



Report Back

On Resolve S.P. 538 - L.D. 1308

**Resolve, Directing the Department of Inland Fisheries and Wildlife and the
Department of Agriculture, Conservation and Forestry to Examine Issues
Related to Public Access to Privately Owned Lands**

**Report to the 2nd Session of the 132nd Joint Standing
Committee on Inland Fisheries & Wildlife**

**Provided by the Department of Inland Fisheries & Wildlife and the
Department of Agriculture, Conservation, and Forestry**

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Executive Summary

Maine's tradition of public access to private lands is both culturally and economically significant. With the State's landscape composed of approximately 92 percent private ownership, access to private land supports hunting, angling, snowmobiling, ATV riding, hiking, paddling, wildlife watching, trapping, and a wide spectrum of year-round and seasonal recreation. This access tradition has shaped Maine's identity and serves as the backbone of rural economies, guiding services, and the outdoor recreation sector.

However, this tradition faces increasing pressures, including expanding user groups, unprecedented levels of visitation, rising infrastructure costs, and new landowner concerns about liability, environmental damage, and inconsistent user behavior. Without proactive, coordinated strategies, Maine risks the gradual erosion of an access system that has long benefited the public while respecting landowners. Public access to private land in Maine exists solely at the discretion of landowners, and nothing in this report should be interpreted as diminishing those rights or creating an expectation of access where a landowner chooses otherwise.

This report—developed through extensive stakeholder engagement, public comment, data analysis, and collaboration between the Maine Department of Inland Fisheries and Wildlife(MDIFW) and Maine Department of Agriculture, Conservation and Forestry (DCAF)—presents a comprehensive set of recommendations to strengthen the access system by addressing systemic challenges, improving education and enforcement, supporting landowners, and securing predictable long-term arrangements where appropriate. The report's central message is clear: The status quo is no longer sustainable, and immediate action is needed to support landowners who voluntarily provide access.

Background: Maine's Tradition of Public Access

Maine has a long-standing and culturally embedded tradition of public access to private lands. This tradition of implied permission—where unposted land is generally open to the public—is unusual in the United States and plays a central role in shaping the state’s identity, economy, and outdoor recreation system. It is widely regarded as a treasured yet evolving component of Maine’s heritage and a key reason many residents and visitors choose to live, work, and recreate here. Constituencies across the spectrum—including individual users, landowners, recreation groups, and conservation organizations—view this tradition as a “precious commodity” and a foundational element of Maine’s high quality of life.

This access is also economically and recreationally significant. Maine’s working forests and agricultural lands support an estimated \$11.3 billion in economic activity, but also one of the nation’s most successful examples of private land delivering public recreational benefits at scale. Approximately 92% of Maine’s landscape is privately owned. Maine’s 14,000 miles of groomed snowmobile trails, 6,000 miles of ATV trails, and abundant hunting, fishing, trapping, hiking, and other recreational opportunities all depend on access to a wide variety of private landownership types, including commercial forestland owners, agricultural landowners, small private woodland owners, Environmental Non-Government Owners, and land trusts. Access is not a north–south issue; it is a statewide issue of importance. Ninety-six percent of Maine’s snowmobile trail system relies on private landowners’ permission, and more than \$30 million in legislative investment in trail development and maintenance depends on landowners’ continued goodwill. This tradition supports the guiding industry, tourism, daily recreation, and business activity in both rural and urban areas. Many landowners are themselves recreational users and are interested in how their lands contribute to the broader landscape, yet they face rising costs to maintain roads, bridges, and other infrastructure used by the public. Although Maine’s landowner liability laws offer very strong protection in most cases, certain gaps remain, particularly regarding environmental liability.

At the same time, recreational uses and expectations are shifting. Increased motorized use, the rise of large ATVs and e-bikes, increased demand for water access, and the widespread use of crowdsourced navigation apps are making traditional norms more difficult to uphold. Even experienced users can find rules and regulations confusing, and many locals have come to take access for granted. Changes in land ownership and declining markets for some forest products can result in changes to infrastructure maintenance, reducing road access to areas with significant recreational value. Stakeholders consistently emphasize that access is a privilege—not a right—and that its continuation requires shared responsibility.

In recognition of these pressures, during the First Session of the 132nd Legislature, L.D. 1308, *Resolve, Directing the Department of Inland Fisheries and Wildlife and the Department of Agriculture, Conservation and Forestry to Examine Issues Related to Public Access to Privately Owned Lands*, was enacted to develop recommendations to maintain—and where possible, expand—public access to public and private land (Appendix I). This report was developed to summarize this work.

Although this report identifies some challenges faced by Maine’s public access system, it is important to recognize that this system is, in many respects, a success story built on decades of responsible stewardship and collaboration. Private landowners, snowmobile and ATV clubs, conservation organizations, and the State have collectively invested significant time, resources, and care to maintain working landscapes that support both economic productivity and recreational opportunity. In many cases, public access exists not in spite of active forest management, but because of it—through maintained road networks and long-term land stewardship that benefits multiple uses. Club volunteers play a critical role in building and maintaining trail systems, while landowners continue to allow access despite increasing costs and pressures. This cooperative model demonstrates that working forests and public recreation are mutually reinforcing, creating shared benefits for rural communities, outdoor users, and Maine’s broader economy.

Planning Process

The Maine Department of Agriculture, Conservation and Forestry (Dacf) and the Maine Department of Inland Fisheries and Wildlife (Mdifw) chaired the planning effort and collaborated to identify working group members within the categories established by the resolve (Appendix II). Working group members discussed and followed established meeting norms (Appendix III). Four in-person meetings were held from September through November 2025 to identify challenges and develop recommendations. A professional facilitator was contracted to guide each meeting and compile meeting notes (Appendix IV).

The public was invited to attend each meeting either in person or virtually. Verbal public comments were accepted at the conclusion of each meeting, and written comments were accepted throughout the process and forwarded to working group members for their consideration. A draft of the legislative report was posted for public comment from January 5–16, 2026, and all input received was reviewed with working group members for potential inclusion in the final report.

Working group members developed recommendations using a consensus-based approach, and any areas of disagreement are clearly identified in this report. Importantly, working group members emphasized that thoughtful, sustained action is needed to adapt Maine’s access tradition to modern conditions. While localized access losses occur, Maine continues to retain one of the most extensive public access systems on privately owned land in the nation.

Information Sources

In carrying out its charge, the working group reviewed and considered a wide range of information sources related to trends in public use of private land in Maine. These sources included, but were not limited to, hunting and fishing license sales; ATV and snowmobile registration data; visitation statistics from the North Maine Woods; tourism and visitation data from the Maine Office of Tourism; and economic data from the U.S. Department of Commerce's Bureau of Economic Analysis. Collectively, these datasets provided valuable insight into participation trends, seasonal patterns, geographic distribution of use, and the broader economic significance of outdoor recreation in the State.

Equally important to the working group's deliberations was the composition of the group itself. Members represented a broad cross-section of Maine's landowners and land users, including commercial and small woodland owners, conservation organizations, agricultural interests, guides, tourism and outdoor recreation businesses, hunters and anglers, motorized recreation groups, and relevant State agencies. This diversity of perspectives brought substantial professional experience and practical, on-the-ground knowledge to the discussion, helping to contextualize available data and identify emerging issues not yet fully captured in quantitative sources.

Based on its review of both available data and stakeholder expertise, the working group determined that it had sufficient information to identify key challenges and to develop meaningful, actionable recommendations. While members acknowledged that additional data could further inform future policy development, the group concluded that, given the timeline established by the Resolve, pursuing extensive new data collection was not practical within the scope of its work. Instead, the working group focused on synthesizing existing information to advance recommendations aimed at addressing immediate and pressing concerns related to public access on private lands.

Challenges Related to Public Access on Private Lands

Pressure on Infrastructure

Working group members identified increasing pressure on road, trail, and camping infrastructure as one of the most significant challenges affecting public access to private land. Population growth, changing recreation patterns, and a more diverse array of users have collectively intensified demands on the systems that support outdoor recreation. Landowners, along with the clubs and organizations that maintain many of Maine's trail networks, are struggling to keep pace with the associated maintenance needs. Recent storm events have further exposed substantial funding shortfalls and highlighted the vulnerability of these systems.

Maine's trail networks—particularly snowmobile and ATV trail systems—are uniquely susceptible to fragmentation. Many clubs depend on dozens of individual landowners to maintain contiguous routes; in some cases, a single snowmobile club relies on more than sixty separate landowners. The loss of even one access point can break an entire corridor, forcing reroutes that are often costly, impractical, or impossible. As a result, landowners' decisions regarding access have a direct and immediate impact on the integrity of regional and statewide trail systems.

Recreational trails, both motorized and non-motorized, are also experiencing increased wear. Discussions regarding increasing the allowable size and weight of utility terrain vehicles (UTVs) have heightened landowners' concerns about potential damage to trails, bridges, and surrounding natural resources. Trail widening, rutting, soil displacement, and damage to sensitive ecosystems have become more common concerns among landowners and clubs. Viral images or videos depicting ATVs or UTVs in mudholes, wetlands, or closed areas amplify negative perceptions, erode public trust, and contribute directly to landowners' frustration and posting. Any efforts to increase the current weight restrictions for UTVs would likely result in significant closures of hundreds of miles of trail, fragmenting the connected trail system that recreators enjoy today. Off-highway vehicle use represents a significant and expanding sector of Maine's outdoor recreation economy; however, most of these trails are located on private land, and landowners typically receive no direct financial benefit despite bearing the risks of damage, liability, and maintenance.

