2017, c. 236, §1 (NEW) .]

SECTION HISTORY

1971, c. 457, §5 (NEW). 1971, c. 544, §§28-J (AMD). 1973, c. 569, §§13-15 (AMD). 1975, c. 508, §4 (AMD). 1977, c. 694, §§233-235A (AMD). 1987, c. 368, (AMD). 1987, c. 816, §KK12 (AMD). 1991, c. 688, §1 (AMD). 1997, c. 296, §2 (AMD). 1997, c. 739, §1 (AMD). 1999, c. 547, §B27 (AMD). 1999, c. 547, §B80 (AFF). 2001, c. 365, §1 (AMD). 2005, c. 386, §I1 (AMD). 2007, c. 264, §1 (AMD). 2009, c. 375, §1 (AMD). 2011, c. 655, Pt. JJ, §§6, 7 (AMD). 2011, c. 655, Pt. JJ, §41 (AFF). 2011, c. 682, §§21, 22 (AMD). 2013, c. 405, Pt. B, §§1-3 (AMD). 2017, c. 236, §1 (AMD) .

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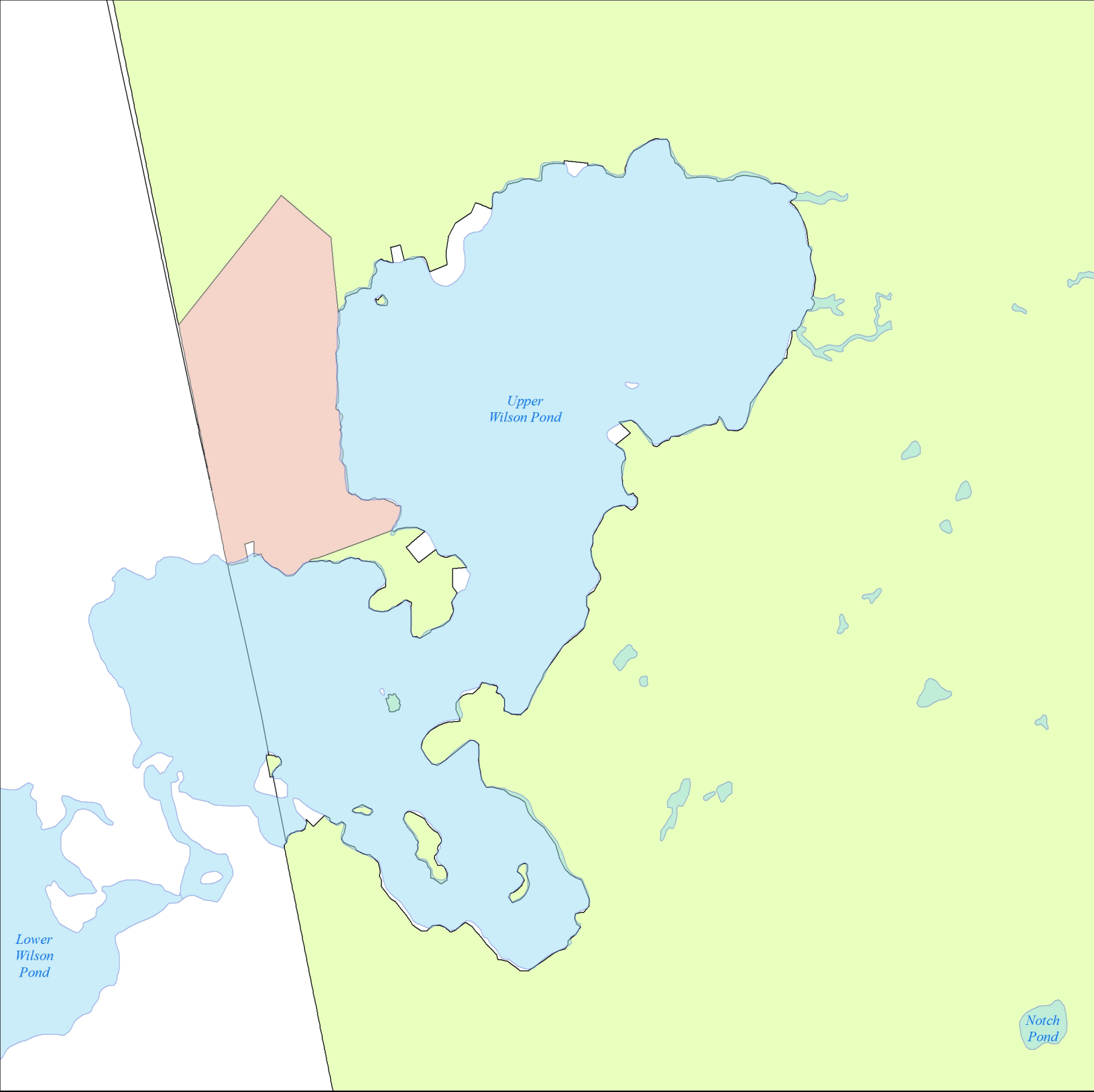
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
Moosehead Region Conservation Easement Figure (Green)

