

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1395

S.P. 484

In Senate, March 22, 2005

An Act Regarding National Forests

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator RAYE of Washington.

Cosponsored by Representative McLEOD of Lee and

Senators: ANDREWS of York, BRYANT of Oxford, CLUKEY of Aroostook, DAMON of Hancock, DAVIS of Piscataquis, MARTIN of Aroostook, MILLS of Somerset, NUTTING of Androscoggin, PLOWMAN of Penobscot, ROSEN of Hancock, SNOWE-MELLO of Androscoggin, TURNER of Cumberland, WESTON of Waldo, Representatives: ANNIS of Dover-Foxcroft, BRYANT-DESCHENES of Turner, CARR of Lincoln, CLARK of Millinocket, DUCHESNE of Hudson, EDGECOMB of Caribou, FISCHER of Presque Isle, FLETCHER of Winslow, FLOOD of Winthrop, HOTHAM of Dixfield, JACKSON of Fort Kent, JENNINGS of Leeds, JODREY of Bethel, JOY of Crystal, KAELIN of Winterport, LUNDEEN of Mars Hill, MAREAN of Hollis, McFADDEN of Dennysville, MERRILL of Appleton, MILLS of Farmington, PARADIS of Frenchville, PERRY of Calais, PIOTTI of Unity, RICHARDSON of Greenville, RICHARDSON of Skowhegan, SAVIELLO of Wilton, SHERMAN of Hodgdon, TARDY of Newport, THOMAS of Ripley, TWOMEY of Biddeford.

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

4 **Sec. 1. 12 MRSA §751** is repealed.

6 **Sec. 2. 12 MRSA §752** is amended to read:

8 **§752. Federal rules and regulations**

10 Power is conferred upon the Congress of the United States to
12 pass such laws and to make or provide for the making of such
14 rules and regulations, of both a civil and criminal nature, not
16 inconsistent with any of the provisions of this section and
18 ~~sections-751-and~~ section 754, and provide punishment therefor, as
20 in its judgment may be necessary for the administration, control
22 and protection of such lands as are acquired by the United States
24 under said sections. Such laws, rules and regulations shall may
26 not in any way supersede, invalidate or modify any of the laws of
28 the State of Maine respecting the storage, control, use or
30 development of water resources in the State, or the Mill Act, so
32 called. Said laws of the State of Maine as existing on March 20,
34 1934, or thereafter enacted, are made applicable to all lands
36 acquired under this section and ~~sections-751-and~~ section 754,
38 notwithstanding the title thereto shall must be in the United
States of America, nor shall may such laws, rules and
regulations, nor shall may anything in said sections in any way
limit the power of the State through its Legislature to pass any
legislation, either general or specific, respecting the storage,
control, use or development of the water resources thereon, or
respecting the laws of the State pertaining to fishing and
hunting, nor shall may it prevent the flowage of lands acquired
under this section and ~~sections-751-and~~ section 754 in accordance
with the Mill Act, or special charter, or other general laws of
the State, upon payment of compensation therefor, nor shall may
any consent of the United States of America be required to enable
action to be taken under or in accordance with said laws. The
State expressly reserves the jurisdiction of the courts of the
State with respect to the determination of questions arising
under said laws respecting lands so acquired by the United States
of America.

40 **Sec. 3. 12 MRSA §753**, as amended by PL 1975, c. 531, §1, is
42 further amended to read:

44 **§753. State consent to acquisition of national forests**

46 Subject to the Act of Congress of March 1, 1911, 36 Statutes
48 961, known as the Weeks Act, and Acts amendatory thereof and
50 supplemental thereto, the consent of the State of Maine is given
upon the payment of adequate compensation ~~not-exceeding-300,000~~

2 acres of land within the Counties of Hancock and Washington and
that part of Penobscot County easterly of the Penobscot and
4 Mattawamkeag Rivers, and not exceeding 300,000 acres of land in
that part of Aroostook County which lies south of the following
6 line, to-wit: Commencing at the northwest corner of Township 7,
Range 5 in Aroostook County, and running thence easterly along
the north line of said township and the continuation thereof
8 easterly to the east line of Aroostook County or international
boundary line, and such lands within that portion of Oxford
10 County included within purchase unit boundaries of the White
Mountain National Forest on July 5, 1935, all in this State as
12 are suitable for national forest purposes, and not over 2,000
acres in Cumberland County for preserves for the protection and
14 conservation of migratory birds; but no such acquisition shall
may be made against the protest of any owner. Sections 751, 752
16 and 754 shall do not apply to any lands acquired under this
section and section 755. This section as it relates to Oxford
18 County shall be is limited to such acquisition as shall have has
been actually acquired prior to the effective date of this Act
20 and no further land in Oxford County shall may be acquired after
such date, unless such acquisition is approved by the voters of
22 the municipality in which such land, in whole or in part, is
located.

24 **Sec. 4. 12 MRSA §754** is amended to read:

26 **§754. Limitations on state consent**

28 The consent of the State of Maine to the United States of
30 America to the acquisition of lands within the State by the
United States of America for the establishment, consolidation and
32 extension of national forests or any lands of a riparian nature
or any lands with riparian rights appurtenant thereto or which
34 that are necessary for any hydraulic development within this
State is limited to the consent granted by this section and
36 ~~sections 751 and~~ section 752, and when such lands are acquired by
the United States of America they shall must be held subject to
38 all of the provisions of said sections so long as the ownership
thereof is retained by the United States of America.

42 **SUMMARY**

44 This bill removes language that gives the consent of the
State to the acquisition by the Federal Government of land that
46 the Federal Government determines is needed for national
forests. The bill also removes language that gives the consent
48 of the State to the acquisition by the Federal Government of land
in Hancock and Washington counties and in parts of Penobscot and
50 Aroostook counties for national forests.