Road and bridge conditions present additional and growing challenges. Some major industrial road systems, such as the Golden Road west of Millinocket, have experienced deterioration due to shifting ownership patterns and reduced investment in maintenance resulting from shifting forest industry market dynamics. The full burden of road and bridge maintenance falls on landowners, often largely to support recreational use that generates little or no revenue.

Similar pressures are apparent in camping infrastructure. Campsites on private land—both designated and informal—are experiencing higher levels of use, often without adequate maintenance or support from users. In many cases, landowners are left to manage trash, fire

damage, sanitation issues, and general upkeep. Without assistance, these conditions contribute to landowners' frustration and increase the likelihood of posted property.

Similarly, the rise of rooftop campers, adventure vans, and long-term dispersed camping has created challenges never envisioned under Maine's traditional access model. Many of these users travel with the expectation of free or low-impact camping opportunities on unposted land, but extended stays often lead to trash accumulation, vegetation damage, sanitation issues, and expanded fire risk. Landowners report increasing instances of unauthorized long-term camping, often without any communication from visitors and with no clear mechanism for cost recovery or site restoration.

Unmanaged, app-driven visitation is an additional and growing concern. Digital mapping platforms, crowdsourced trail apps, and social media "destination" posts can direct large numbers of users to previously quiet or unknown locations—sometimes with inaccurate information about landownership or access permission. While some digital platforms make proactive efforts to collaborate with landowners and remove inaccurate or harmful listings, others do not, resulting in unmanaged access, overuse, and unintended conflicts. These platforms can transform a private road, scenic overlook, or remote campsite into a high-traffic destination virtually overnight, placing burdens on landowners unlikely to have the resources or desire to manage such use.

Despite these pressures, many landowners and land managers continue to maintain extensive road and trail systems at their own expense, often far exceeding what is required for land management alone. These efforts—frequently unrecognized—are a critical reason Maine's access tradition continues to function.

Collectively, these new forms of recreation reveal that Maine's traditional access model—while resilient—was not designed to accommodate the volume, technology, and behavior patterns associated with modern outdoor use. Addressing these emerging challenges will require updated management strategies, improved coordination with digital platforms, and enhanced public education to ensure that recreational growth does not undermine landowners' willingness to keep their land open. Private property rights remain a cornerstone of public access. It is imperative that policies reduce burdens on landowners that provide public access, not apply pressure.

Policy, Education, and Enforcement Gaps

A second category of challenges identified by the working group concerns inconsistencies in policy, deficiencies in user education, limitations in enforcement capacity, and a lack of public resources to restore damage from motorized trails that result in environmental violations. These gaps collectively undermine Maine's ability to maintain a predictable access system and contribute to growing frustration among landowners and recreational users alike.

Landowners consistently reported that littering, illegal dumping, trespass, off-trail riding, unauthorized camping, and other behaviors remain among the most significant sources of conflict. Although these actions can result in substantial environmental damage, financial costs, and strain on landowner–user relationships, they are often treated as minor offenses within the judicial system. In many instances, cases are dismissed, fines are minimal, or restitution is not required or enforced. This lack of meaningful consequence significantly reduces the deterrent effect of enforcement, reinforces a perception that such violations are a low priority, and leaves landowners feeling unsupported by the State.

Concerns about environmental liability have also intensified. Under current law, landowners are held financially responsible for environmental damage caused by recreational users, including soil erosion, water quality impacts, or damage to sensitive habitats. This risk creates a strong disincentive for landowners to keep land open and underscores the need for a more equitable and sustainable approach to managing recreational impacts.

Policy and regulatory frameworks also vary widely across regions and landownership types. Access expectations, trail policies, and land-use agreements may differ from one town or club to another and can change from year to year due to land sales, management decisions, resource conditions, or evolving recreational uses. This variability contributes to confusion among users—particularly visitors and newer residents—who may not understand that access to private land is permissive and conditional rather than guaranteed. The resulting uncertainty can lead to unintentional violations and increased tension between landowners and recreational communities.

Constituents also identified a broad and growing need for improved public education. Maine’s access tradition is unique within the United States, yet many residents and newcomers are unaware of the responsibilities that accompany this privilege. Users often lack clarity on fundamental aspects of landownership, such as when permission is required, what activities are allowed on unposted land, how to identify public versus private property, and what constitutes ethical behavior. Shifts in recreational culture, coupled with the influence of digital platforms that may not convey local context or landowner expectations, further exacerbate these knowledge gaps. Some landowners also lack awareness of existing liability laws, and of their ability to prohibit specific users from their property while still allowing public access.

Addressing these policy, education, and enforcement challenges will require a coordinated and sustained approach that strengthens communication, clarifies expectations, enhances enforcement tools, and ensures that the legal framework supports timely, consistent, and meaningful consequences for violations. Without such improvements, landowners may increasingly choose to limit or prohibit access, placing Maine’s longstanding access tradition at risk.

Recommendations

The following recommendations reflect the working group's thoughtful review of Maine's longstanding tradition of public access to private lands, the evolving pressures on landowners and recreational users, and the State's ongoing responsibility to help sustain a balanced and functional access system. Developed through data review, stakeholder input, and analysis of comparable approaches in other states, these recommendations focus on four core areas: enforcement, education and outreach, financial incentives for landowners, and legislation. Together, they are intended to protect Maine's access tradition, support landowners who bear increasing stewardship costs, and underscore user responsibility. The proposed actions aim to preserve a defining element of Maine's identity while addressing emerging challenges with practical, durable, and collaborative solutions.

Enforcement

Effective and visible enforcement is essential to maintaining Maine's tradition of public access and ensuring that recreational use on both public and private lands remains safe, responsible, and sustainable. As recreational pressures grow and landowners' concerns increase, Maine's enforcement system must be strengthened to provide timely responses to violations, support landowners, and deter repeat offenses. The following recommendations focus on modernizing enforcement processes, addressing critical staffing shortages within key agencies, and expanding targeted, prevention-focused patrols—particularly for motorized recreation. Together, these measures aim to improve compliance, reinforce users' accountability, and build public confidence in the State's ability to protect privately owned outdoor resources that remain open for public use.

Importantly, the working group identified the first recommendation—developing an alternative enforcement system—as a top priority. Members emphasized that the success of many other recommendations in this report depends on Maine's ability to effectively address violations and ensure meaningful consequences for inappropriate behavior.

- **Develop an alternative enforcement system.** Create a model similar to traffic court for handling recreation-related violations, engaging towns, courts, and district attorneys in designing an efficient and fair process.
- **Address staffing shortages.** Fill vacancies within the Warden Service, Marine Patrol, and Forest Service Ranger ranks to ensure adequate staffing levels and maintain strong on-the-ground enforcement capacity.
- **Strengthen targeted enforcement and prevention efforts.** Increase state-level funding for targeted seasonal patrols of motorized vehicle trails—particularly in rural areas—and build closer partnerships with local clubs to identify problem areas early and educate riders before issues escalate.

Education and Outreach

Education and outreach are essential to sustaining Maine's tradition of public access to private land and ensuring that both landowners and recreational users understand their rights, responsibilities, and the shared stewardship required to maintain this system. As recreational use patterns evolve and new user groups emerge, Maine must strengthen communication efforts to reinforce ethical behavior, clarify land use laws, and increase awareness of existing protections and resources available to landowners. The following recommendations aim to enhance public understanding, support informed decision-making by landowners and municipal officials, and reduce pressure on private lands by promoting responsible recreation and greater utilization of Maine's public lands.

- **Highlight Maine's unique tradition of public access to private land.** Emphasize that this access is *a fragile privilege, not a guaranteed right*, and a *treasured part of Maine's heritage*. Encourage public appreciation for the generosity of landowners and promote gratitude and respectful behavior by users.
- **Increase awareness of Maine's landowner liability law.** Target outreach to new and existing landowners—including those who live out of state, plus real estate agents and insurance companies—to help them understand the protections the law provides and increase their comfort in keeping land open for public recreation.
- **Enhance outreach and education for ATV users.** Promote responsible riding by emphasizing trail etiquette, highlighting common violations, and communicating penalties for non-compliance.
- **Provide targeted education for ATV Dealers and Town Clerks.** Develop materials and guidance to help clerks verify that ATVs and snowmobiles being registered meet all state legal requirements.
- **Continue and expand public education on land use laws.** Clarify what constitutes legal versus illegal activities on public and private land, explain why access may be restricted, and outline the penalties for violations.
- **Promote Maine's public lands.** Increase visibility and awareness of public recreation opportunities to help relieve pressure on private lands.
- **Clarify landowners' rights.** Communicate that landowners have the authority to prohibit access to their property for certain individuals without having to close access to the broader public.
- **Engage new and emerging recreation groups.** Expand education and outreach to users such as camper van travelers and e-bike riders, helping them understand Maine's laws, access traditions, and expectations for responsible recreation
- **Identify and promote existing funding and financial resources** (e.g. Outdoor Heritage Fund) that are available to support landowners.