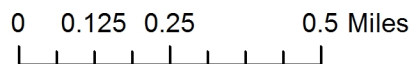


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Upper Wilson Pond Bowdoinham College Grant West



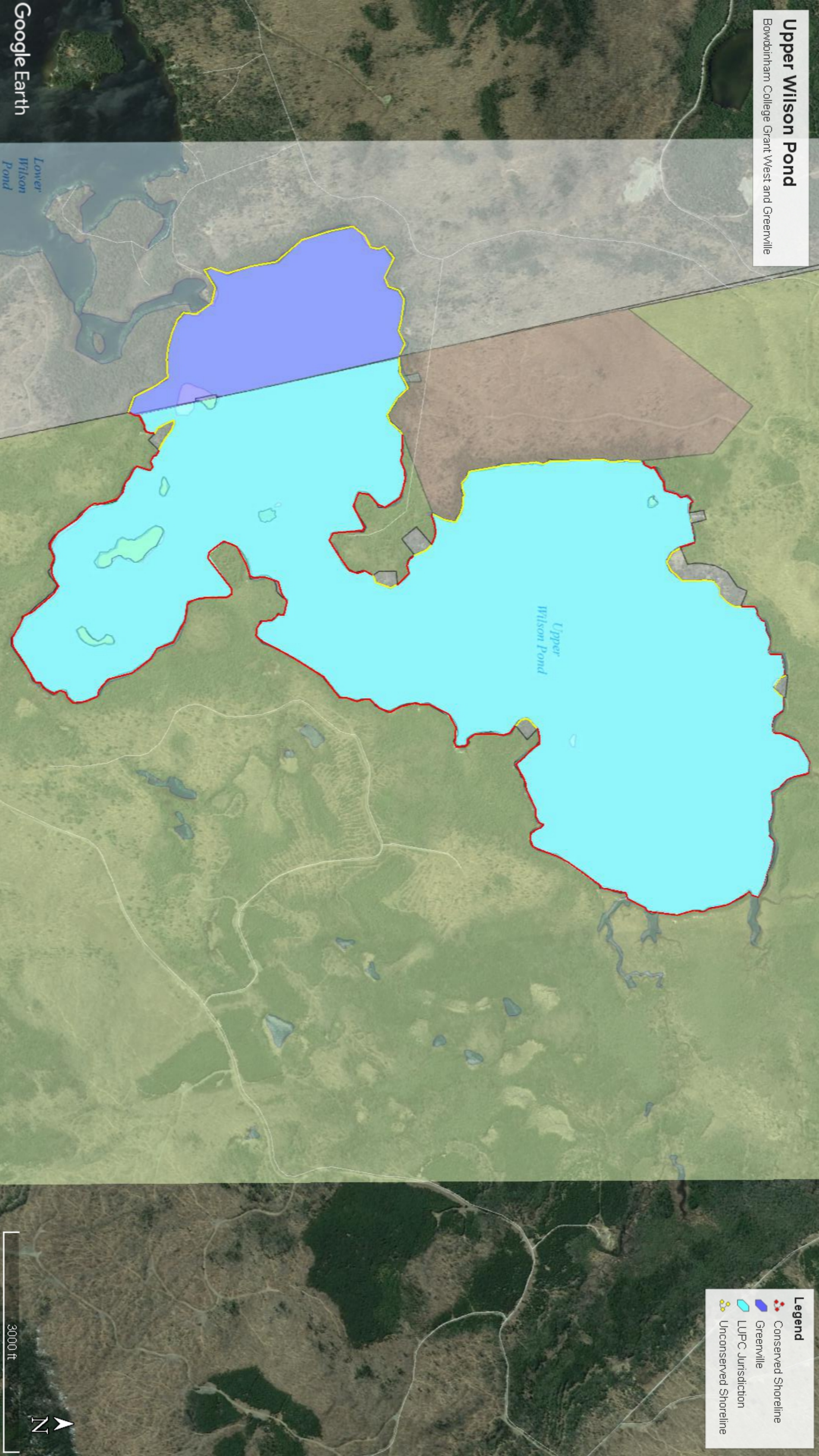
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Conserved (Red) and Non-Conserved (Yellow) Shoreline Figure

