

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 73

H.P. 69

House of Representatives, January 11, 2005

**An Act To Prohibit the Federal Government from Owning Property
in the State Not Specifically Authorized in the United States
Constitution**

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JOY of Crystal.

Cosponsored by Representatives: CROSTHWAITE of Ellsworth, FLETCHER of Winslow, JODREY of Bethel, RICHARDSON of Skowhegan, SAVIELLO of Wilton, SHERMAN of Hodgdon, VAUGHAN of Durham, Senator: WOODCOCK of Franklin.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 12 MRSA c. 209**, as amended, is repealed.

6 **Sec. 2. 33 MRSA c. 43** is enacted to read:

8 **CHAPTER 43**

10 **FEDERAL GOVERNMENT ACQUISITION OF REAL PROPERTY IN STATE**

12 **§2001. Consent given only for enumerated purposes**

14 The consent of the Legislature is given in accordance with
16 United States Constitution, Article I, Section 8 to the
18 acquisition by the United States of title to any real property in
20 this State acquired for the erection of forts, magazines,
arsenals, dockyards and other needful buildings. The United
States may not acquire title to own real property in this State
for any purposes other than those enumerated in this section
without the consent of the Legislature.

22 **Sec. 3. Process for transfer of land ownership to State.** By January
24 1, 2007, the Department of Administrative and Financial Services,
26 with input from the Department of Conservation, shall recommend
28 to the joint standing committee of the Legislature having
30 jurisdiction over property matters a procedure for the transfer
to the State of title to all land in this State that is owned by
the United States and that is not used for the purposes
enumerated in the Maine Revised Statutes, Title 33, section 2001.

32 **SUMMARY**

34 This bill prohibits the United States from owning or
36 acquiring land in this State unless the ownership of the land is
expressly authorized by the United States Constitution. It also
38 directs the Department of Administrative and Financial Services
and the Department of Conservation to recommend to the joint
standing committee of the Legislature having jurisdiction over
40 property matters a procedure for transferring to the State all
land that is owned by the United States and that is not
42 authorized by the United States Constitution. The bill also
repeals sections of law that authorize the United States to
44 acquire land in the State for national forests.