Financial Incentives

Sustaining Maine’s system of public access requires targeted investment in the infrastructure that supports outdoor recreation and in the landowners who make that access possible. Road networks, trails, bridges, and access points across both public and private lands face rising maintenance demands, yet many private landowners lack the resources to bear these costs alone. While private roads are not public rights, they serve significant public interests by enabling access to critical recreation corridors. Importantly, the intent of these recommendations is not to support general road construction or maintenance, but rather to assist landowners in accommodating and sustaining public recreational use on their existing road systems. To support landowners who voluntarily provide safe, dependable access for the public, Maine must develop funding mechanisms that more equitably share responsibility and provide predictable support for key infrastructure to willing landowners. The recommendations that follow focus on establishing dedicated funding for high-use road systems, creating voluntary cost-sharing opportunities for private landowners, and implementing a statewide program to maintain recreational infrastructure across land ownerships. Together, these measures will help secure long-term access and strengthen the overall resilience of Maine’s outdoor recreation network.

Financial incentives or cost-sharing programs must be responsive to the fact that many landowners are either unwilling or financially unable to construct or maintain infrastructure at the standards typically expected on public roads or publicly managed recreational areas. In many cases, the costs associated with building or upgrading roads, bridges, parking areas, or signage exceed what is reasonable for private landowners to absorb, particularly when the primary beneficiaries are members of the recreating public.

At the same time, many landowners are understandably hesitant to enter into long-term or permanent agreements that guarantee public access to their land. Concerns about loss of autonomy, liability exposure, increased maintenance obligations, and uncertainty about future ownership all contribute to reluctance to make binding commitments.

For these reasons, any financial incentives designed to keep private land open to public use must be structured in a way that does not impose unrealistic expectations on landowners or create obligations that exceed their capacity. Programs should be flexible, voluntary, and scaled appropriately to different landownership types, ensuring that support is meaningful without inadvertently discouraging participation. These recommendations are intended to support and reinforce existing good stewardship practices—not replace them or impose new requirements.

- **Establish dedicated funding for critical road infrastructure.** Create a sustainable funding source to support repairs to key road arteries essential to Maine’s outdoor recreation economy (e.g., the Golden Road and other high-use access routes).
- **Support private landowners through cost-sharing programs.** Develop a sufficient and sustainable cost-share initiative to assist private landowners with road maintenance, ensuring continued public access and safe recreational use.

- **Create a state program for infrastructure upkeep on public and private lands.** Fund and implement a statewide program to support maintenance of recreation-related infrastructure—such as campsites, trails, and access points—located on both public and private property.

Legislation

Ensuring the long-term stability of Maine’s public access tradition requires statutory updates that reflect modern recreational pressures and provide clearer protections for landowners. As new uses, technologies, and visitation patterns increase the potential for environmental damage, landowners have expressed growing concern about their exposure to cleanup and restoration costs. Strengthening Maine’s legal framework can help address these concerns, reinforce shared responsibility among users, and encourage continued public access to private lands.

The following legislative recommendations are intended to reduce landowner risk, clarify accountability, and support the long-term sustainability of Maine’s access system:

- **Establish environmental liability protections for landowners.** Modify existing law to require that the recreational user causing environmental damage be financially liable for repair
- **Review and update the membership of the Landowners and Land Users Relations Advisory Board.** Ensure the Board includes balanced representation from across the spectrum of landowners and land users. This statutorily established Board (2015) should be used as an ongoing forum to continue discussions, monitor emerging issues, and advance the recommendations outlined in this report.

Other

In addition to education, enforcement, financial incentives, and legislative tools, several structural strategies are necessary to strengthen Maine’s long-term system of public access. As land ownership patterns shift and recreational demand increases, ensuring the permanence and predictability of key access routes has become increasingly important for maintaining statewide connectivity. At the same time, voluntary, incentive-based programs can provide flexible options for landowners who wish to keep their land open but need additional support to do so. Continued investment in strategic land and easement acquisition programs, including through the Land for Maine’s Future program, remains essential to securing high-value corridors and access points from willing sellers. Importantly, these acquisitions must include guaranteed public access to the access points, which often cross private lands. The following

recommendations focus on securing long-term access routes, creating voluntary public access programs modeled on successful approaches in other states, and sustaining funding for targeted acquisitions that protect Maine's recreational infrastructure.

- **Secure long-term public access corridors from willing sellers.** Pursue the acquisition of long-term or permanent road and trail access corridors that are critical to maintaining public recreational connectivity.
- **Establish a voluntary public access program.** Explore development of a state-supported, incentive-based program to help private landowners manage and maintain public access on their properties, drawing on successful models such as those in Wisconsin, Michigan, and Montana.
- **Continue funding the Land for Maine's Future Program and the Maine Trails Program to acquire critical access points and trail networks as they become available from willing sellers.**

Roles and Responsibilities

Carrying out these recommendations will require coordinated leadership from state agencies and the legislature, and active participation from landowners, user groups, and local partners. The Maine Departments of Inland Fisheries and Wildlife and Agriculture, Conservation and Forestry should lead education and outreach efforts, including public communication on Maine's access tradition, ATV and land-use laws, landowner liability protections, and the promotion of public lands, while also developing targeted materials for Town Clerks and emerging recreation groups. These agencies—along with the Department of Marine Resources' Marine Patrol, should also be responsible for strengthening enforcement, designing an alternative enforcement model with courts and district attorneys, and ensuring adequate staffing to support on-the-ground patrols in partnership with ATV and snowmobile clubs.

The Legislative and Executive branches should play key roles in advancing legislation that creates or expands financial incentives, establishes cost-share programs, supports road and trail infrastructure maintenance, secures long-term access corridors, and provides sustained funding for public access and land stewardship. They should also be responsible for evaluating and approving potential funding sources, dedicated budget allocations, or other user-based sources, following comprehensive fiscal analysis conducted by the relevant state agencies.

Landowners, industry groups, and user organizations should help guide priorities, identify maintenance needs, participate in voluntary access programs, and support public messaging on responsible recreation. Conservation organizations and land trusts should assist in securing long-term access, promoting stewardship, and continuing efforts like LMF acquisitions. Together, these shared responsibilities establish a framework for protecting Maine's public

access tradition, improving user behavior and compliance, supporting landowners, and ensuring the long-term sustainability of recreation on both public and private lands.

Finally, the working group members felt that continued discussions on this topic would best be served by the existing Landowners and Land Users Relations Advisory Board. Established by statute in 2015, this board has a number of duties including to: “Propose changes to or advise the commissioner (of Inland Fisheries and Wildlife) on landowner-related laws, rules, department policies and other significant landowner and land user issues.” Membership of this board includes representatives from large and small ownerships, a farmer, three representatives who hunt, fish or trap, two outdoor recreationists, two environmental organizations and one member from a land trust organization.

Funding Sources

Potential funding sources to support outdoor recreation on private land should begin with a comprehensive fiscal analysis to define the scope of needs and associated costs. This analysis would provide the foundation for identifying sustainable, long-term solutions that can garner broad public and stakeholder support. The working group discussed several potential mechanisms to fund the recommendations outlined in this report; however, none received universal support, and all require additional evaluation and discussion. Any consideration of new taxes or fees should proceed with caution, recognizing that extensive or poorly targeted taxation risks discouraging land ownership, recreation participation and voluntary public access.

Ideas explored by the working group included allocating a portion of the State Budget—such as dedicated Cascade funds, General Fund appropriations, or bond revenues—to assist private landowners in maintaining public access. Members also discussed adopting tiered ATV and snowmobile registration fees, based on horsepower, engine size, or vehicle age, to create a fair user-pays model that could additionally support targeted motorized-trail enforcement. Other concepts included dedicating a portion of the real estate transfer tax on property transactions exceeding \$1 million to recreational infrastructure and landowner relations, and engaging the outdoor recreation industry to discuss and evaluate a tax on outdoor recreation gear to support landowner relations, enforcement, and education/outreach.

Overall, the working group agreed that Maine needs a broad, “big tent” conversation to identify sustainable, long-term funding solutions that support conservation, outdoor recreation, and the landowners who make public access possible.

Importance of Existing Programs

While the working group concluded that decisive action—including implementation of the recommendations outlined in this report—is necessary to sustain public access to private land in Maine, members also emphasized that several existing programs remain essential and must be preserved and strengthened. These programs form the backbone of Maine’s current access framework and provide critical support to both landowners and recreational users.

State-led initiatives, including the Department of Inland Fisheries and Wildlife’s Landowner Relations Program, the Outdoor Partners Program, and the Landowners and Land Users Relations Advisory Board, have demonstrated longstanding effectiveness in addressing conflicts, facilitating communication, and promoting responsible recreational behavior. The Advisory Board, in particular, plays a statutory role in evaluating landowner–land user issues, advising on policy, and ensuring that diverse perspectives are incorporated into decision-making. Continued support for these programs is vital to maintaining effective channels for problem-solving and stakeholder engagement.

Recreational access management systems, such as the North Maine Woods, also serve as proven models for coordinating and regulating public use on private lands. By providing structured access, user education, and on-the-ground management, these systems help reduce conflict, support landowners’ objectives, and ensure that recreation occurs in a controlled and sustainable manner. Their continued operation and potential replication in other high-use regions represent important components of Maine’s overall access strategy.