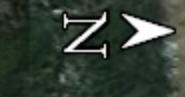
Upper Wilson Pond

Bowdoinham College Grant West and Greenville



Legend

- Conserved Shoreline
- Greenville
- LUPC Jurisdiction
- Unconserved Shoreline



3000 ft

Lower
Wilson
Pond

Upper
Wilson Pond

Moosehead Region Conservation Easement: Section 6

MOOSEHEAD REGION
CONSERVATION EASEMENT

Granted by

PLUM CREEK MAINE TIMBERLANDS, L.L.C.

to

FOREST SOCIETY OF MAINE

as Holder

and to

STATE OF MAINE,
THROUGH THE DEPARTMENT OF CONSERVATION,
BUREAU OF PARKS AND LANDS

as Third Party

resources that may require special management, including but not limited to all such information as it relates to documenting the values contained in the Conservation Values. In compiling this documentation, Holder shall seek input from federal and State of Maine natural resource agencies possessing knowledge of these issues; (2) a cataloging of scenic resources of high public value and the public vantage points from which such scenic resources are observed, to the extent such cataloging was not documented in Section 5.B.(1) above; (3) the most recent Qualifying Forest Certification Program audit and supporting documentation that includes all data, mapped information, procedures, and policies that make up Grantor's supporting information for its certification; (4) documentation required in Section 18.I. hereto regarding the valuation ratio; and (5) any other information, required in order to determine initial compliance with the requirements of this Conservation Easement. The Baseline Document Report also describes where there are information deficiencies in the categories of information sought in Sections 5.B.(1) - (5).

C. Resource Information System. Upon execution of this Conservation Easement, Grantor shall establish and maintain a Resource Information System for the purpose of updating and keeping current over time the information contained in the Baseline Documentation Report. Grantor shall update the Resource Information System as new information becomes available. The Resource Information System shall, at minimum, include the data contained in the Baseline Documentation Report.

D. No Shield. It is the intent of the Parties that the Baseline Documentation be an accurate representation of the Protected Property and Grantor's practices and policies as of the date of this Conservation Easement. Nonetheless, all sites and resources that may be identified subsequent to the completion of the Baseline Document by Grantor or by the Holder that otherwise would have met the criteria for inclusion in the Baseline Documentation pursuant to Section 5.B. hereof shall be added to the information contained in the Resource Information System at the time of identification and protected in accordance with this Conservation Easement and the Management Plan.

6. PUBLIC ACCESS EASEMENT

A. Grant of Public Access. It is Grantor's intent and objective that this Conservation Easement create a permanent right of non-commercial, non-motorized public access on and across, and use of, the Protected Property for Non-exclusive, Low-intensity Outdoor Recreation, and to maintain opportunities for such uses of the Protected Property. In furtherance thereof, Grantor hereby grants to the Holder and Third Party, to hold on behalf of the public and for the public benefit, the right of public pedestrian access on and use of the Protected Property (including pedestrian use of the Protected Property by commercial guides, by customers of Backcountry Huts, Campgrounds, Remote Rental Cabins, commercial sporting camps, and by non-profit camping and educational and scientific institutions) for Non-exclusive, Low-intensity Outdoor Recreation as provided herein. To this end, Grantor agrees to take no action to prohibit or discourage pedestrian access to, on or across the Protected Property nor to inhibit Non-exclusive, Low-intensity Outdoor Recreation by the general public; provided, however, that Grantor reserves the right to make reasonable rules and regulations for different types of public use, and to control, limit, or temporarily prohibit, by posting and other means, any use by the public (including without limitation, night use, camping, loud activities, open fires, motorized vehicles, use of equipment, and areas of access) for purposes of (1) protecting public safety, (2) protecting the Conservation Values, (3) ensuring compliance with all applicable laws, and (4) accommodating Grantor's Forest Management Activities and other uses of the Protected Property permitted hereunder. Grantor reserves the right to allow motorized recreational uses on the Protected Property, in the sole discretion of Grantor. All motorized recreation uses on the Protected Property allowed by Grantor are permitted in this Conservation Easement so long as said motorized recreational uses are consistent with a Motorized Recreational Use Plan ("Plan") proposed by the Grantor and approved by the Holder. Grantor may propose amendments of the Plan to the Holder at any time. Holder approval of the Plan and any amendments thereto shall be given, and may not be