Additionally, Maine’s landowner liability law remains among the strongest in the nation, offering significant legal protections and reassurance to property owners who open their land for public use. This statute is a cornerstone of Maine’s access tradition. Maintaining these protections is essential to ensuring that landowners feel secure in allowing continued recreational access.

Together, these existing programs and legal frameworks provide a solid foundation upon which to build future improvements. Maintaining and strengthening them will be critical to preserving Maine’s unique access tradition for generations to come.

A Note on Public Lands

Although the focus of this report is on maintaining public access to *private lands*, working group members emphasized that public lands play a vital role in Maine’s outdoor recreation system by relieving pressure on private lands and ensuring permanent access to some of the state’s most significant natural areas. Continued support for the acquisition and effective management and promotion of lands owned by the Department of Inland Fisheries and Wildlife and Department of Agriculture, Conservation and Forestry’s Bureau of Parks and Lands and Maine Forest Service is essential to sustaining Maine’s longstanding tradition of public access to

private property. The State's goal of conserving 30 percent of natural and working lands by 2030 will require additional investments in public lands and long-term commitment to stewardship. Stable and ongoing funding for the Land for Maine's Future Program, along with secure resources for management of existing public lands, remains a critical component of maintaining recreational access, ecological health, and the broader conservation landscape. Importantly, acquiring public lands often depends on securing public access across private road systems, which can be challenging and underscores the continued importance of strong partnerships with private landowners.

Topics Requiring Additional Discussion

During the working group's deliberations, several emerging issues surfaced that warrant continued examination beyond the scope of the initial recommendations. These topics reflect evolving landowner practices and changing patterns of land use that have the potential to alter long-standing expectations around public access. In particular, the group identified growing instances of landowners leasing land to hunters while restricting access for all other recreational users, as well as new property owners—often recent arrivals—closing off lands that had historically been open to the public. Both developments raise complex questions about equity, consistency, and the future of Maine's access tradition. Further discussion is needed to understand the implications of these trends and to explore potential policy, educational, or incentive-based responses that respect private property rights while preserving Maine's unique culture of shared access.

Conclusion

Maine's tradition of public access to private land is a defining feature of the State's culture, economy, and outdoor heritage. The challenges described in this report are not new; they are decades-long trends that have been largely managed through cooperation and goodwill. It is a system rooted not in statute, but in trust—trust that landowners will continue to allow responsible use of their property, and trust that the recreating public will honor that privilege with respect and stewardship. This model has served Maine well for generations, yet the pressures facing it today are more complex and far-reaching than ever. Changing ownership patterns, emerging forms of recreation, increased visitation, infrastructure deterioration, and evolving expectations from both landowners and users are placing unprecedented strain on a system that was never designed to absorb such demands.

The recommendations in this report reflect the collective judgment of a diverse working group that recognizes both the fragility of Maine's access tradition and the urgency of protecting it. Strengthening education and outreach, modernizing enforcement, supporting landowners with

targeted financial incentives, and securing sustainable, long-term funding sources are essential steps toward stabilizing and enhancing public access. These and additional measures noted in this report will help ensure that Maine’s access framework remains resilient in the decades ahead.

Ultimately, safeguarding this tradition requires a shared commitment. Landowners, recreational users, clubs, conservation partners, and State agencies all play indispensable roles in maintaining access and mitigating the behaviors, impacts, and costs that threaten it. With thoughtful policy, strategic investment, and continued collaboration, Maine can preserve the open-land ethic that sets it apart, ensuring that the State’s forests, fields, and waters remain accessible to current and future generations.

This report provides a roadmap for that future—one that honors Maine’s past, responds to present challenges, and builds a stronger and more sustainable access system for the years to come.

Appendix I. Legislative Resolve

Resolve, Directing the Department of Inland Fisheries and Wildlife and the Department of Agriculture, Conservation and Forestry to Examine Issues Related to Public Access to Privately Owned Lands

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a majority of land in the State is privately owned; and

Whereas, the ability of residents to access these lands is in jeopardy as more and more landowners are closing off access to their land; and

Whereas, urgent action is needed to ensure this trend is reversed; and

Whereas, this legislation must take effect as soon as possible to convene a working group to explore opportunities to increase access and address these issues; 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. Working group. Resolved: That the Department of Inland Fisheries and Wildlife and the Department of Agriculture, Conservation and Forestry, jointly referred to in this resolve as "the departments," shall convene a working group to examine issues related to public access to privately owned land in the State and opportunities to expand this access.

Sec. 2. Working group membership. Resolved: That the working group established under section 1 must be as broadly representative of interested parties and groups as possible, must be geographically representative of the different regions of the State and consists of at least the following 12 members:

1. A representative of a statewide organization representing commercial forest landowners;
2. A representative of a statewide organization representing small woodland owners;
3. A representative of an organization managing recreational access to the North Maine Woods;
4. A representative of a conservation organization that manages land or conservation easements;
5. A representative of an agricultural organization;
6. A representative of a statewide organization representing Maine guides;

7. A representative of the tourism and outdoor recreation industry focused on hiking, wildlife watching, biking, paddling or other popular outdoor pursuits;
8. A representative of a statewide association representing hunters and anglers;
9. A representative of a statewide association representing recreational vehicle users;
10. A representative from the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands;
11. A representative from the Department of Inland Fisheries and Wildlife's landowner relations program; and
12. A representative from the Department of Economic and Community Development.

Sec. 3. Working group chairs. Resolved: That the Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee and the Commissioner of Inland Fisheries and Wildlife or the commissioner's designee serve as cochairs of the working group under section 1 and shall make appointments to the working group as outlined in section 2. The cochairs shall serve as nonvoting members of the working group.

Sec. 4. Working group duties. Resolved: That the working group under section 1 shall:

1. Solicit and explore strategies to provide private landowners with financial incentives to maintain and expand recreational access to important corridors and destinations;
2. Solicit input from a broad range of individuals and businesses involved in outdoor and traditional recreational activities, landowners, outdoor recreation and public access policy experts and the general public to understand the history and value of and issues associated with the State's tradition of public access to public and private property;
3. Develop an assessment of the current and future status of public access to public and private property, with particular attention to current and future outdoor and traditional recreational activities;
4. Bring forth additional discussion points as agreed upon by the working group;
5. Recommend actions and policies that may be implemented to better support public access to public and private property in both municipalities and the unorganized territory; and
6. Evaluate enforcement of existing laws and rules on designated state trail systems.

Sec. 5. Working group staff assistance. Resolved: That the departments shall provide staffing to the working group under section 1 within existing resources and may seek staffing and financial support from other state agencies and private entities to accomplish the working group's work.

Sec. 6. Report. Resolved: That the departments shall report any findings and recommendations resulting from meetings of the working group under section 1 to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Inland Fisheries and Wildlife by February 15, 2026. Each of the committees may report out a bill based on the report to the Second Regular Session of the 132nd

Legislature.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

DRAFT

Appendix II: Members of the Working Group

Resolve, Directing the Department of Inland Fisheries and Wildlife and the Department of Agriculture, Conservation and Forestry to Examine Issues Related to Public Access to Privately Owned Lands

Sec. 2. Working group membership. Resolved: That the working group established under section 1 must be as broadly representative of interested parties and groups as possible, must be geographically representative of the different regions of the State, and consists of at least the following 12 members:

1. A representative of a statewide organization representing commercial forest landowners
Krysta West, Executive Director of the Maine Forest Products Council
2. A representative of a statewide organization representing small woodland owners
Tom Doak, Executive Director of the Maine Woodland Owners
3. A representative of an organization managing recreational access to the North Maine Woods
Bill Greaves, Executive Director of North Maine Woods
4. A representative of a conservation organization that manages land or conservation easements
Kaitlyn Nuzzo, The Nature Conservancy, Director of Government Relations
5. A representative of an agricultural organization
Nick McCrum, Maine Potato Growers
6. A representative of a statewide organization representing Maine guides
James Cote, Maine Professional Guides Association Executive Director
7. A representative of the tourism and outdoor recreation industry focused on hiking, wildlife watching, biking, paddling or other popular outdoor pursuits
Matt Polstein, Owner of New England Outdoor Center
8. A representative of a statewide association representing hunters and anglers
Dennis Keschl, Sportsman's Alliance of Maine
9. A representative of a statewide association representing recreational vehicle users
Al Swett, Maine Snowmobile Association
10. A representative from the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands

Andy Cutko, Director of the Bureau of Parks and Lands at DACF

11. A representative from the Department of Inland Fisheries and Wildlife's landowner relations program

Kris MacCabe, Game Warden Corporal for the Landowner Relations Program at MDIFW

12. A representative from the Department of Economic and Community Development

Jeff McCabe, Director, Office of Outdoor Recreation

Sec. 3. Working group chairs. Resolved: That the Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee and the Commissioner of Inland Fisheries and Wildlife or the commissioner's designee serve as cochairs of the working group under section 1 and shall make appointments to the working group as outlined in section 2. The cochairs shall serve as nonvoting members of the working group.

Co-Chair from DACF: Jo D. Saffeir, Deputy Commissioner for DACF

Co-Chair from IFW: Nate Webb, Wildlife Division Director for MDIFW

Appendix III: Working Group Member Responsibilities and Meeting Norms

Working Group Member Responsibilities

- Make all reasonable efforts to attend all meetings that are scheduled with adequate notice
- In meetings, speak on behalf of your organization and related constituents, explaining interests openly and fully, and look for mutually beneficial solutions.
- Follow through on commitments, such as reading provided background documents in advance of meetings
- Report back to your members and constituents and bring their feedback or unresolved issues to the working group

Working Group Meeting Norms

- Engage in dialogue rather than debate
- Treat others with respect
- Be concise and aim to add, not echo
- Avoid interrupting and side conversations
- Listen with curiosity and openness to learning and understanding
- Focus on issues and interests, not on positions or personalities
- When in doubt, ask for clarification
- Adopt a creative problem-solving orientation

Appendix IV: Meeting Notes

PUBLIC ACCESS TO PRIVATE LAND WORKING GROUP Meeting #1

NOTES

Date/Time: Tuesday, September 23, 1:00-4:00 pm

Location: MDIFW Headquarters, 353 Water Street, Augusta

Participants

- Co-Chair Jo D. Saffeir, Deputy Commissioner, Department of Agriculture, Conservation and Forestry (DACF)
- Co-Chair Nate Webb, Wildlife Division Director, Department of Inland Fisheries and Wildlife (DIFW)
- Andy Cutko, Director, Bureau of Parks and Lands, DACF (a representative of DACF Bureau of Parks and Lands)
- Pat Strauch, Director Emeritus, Maine Forest Products Council (a representative of a statewide organization representing commercial forest landowners); as proxy for Krysta West, Executive Director, Maine Forest Products Council
- Tom Doak, Executive Director, Maine Woodland Owners (a representative of a statewide organization representing small woodland owners)
- Bill Greaves, Executive Director, North Maine Woods (a representative of an organization managing recreational access to the North Maine Woods)
- James Cote, Executive Director, Maine Professional Guides Association (a representative of a statewide organization representing Maine guides)
- Matt Polstein, Owner, New England Outdoor Center (a representative of the tourism and outdoor recreation industry focused on hiking, wildlife watching, biking, paddling or other popular outdoor pursuits)
- Dennis Keschl, Board Member, Sportsman's Alliance of Maine (a representative of a statewide association representing hunters and anglers)
- Al Swett, President, Maine Snowmobile Association (a representative of a statewide association representing recreational vehicle users)
- Corporal Kris MacCabe, Landowner Relations Division, IFW (a representative from the DIFW's landowner relations program)

- Jeff McCabe, Director, Maine Office of Outdoor Recreation (a representative from the Department of Economic and Community Development)

Working Group Members Not Present

- Kaitlyn Bernard, Director of Government Relations, The Nature Conservancy (a representative of a conservation organization that manages land or conservation easements); responded to questions in writing following the meeting
- Nick McCrum, President, Maine Potato Board (a representative of an agricultural organization)

Other Attendees

- Matt Foster, Supervisor, ATV Program, Bureau of Parks and Lands
- 5 members of the public in person
- 28 members of the public connected virtually

Facilitator

Mary Budd, Starboard Leadership Consulting

SUMMARY OF DISCUSSION

Opening

The meeting opened with a brief welcome, introductions of working group members, and recognition of their affiliated groups/constituencies. Nate Webb summarized the concerns and legislative activity that led to the creation of the working group and the group's duties as set forth in LD 1308:

- Maine's unique private land tradition
- Ongoing efforts to help maintain public access
 - Landowner Relations Program
 - Landowner and Sportsman Relations Advisory Board
- 132nd Legislature: Discussion and direction for this working group

The presentation proceeded to detail the working group's duties as defined by statute, the responsibilities of serving as a member of the group, the meeting norms that would support productive discussion, and the anticipated timeline of the process, as follows.

Working Group's Duties

1. Solicit and explore strategies to provide private landowners with financial incentives to maintain and expand recreational access to important corridors and destinations
2. Solicit input from a broad range of individuals and businesses involved in outdoor and traditional recreational activities, landowners, and outdoor recreation and public policy experts and the general public to understand the history and value of and issues associated with the State's tradition of public access to public and private property
3. Develop an assessment of the current and future status of public access to public and private property, with particular attention to current and future outdoor and traditional recreational activities
4. Bring forth additional discussion points as agreed upon by the working group
5. Recommend actions and policies that may be implemented to better support public access to public and private property in both municipalities and the unorganized territory
6. Evaluate enforcement of existing laws and rules on designated trail systems

Responsibilities of Working Group Members

- Make all reasonable efforts to attend all meetings that are scheduled with adequate notice
- In meetings, speak on behalf of your organization and related constituents, explaining interests openly and fully, and look for mutually beneficial solutions.
- Follow through on commitments, such as reading provided background documents in advance of meetings
- Report back to your members and constituents and bring their feedback or unresolved issues to the working group

Working Group Meeting Norms

- Engage in dialogue rather than debate
- Treat others with respect
- Be concise and aim to add, not echo
- Avoid interrupting and side conversations
- Listen with curiosity and an openness to learning and understanding
- Focus on issues and interests, not on positions or personalities

- When in doubt, ask for clarification
- Adopt a creative problem-solving orientation

Process Timeline

- Initial Meeting, September 23, 1:00-4:00 pm
- Two In-Person Meetings in October
 - October 6, 9:00-11:30 am, 4th Floor Conference Room, 106 Hogan Road, Suite 1, Bangor
 - October 23, 1:00-4:00 pm, 1st Floor Conference Room, 90 Blossom Lane, Deering Building, Augusta
- Option for 2 additional meetings in November (Virtual or In Person)
- Report Drafting: December
- Public Comment on Draft Report: January 5-18, 2026
- Final meeting – late January/early February – date TBD
- Final Report Submitted to Legislature February 15, 2026

Facilitated Discussion

Participants actively engaged in discussion in response to three questions. Following is a summary of participants' remarks.

Question 1: If someone were new to Maine, how would you characterize the state's tradition of public access to public and private property and the value of this tradition for your constituency?

- Many newcomers are unfamiliar with the full economic impact
- 96% of Maine's snowmobile trails are on private land
- There are rules governing public use and those who break the rules jeopardize access for everyone
- Maine has a treasured and privileged tradition, and where there is no posting, access is implied
- This tradition is a defining component of what Maine is, but it is fragile; it's a precious commodity, a jewel; Maine's specialness is not assured
- Maine's appeal relies on access
- For Maine Guides, it is the bedrock infrastructure of what we do every day

- There is significant value in maintaining the tradition; the Legislature has invested \$30 million in a trail system that is dependent on access
- Landowners are also land users, and most want to understand what's here and how they fit into Maine's recreational landscape
- Among small landowners, Maine people [year-round residents] post at higher rates than those living primarily out of state
- Local people take access for granted
- Large landowners value tradition but bear the expense of recreation and cannot subsize it or incur major expenses because of it; there is benefit in maintaining good public relations
- Maine's landowner liability law protects landowners who allow public recreational activity on their land
- Maine's tradition of public access has been predictable; perhaps little has changed in public perception, but recreational uses have changed (more motorized i.e. ATVs, e-bikes)
- Rules and regulations can be confusing even for people relatively in the know
- People come to Maine because of Maine's landscape, the vast trail mileage, the connectivity, and the interesting destination points; if one link in the chain is closed off, it can have a huge impact on access
- There are no environmental liability protections
- Conservation organizations and some other landowners who do not use the land or require access for themselves are not incentivized to maintain accessibility-related features of their properties, which represents a shift from the old paper companies
- We are lucky to have this tradition, but we all must act responsibly to maintain the privilege – it is not a right. TNC's constituency relies on this tradition – both for our members and supporters to recreate on and enjoy, and for our stewardship staff who manage the lands and resources we own and protect.

Question 2: What is the greatest challenge your members or constituency are experiencing, or their highest concern, related to public access to private lands?

Sustainability

- As the population increases and people want to do more things, how to control the pressure?
- Trail protection: How do we protect our trails to avoid interruption and costly re-routes? Some snowmobile clubs deal with 65 landowners.
- Landowners are very diverse and want different things

- Protect the capacity of Maine wardens who use private lands all the time, to provide their services in the future. The expectations and interests of visitors versus landowners have increased pressure on North Maine Woods to act on behalf of landowners
- The expense of maintaining roads and safety
- Recent storms highlighted clubs' limited funding and the significant cost of maintenance
- Quality of access (roads, bridges, turn-outs) is an issue on both public and private lands
- Physical condition of the Golden Road: much of the land ownership has changed and maintenance has suffered, which has had a huge impact on access
- Gates are more prevalent where contractors are working, especially at certain times of year
- TNC is very interested in supporting landowners of all sizes in keeping their lands open to the public and we have worked to try to make changes to the current use tax programs – specifically Open Space – to motivate landowners

New recreational uses

- Land users and uses are changing, and landowners are seeing more intrusive uses of their land which is not what they signed up for; for many, large ATVs are intolerable
- Crowd-sourcing apps: Some have relationships with landowners regarding capacity and access, but some don't, which leads to problems
- Events like rally rides can be opportunities to connect with landowners but they need to be managed (they can lead to significant future use that wasn't anticipated by landowners)
- Larger rooftop campers and vans are becoming more prevalent, bringing users who stay for extended periods and limit access to shorter-term visitors

Policy/Education/Enforcement

- Litter
- How to address the “bad actors?” Education? Penalty?
- Enforcement and efficient prosecution: Restitution requires prosecution, but few cases make it that far as many courts regard cases as de minimis
- Ensure the predictability of land use policies, which seem to change from year to year with differences based on use and region

Question 3: Understanding the Departments' charge and the limited time to accomplish it, what desired outcomes do you hope will be achieved through this process?