unreasonably withheld, so long as the motorized recreational uses described and located (whether on Trails or elsewhere) in the Plan are sited and operated to avoid undue adverse effects to the Conservation Values.

B. Fees. Grantor reserves the right to charge the public fees in an amount that in Grantor's reasonable estimation, and subject to Holder approval, will recompense Grantor for the costs of any or all of (1) maintaining permitted roads to, on and over the Protected Property (to the extent not otherwise recompensed), (2) maintaining permitted recreational Structures on the Protected Property, including without limitation Recreational Facility Activities, (3) managing permitted recreational uses (including the cost of procuring necessary insurance) and (4) providing the services and facilities required to administer and collect these fees. Grantor may assign the right to charge such fees to the State of Maine or other entity that assumes responsibility for the items described in clauses (1) – (4). No fees may be charged by Grantor to the public without the express approval of Holder, based on a determination by Holder that said fees are limited to the amount necessary to recompense Grantor for any and all costs set forth in this Section 6.B.. Holder approval shall not be unreasonably withheld. Grantor expressly reserves the right without Holder approval to charge fees to third parties for the use of the Protected Property for permitted commercial activities, including without limitation, fees for the use of the roads for transportation of forest products. Notwithstanding any other provision hereof, Grantor expressly reserves the right to require a permit and charge fees without Holder approval for "bear baiting."

C. Limitation on Grant. Notwithstanding the foregoing, this Conservation Easement does not grant any easement, right of way, right of access, or other interest or license on, across, over, or affecting any other land of Grantor not included in the Protected Property, and this Conservation Easement does not, and shall not be construed to impose upon Grantor any obligation to provide or allow public access on, across, over, or affecting any land of Grantor not included in the Protected Property. Any such rights or licenses affecting any land of Grantor not included in the Protected Property, if granted by Grantor in its sole discretion, shall be by a separate instrument or instruments recorded in the Registry of Deeds where such other land is located, and no such rights or licenses shall arise by implication, necessity, or otherwise, and this Conservation Easement does not expand or extend any privilege or license currently provided by Grantor.

D. Immunity. Grantor, Holder and Third Party claim all of the rights and immunities against liability for injury to the public to the fullest extent of the law under Title 14 M.R.S.A. § 159-A, *et seq.* as amended and successor provision thereof (Maine Recreational Use Statute), under the Maine Tort Claims Act, and under any other applicable provision of law and equity.

E. Right of Law Enforcement to Enter the Protected Property. Nothing in this section shall be construed to prevent law enforcement or public safety personnel from entering the Protected Property at any and all times for the purposes of carrying out official duties.

7. SUBDIVISIONS

A. Division Limitations. Except to the extent otherwise provided herein, the Protected Property shall remain in its current configuration as an entirety without division, partition, subdivision or other legal or *de facto* creation of lots or parcels in separate ownership (each a "division"); provided that (1) not more than ten (10) separate divisions (not counting divisions made pursuant to Section 7.B. and D. hereof) of not less than 5000 contiguous acres each may be created and conveyed to others; (2) any division allowed pursuant to this Section 7.A. shall not be subsequently re-divided into a smaller division; and (3) no natural community with a site specific management plan may be divided between unaffiliated ownerships or divided under separate management except for transactions with government agencies or conservation organizations wherein the conservation outcome for the natural community is equal to or greater than the existing Management Plan.

Proposed Rulemaking Redline

**APPENDIX D LAKES AND RIVERS ON WHICH THE USE OF
PERSONAL WATERCRAFT IS PROHIBITED**

LAKE NAME	LAKE #	COUNTY	PRINCIPAL TOWN NAME	SIZE (ACRES)
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[Insert the following listing in alphabetical order]

UPPER WILSON P

0410

PISCATAQUIS

BOWDOIN COL GR WEST

940