Financial Supports

- Cost-share arrangements to support maintenance would be popular among small landowners; the majority of landowners want cost sharing
- Need to deliver financial benefits for landowners; a tax incentive would be fairest considering users and general benefit
- North Maine Woods has no access to funding streams available to 501(c)3 organizations
- Maintain what is working well but make the experience better for landowners

Increased Awareness

- Leverage opportunities for education and shared messaging to improve the experience for visitors and hosts
- Having the public recognize the benefits of access
- More integration/discussion of how public and private interests intersect to ensure mutual benefit
- More educated and appreciative users
- Expanded support for DIFW's Landowner Relations program and staff, investments in their ongoing communications and educational resources

New Data and Analysis

- An analysis of high-use recreational types
- With the Trails Bond, need to consider the location of new trails strategically to optimize quality of place, differentiating between urban and rural landscapes
- Look at places that can support more visitors and where there is overuse
- Assurance that trails will be there for the long term
- Alleviate pressure on natural resources

Effective Management

- Figure out a way to support landowners. The landowners' side seems neglected. It should be considered in programming, approach, and financing.
- Large landowners don't want to be in the recreation management business, so some entity needs to alleviate that burden, and there needs to be a way that the Departments can ensure enforcement
- Increased penalties for violators

Public Comments

- We need a new paradigm, a larger solution involving land trusts for how to handle major infrastructure improvements

- Look for ways to work at the grassroots, e.g., We have just completed a two-year project with deeded public access working hyper local in Midcoast Maine off Route 17 and it's been working fine.
- Consider the impact of recreation on wildlife and the need for enforcement to ensure protection
- Could FEMA funding be used for rain damage on private lands?
- Divisive language and the media's use of "bad actors" are not helpful
- For ATVS, it's the "optics" when you see videos of ATVs plowing through mudholes, that's what sets people off. Perhaps use swamp mats.
- Motorized recreation users see our gas tax funds being used by non-motorized groups who have no funding sources but want money for trails that don't allow motorized recreation
- Trail easements would be a means to protect recreational trails
- More people these days are wanting to watch our wildlife rather than shoot them, and they deserve to be respected. It could mean the difference between opening up their land to trails (only) and completely closing their land off.

Follow-up and Possible Research Needs

- Examine the details of the landowner liability law. What constitutes a violation?
- Review prior relevant reports for historical information on uses, and to pull forward potentially relevant recommendations.
- Describe/analyze trends in recreational user groups.

PUBLIC ACCESS TO PRIVATE LAND WORKING GROUP
Meeting #2

NOTES

Date/Time: Monday, October 6, 9:00-11:30 am

Location: 106 Hogan Road, Bangor

Participants

- Co-Chair Jo D. Saffir, Deputy Commissioner, Department of Agriculture, Conservation and Forestry (DACF)
- Co-Chair Nate Webb, Wildlife Division Director, Department of Inland Fisheries and Wildlife (DIFW)
- Andy Cutko, Director, Bureau of Parks and Lands, DACF
- Krysta West, Executive Director, Maine Forest Products Council
- Bill Greaves, Executive Director, North Maine Woods
- James Cote, Executive Director, Maine Professional Guides Association
- Matt Polstein, Owner, New England Outdoor Center
- Dennis Keschl, Board Member, Sportsman's Alliance of Maine
- Al Swett, President, Maine Snowmobile Association
- Corporal Kris McCabe, Landowner Relations Division, DIFW
- Jeff McCabe, Director, Maine Office of Outdoor Recreation
- Kaitlyn Bernard, Director of Government Relations, The Nature Conservancy
- Nick McCrum, President, Maine Potato Board
- Jennifer Hicks, Director of Communications and Outreach, Maine Woodland Owners, proxy for Working Group member Tom Doak

Other Attendees

- 2 members of the public in person
- [insert #] members of the public connected virtually

Facilitator

Mary Budd, Starboard Leadership Consulting

SUMMARY OF DISCUSSION

Opening

The meeting opened with fresh introductions of working group members, recognition of their affiliated groups/constituencies, and a brief recap of the group's initial discussion. Reflecting on that conversation, participants noted:

- Landowners' concerns are rooted in cost and liability
- Over the last five years, Northern Maine has seen more woodland parcels moving to people from out of state who seem lenient with ATVs but restrict hunting
- Agricultural lands are not experiencing a lot of dumping from the trails, and the trails in Aroostook are still healthy
- Large ATVs don't seem to be a big issue for Northern Maine agricultural owners, which could reflect a difference between north/south, urban/rural.
- The wardens are not seeing much difference between regions. "It's all about access."
- Access for traditional uses has remained unchanged. Gates are designed to contain ATVs.
- There's a difference between laws and policies and landowners' desires. What is the enforcement vehicle for policies and landowners' wishes?
- Non-motorized recreation is increasing, especially with e-bikes and some landowners are responding with use restrictions

Mary presented the objectives of the meeting as follows:

- Identify available, recent, and reliable data to help assess the current status of public access to private property for outdoor and traditional recreational activities; and information gaps
- Evaluate education initiatives and Maine's system of enforcement
- Explore strategies to provide private landowners with financial incentives to maintain and expand recreational access to important corridors and destinations

Facilitated Discussion

Discussion unfolded in response to questions concerning three topics. Following is a summary of participants' remarks.

Topic 1: What do we have at our collective disposal to assess the current status of public access to private property for outdoor and recreational activities? What additional information is needed for comprehensive assessment?

- North Maine Woods (NMW) has accumulated data and indications of trends
 - 3.5 million acres, including private, industrial, and state park lands
 - Data on traditional uses including hunting, fishing, canoeing, camping, and visiting
 - Can pull data on vehicles but ATVs are not allowed in NMW

- Whitewater rafting industry has been in decline, so fees have declined in recent years, but user data is available
- Data from licensing: hunting and fishing licenses (increasing), ATVs (increased sharply then flattened but still rising), and snowmobiles (declining)
- 35% increase in Outdoor Partner Program, which provides assistance for landowners, including special details and signage (including a new “No Access” sign which can gauge landowners’ desire to limit access completely)
- Wardens respond to ATV misuse as it is reported
- Maine Office of Tourism data
- Outdoor Industry Association (OIA) could be helpful to gauge trends in ATVs, RVs, vans, and e-bikes
- Cell phone data
- Street light data (can be challenging)
- Data regarding the economic impact of activities will be important
- We need a status assessment with various constituencies to determine needs and make projections and prioritize resources
- It would be helpful to see how cultural changes have been addressed by other states and lessons learned elsewhere, though Maine’s landscape is unique

➤ The group determined that it has enough data and a sufficient understanding of the issue to proceed in fulfilling its charge, but more work remains to collect all available data, analyze collectively, and interpret.

Topic 2: How is Maine’s tradition of public access to private land and the state’s existing laws and rules currently communicated among your members and constituencies? What do you perceive as strengths and weaknesses in Maine’s system of enforcement (both formal and informal)?

Messaging

- Clubs provide good landowner support, including signage
- NMW employs publications, website, social media, articles in sporting journals, check-point communication
- Wardens use social media a lot along with traditional outreach, e.g., sportsmen shows
- In the ATV and snowmobiles worlds, there’s lots of recognition of landowners
- Tourism and hospitality industry businesses are responsive to problems but not proactive
- DACF uses the same tools as IFW (social media, website, etc.) but needs new strategies to reach violators
- IFW does a great job with safety programs

- Snowmobile clubs provide safety education and signage
- DECD has revamped Look Out for ME, including Leave No Trace, which is a recognized brand
- Through partnerships, DECD has funded Maine Trail Finders; Bike Coalition of Maine is helping identify trails (through crowd-sourcing); Maine Tree Foundation has updated its brochure; Outside with Others
- Need to push people toward public versus private lands and under-visited areas (Note: There is vastly more private land than public land.)
- Reference Maine's successful effort to reduce drinking and riding as an potential approach to discourage "western-style" snowmobiling which is not conducive to Maine trails
- Need more education for landowners regarding liability laws and the protections in place
- Need to educate even long-time users on changes
- Town clerks need to understand the laws and regulations (Wardens meet with Maine Municipal Association and the clerks.)
- Need to educate courts and judges as there is little appetite for criminal action

➤ Consider a recommendation for funding a robust multifaceted marketing and communications initiative.

Enforcement

- Lack of enforcement increases the prevalence of problems
- Once caught, violators need to know there will be consequences
- The courts need to act but they're overwhelmed and often don't understand the issues
- Need to engage vehicle dealers who are only realizing the upside from sales
- Need visible enforcement
- Loss of license is a serious penalty
- Restitution is an important component
- Oversized ATV owners get a letter from the warden service, but nothing goes to the towns; large ATV purchasers can present incomplete information to the clerks; there is no prohibition against selling oversized ATVs but the seller is supposed to notify the buyer of usage limits (Note: Other entities are focused on ATVs.)

➤ Explore viable alternative path to justice, e.g., traffic court model. Engage towns, courts, and district attorneys in developing a solution.

Topic 3: With reference to strategies employed in other states, what types of funding mechanisms do you consider most promising in incentivizing landowners to maintain public access for a broad range of uses?

Nate Webb prefaced this segment of the discussion by acknowledging financial programs in western states that support landowners in opening land for hunting and reminding participants of the Maine law prohibiting leases for hunting (which some people have circumvented in creative ways). He noted that direct financial incentives to landowners to allow public access would be precedent-setting in Maine.

Working group members offered the following thoughts in response to the question.

- Purchasing of easements (as in Vermont and Quebec), which would have to be coordinated with trails
- Cost-share arrangements to support maintenance
- Maintenance of the main arteries, including the Golden Road, is essential, but need to figure out how to fund
 - Privately owned
 - Private owners are reluctant to give the state any rights to land, so easements won't work for all
- Requests for funding through the Trails bond already far exceed capacity
- Tree Growth Tax Law: Roads and trails are excluded from acreage calculations which means that landowners do not receive a tax credit for that acreage; Maine Forest Products Council expressed firm opposition to any reworking of the law
- Recreational users should pay their fair share
- Fund would have to be voluntary
- User fees are a possible option but NMW is unsure what would be an acceptable amount (NMW currently pays for staffing and infrastructure almost entirely through fees, but fee revenue does not cover road maintenance)
- The rafting industry pays a lot to use a limited portion of the roads
- Taxes on outdoor goods, new or diverted, would spread the cost widely, but it would be a challenge to define appropriate taxable items
- Sales tax, new or diverted
- Increased lodging tax
- A federal bill to fund non-game recreation may be reintroduced in the future
- The Open Space Current Use Tax Program could be considered as a tax incentive vehicle in the future

➤ Develop a solution for Golden Road maintenance, possibly involving a cost-share to help with capital investment, considering DECD's Emergency Relief Fund as a model

- Explore other cost-sharing models that could offer financial support for landowners more broadly:
 - Project on the Bemis Road, which was envisioned as a model for cost-sharing, but landowners have not stepped up to take advantage. Where does that project live and how is it administered?
 - NRCS RCPP is a partnership between the federal government, TNC, and landowners
 - Culvert bond municipal projects (state helps cover cost)

Public Comments

- Is there a way to charge landowners who do not allow access?
- Could public roads of no interest to the state be transferred to private landowners?
- FSM worked successfully with a private landowner on a portion of the Golden Road
- Landowners on the Golden Road previously agreed not to charge one another tolls
- Who has the rights to do the work on the Golden Road?
- Create safety zones (where no hunting is permitted) and trail cameras for landowners who are reticent to share access
- There used to be access seeker survey data, and it would be helpful to resume collection of such information
- Attitudes around hunting are changing and we're not hitting our quotas
- Should education be required for licensure?
- Allow landowners to register a certain number of hunters for access and attach an administration fee
- Clubs rely on volunteers to reach people, which is limiting, so stronger partnerships would help, e.g. with Maine Realtors Association, district attorneys, middle schools, vehicle dealers
- Filling Warden Service vacancies is critical to increasing enforcement capacity

PUBLIC ACCESS TO PRIVATE LAND WORKING GROUP
Meeting #3

NOTES

Date/Time: Thursday, October 23, 1:00-4:00 pm

Location: 90 Blossom Lane, Deering Building, Augusta

Participants

- Co-Chair Jo D. Saffir, Deputy Commissioner, Department of Agriculture, Conservation and Forestry (DACF)
- Co-Chair Nate Webb, Wildlife Division Director, Department of Inland Fisheries and Wildlife (DIFW)
- Kaitlyn Bernard, Director of Government Relations, The Nature Conservancy
- James Cote, Executive Director, Maine Professional Guides Association
- Andy Cutko, Director, Bureau of Parks and Lands, DACF
- Tom Doak, Executive Director, Maine Woodland Owners
- Bill Greaves, Executive Director, North Maine Woods
- Dennis Keschl, Board Member, Sportsman's Alliance of Maine
- Corporal Kris MacCabe, Landowner Relations Division, DIFW
- Jeff McCabe, Director, Maine Office of Outdoor Recreation
- Nick McCrum, President, Maine Potato Board
- Matt Polstein, Owner, New England Outdoor Center
- Al Swett, President, Maine Snowmobile Association
- Krysta West, Executive Director, Maine Forest Products Council

Other Attendees

- Emily MacCabe, Director of Information and Education, DIFW
- Tim Peabody, Deputy Commissioner, DIFW
- Six members of the public in person
- Eight members of the public connected virtually

Facilitator

Mary Budd, Starboard Leadership Consulting

SUMMARY OF DISCUSSION

Opening

The meeting opened with fresh introductions of working group members and confirmation that everyone had read the draft recommendations in advance of the meeting and was prepared to discuss. Tom Doak noted a lack of prior discussion around increasing recreational usage of public lands and the potential to take pressure off private lands through concerted efforts to redirect.

Mary presented the objectives of the meeting as follows:

- Achieve consensus regarding the general recommendations to be set forth in response to LD 1308
- Determine any additional information or actions needed to support the development of a draft report and recommendations

Facilitated Discussion

Discussion unfolded in response to the recommendations drafted jointly by the working group's co-chairs and organized categorically to address potential education and enforcement initiatives, financial incentives for landowners, new funding sources, necessary legislative changes, and other issues. Following is a summary of participants' reactions and suggestions.

Education

- Messaging about Maine's tradition of public access to private lands is great; getting it out to the public is the challenge
- Clear, concise and consistent messaging is essential
- Emily MacCabe spoke to DIFW's comprehensive approach to communication, which includes direct contact with users and paid advertising to reach a broader audience
- By partnering with others and having the same message come from other sources, DIFW could expand its reach
- Need to explore potential partnerships and determine the best messenger
- Messaging must include the use of public lands
- Coordinate with the Office of Tourism to reach audiences in state and beyond (ref. Look Out for ME program, originally established to communicate safety protocols and updated to include Leave No Trace and messages of gratitude for private landowners)
- Work with Outside Inc. magazine
- North Maine Woods largely relies on its Land Use Agreement to communicate rules, policies, and expectations
- The working group could remain intact to support ongoing communication and collaboration

- Add a recommendation to increase promotion of public land, focusing on attractive underutilized places that could handle increased use
- Increase awareness of the liability law among new and longstanding landowners recognizing the need for better understanding across the board
 - Partner with the Realtors Association
 - Communicate via property tax bills
- Some say the liability law does not offer sufficient protection
 - If a contract is in place, indemnification clauses supersede the law
 - Some homeowners insurance companies require education
- The Warden Service currently engages with town clerks; consider ways to increase peer-to-peer education
- Prominent physical displays are effective and could be used to highlight penalties
- Call-out violations/violators to demonstrate attention to offenses and seriousness
- Educate landowners that they don't have to issue all-or-nothing bans; single users/bad actors can be banned
- Use of rooftop campers, vans, and e-bikes is increasing so messaging should target those users
- Concise messaging around what constitutes a “good user”: Behave as if it's your own land
- Messaging should encourage engagement of younger users in clubs as many club leaders and active participants are aging
- Messaging must be carefully crafted to avoid offending landowners
- Messaging should incorporate more economic impact data (need to get into a pattern of updating data, developing a trails inventory, and sharing)

Enforcement

- More enforcement *action* is needed; convictions are essential
- Hire more forest rangers
- Fund “Conservation Court”
 - Ref. Administrative Procedures Act, Section 80C
 - DIFW is making this issue a priority
- There is no need to update rules regarding rooftop vans; it's all about enforcement
- North Maine Woods struggles to enforce its policy regarding vehicles that are left for long periods, which is a trespass issue
- Increase fines for violators
- Penalties are sufficient but need to be enforced

- Currently, resources are allocated disproportionately to more populated areas and staff are needed in the North Maine Woods and other remote areas
- There needs to be designated funding for wardens in highly populated areas, so they are a visible deterrent
- Increase the use of tech tools to support enforcement

Financial Incentives

- Maine Forest Products Council believes cost-share arrangements should be voluntary
- Snowmobilers would help maintain and repair key arteries if there were a 16' trail on one side
- Identify key arteries beyond the Golden Road, e.g., Northern Road
- Include public land needs in identifying main arteries
- The agreement on the Bemis Road may serve as a good model
- Addressing key road arteries could be viewed as a simple expansion of the concept of trails, i.e., “trails” should include private roads
- Who would execute the work on key roads, landowners’ contractors, the state, clubs?
- Need a fund for capital improvements, including emergency projects
- Develop a state program to fund and implement *outdoor recreation infrastructure* maintenance on private land (campsites as well as restrooms, etc.)
- It is important to reimburse landowners for the cost of repairing damage (assist landowners in managing public use)

Potential Funding Sources

- Explicitly acknowledge landowners’ unwillingness to fund maintenance for recreational trails themselves, unless it is also needed for management purposes
- Public lands are supported by timber revenue and funding has decreased as the industry has declined
- Northern Border Regional Commission is a possible source of one-time funding
- A big pot of money is needed for big projects, e.g., arteries, which could be generated through a bond or similar
- Impose cost on users, e.g., access fees
- Maine Forest Products Council would oppose a Public Trail Access Tax Incentive Program
- Change the flat fee structure for ATV users to range depending on size/power, like outboard motors
- There is openness to generating more funding through snowmobiles and ATVs and legislation is currently pending

- Tax items clearly related to outdoor use, likely to meet resistance from retailers, or introduce voluntary fees
- Consider reallocation versus a new tax
- Draw on surpluses, adding these uses to the cascade
- Access easements are part of the Trails Bond but may not be broadly applicable
- Increasing the lodging tax would not be palatable
- A tax on snowmobile and ATV dealers would be acceptable but would not capture many users
- Consider a real estate transfer tax like that targeted to public housing
- Need cost projections and analyses to determine best potential funding sources
- Need to articulate where the money would go, e.g., enforcement, road maintenance, public lands, landowner compensation
- Public investment will be essential to convince landowners of the public value
- Is there a way to consider other related needs, similar to the multi-purpose structure of the Maine Outdoor Fund?
- Consider how to capture support from the many users who are currently “freeloaders”
- Other states are making money by selling access rights

Legislation

- Environmental audits risk certification status, so there needs to be a mechanism to reimburse landowners for bringing trails back into compliance
 - Needs to include a notification provision
 - Remediation Fund
- The liability law may need strengthening or landowners could choose to avoid risk entirely by banning public access
- There was a federal program in the last Farm Bill supporting landowners, and programs in western states, which could serve as models

Other

Permanent easements on trails would be a problem without provisions for harvesting and recognition that sometimes trails need to be closed temporarily

Public Comments

- Need to reach/engage small landowners with gaining infrastructure
- Land trusts, which are private landowners, have lots of tools to deal with these issues and they

- Struggle with long-term seasonal inhabitants
- See concern among new easement holders regarding the liability law
- Can help with messaging and mitigation

DRAFT

PUBLIC ACCESS TO PRIVATE LAND WORKING GROUP
Meeting #4

NOTES

Date/Time: Thursday, November 20, 9:00 am-12:00 pm

Location: MDIFW Headquarters, 353 Water Street, Augusta

Participants

- Co-Chair Jo D. Saffir, Deputy Commissioner, Department of Agriculture, Conservation and Forestry (DACF)
- Co-Chair Nate Webb, Wildlife Division Director, Department of Inland Fisheries and Wildlife (DIFW)
- Kaitlyn Bernard, Director of Government Relations, The Nature Conservancy
- Andy Cutko, Director, Bureau of Parks and Lands, DACF
- Tom Doak, Executive Director, Maine Woodland Owners
- Bill Greaves, Executive Director, North Maine Woods
- Dennis Keschl, Board Member, Sportsman's Alliance of Maine
- Corporal Kris MacCabe, Landowner Relations Division, DIFW
- Jeff McCabe, Director, Maine Office of Outdoor Recreation
- Nick McCrum, President, Maine Potato Board
- Matt Polstein, Owner, New England Outdoor Center
- Al Swett, President, Maine Snowmobile Association
- Krysta West, Executive Director, Maine Forest Products Council

Other Attendees

- Nicole Lazure, Outdoor Recreation Planner, DACF
- Tim Peabody, Deputy Commissioner, DIFW

Facilitator

Mary Budd, Starboard Leadership Consulting

SUMMARY OF DISCUSSION

Opening

The meeting opened with fresh introductions of working group members, a reminder of group norms, and a brief discussion of next steps. The group decided to circulate the draft report among members at the end of December, prior to its release for public comment.

Overview of SCORP

Nicole Lazure, Outdoor Recreation Planner, DACF, provided an overview of the Maine State Comprehensive Outdoor Recreation Plan (SCORP), which qualifies Maine to receive federal Land and Water Conservation Funds, satisfies state legislative requirements, and helps guide decision making at the Bureau of Parks and Lands.

A steering committee formed earlier this year to lead the planning process that will inform the development of the next 2025-2035 SCORP, which will be published in September 2026. Several members of the LD 1308 working group serve on the SCORP steering committee and there is significant overlap of interests.

The SCORP steering committee and the LD 1308 working group will share their respective draft reports to ensure alignment and appropriate consideration of key findings.

Facilitated Discussion

Discussion unfolded in response to the revised recommendations drafted jointly by the working group's co-chairs and organized categorically to address potential education, outreach and enforcement initiatives; financial incentives for landowners; potential funding sources; necessary legislative changes, and other issues. Following is a summary of participants' reactions and suggestions.

Education and Outreach

- Per Maine Forest Products Council, landowners don't want changes to the liability laws, feeling they are sufficiently protective, but favor more education regarding the laws
- Wardens hear from some that the laws are insufficient, indicating possible perception problems
- Support for engaging realtors and town clerks especially
- Concerns around additional protections/added coverage provided by clubs
- Per Maine Woodland Owners, clarify that these changes will come through state-led efforts with involvement of the landowners
- Broaden the number of messengers and engage more ambassadors, e.g., Land Owner Relations Advisory Board

- Identify the state agencies already positioned to implement
- Identify which initiatives are aligned with current efforts and existing resources and which will require new fiscal notes
- Identify existing funding/financial resources to support education and outreach
- Outreach/engagement efforts need to be tailored to suit generational preferences

Enforcement

- Implementing an alternative enforcement system is the critical piece
 - Ignoring this need would represent a failure to landowners and leave them no alternative but to close their lands
 - An alternative system would free-up an overburdened judicial system as an added benefit
- Recognize forest rangers' priority: fire protection
- Strengthen targeted enforcement
- Incorporate prevention efforts in Education and Outreach

Financial Incentives

- Clarify that this section addresses (1) emergency/one-time needs, (2) ongoing maintenance needs, and (3) infrastructure projects
- New legislation would be required to establish a new funding source
- Clarify that private landowners are not expected to maintain trails and the only roads that would warrant public investment would be those serving a public interest
- When public funding is involved, agreements must provide assurances or “strings” for landowners

Potential Funding Sources

- Maine Snowmobile Association is opposed to tax initiatives
- Per New England Outdoor Center, taxes threaten to divide users and industries whereas a new bond initiative could mobilize voters to support the preservation of access (and help avoid negative economic impact of losing access)
- Maine Woodland Owners would favor a mechanism that imposes costs on “free riders”
- Other states, including Massachusetts and Texas, are finding creative, popular ways of funding outdoor recreation
- Tiered vehicle fees:
 - MSA opposes (timing issue)
 - New England Outdoor Center would be open to it

- Revenue should go directly to the Trails Fund
 - Likely to be addressed through the ATV working group
- Traditional bonds are non-sustainable
- Straight General Fund allocation is most sustainable
- More conversation is needed to delve into the costs, potential revenue available through various streams
- A comprehensive fiscal analysis may not be necessary but need to assess the costs of key initiatives requiring new funding
- Per Maine Forest Products Council, programs must be voluntary
- Funding is needed to support landowners, who do not want to manage recreation (edit language)
- A voluntary fund to offset road maintenance would be meaningful for landowners for whom illegal dumping is the biggest problem
- Consider non-financial incentives for landowners as well
- Funding is needed for strategic land acquisition
- Engage in a broader conversation involving the full spectrum of needs
- The report should avoid advocating for or against specific funding solutions but rather state forcefully the group's shared belief that the state must make a substantial long-term commitment to preserve access, which will come at a cost (and specify recommended initiatives areas where significant costs would be incurred, e.g., creation of an alternative enforcement system, fund to offset road maintenance including major arteries)

Legislation

- Delete “Review and strengthen landowner liability laws...”
- Need to support landowners in bringing property up to code while the state pursues violators, and allow for occasions when violators cannot pay, e.g., funding set aside in Offroad Program
- Clarify that landowners should not bear any responsibility for designated state trails

Other

- Some private landowners lease land to groups then deny access to the public
- Access challenges are arising in coastal areas as well
- Burnt Jacket incident illustrates the shifting landscape and challenges likely to come

Public Comments

- Access challenges are visible in Central Maine where some property owners are driven solely by investment opportunity. Is there a way to offer tax incentives to encourage access?
- Lodging and hospitality industry feels heavily taxed, and many patrons are not primarily outdoor enthusiasts, e.g., wedding guests.
- More support is needed for outdoor recreational infrastructure, and funding conversations should not be siloed. Municipalities are in great need of funding support, and Maine should refer to other states as models for creating a sustainable Outdoor Recreation Fund. (Ref. materials shared by Doug Beck, Grants & Community Recreation Program Manager, DACF)
- Make fines/penalties commensurate with the crime to support enforcement.
- [Add comments from Chat from Carla Ritchie]

Next Steps

- November 21-December 21: Finalize draft recommendations and report
- December 22-January 2: Working group reviews draft recommendation and report and shares feedback and any comments in writing
- January 5-16: Public comment period
- January 26, 9:00-10:30 am: Final meeting of the working group (via Microsoft Teams) to discuss public comments and achieve consensus on final recommendations