

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 735

H.P. 477

House of Representatives, February 25, 2025

An Act to Protect Sand Dunes on Sears Island and to Establish Criteria for Legislation Regarding Land Development

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative PAUL of Winterport.
Cosponsored by Senator GROHOSKI of Hancock and
Representatives: COLLINS of Sidney, DANA of the Passamaquoddy Tribe, HAGGAN of
Hampden, SIMMONS of Waldoboro, SOBOLESKI of Phillips, STROUT of Harrington,
WHITE of Guilford, WHITE of Ellsworth.

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

2 **Sec. 1. 38 MRSA §373** is enacted to read:

3 **§373. Land development legislation in conflict with United States Environmental**
4 **Protection Agency regulations**

5 Any legislation proposing to enact a measure regarding the development of land that is
6 in conflict with United States Environmental Protection Agency regulations may be:

7 **1. Sponsorship.** Sponsored only by a member of the House of Representatives or
8 Senate who represents the district affected by the legislation; and

9 **2. Two-thirds vote.** Enacted only with a 2/3 vote of the Legislature.

10 **Sec. 2. PL 2023, c. 643, Pt. YYY, §2** is repealed.

11 **Sec. 3. PL 2023, c. 643, Pt. YYY, §3** is repealed.

12 **Sec. 4. Land development on Sears Island in Town of Searsport.** The
13 Department of Transportation, the Department of Environmental Protection, any other state
14 agency or the Governor may not authorize any land development on Sears Island in the
15 Town of Searsport without the Governor first establishing an indigenous lands protection
16 committee and obtaining from that committee a certification that any area to be developed
17 on Sears Island does not contain a site sacred to indigenous people in Maine. The
18 committee must be composed of one representative of the Governor and 5 representatives,
19 one each selected by the tribal government of the following:

- 20 1. The Mi'kmaq Nation;
- 21 2. The Houlton Band of Maliseet Indians;
- 22 3. The Passamaquoddy Tribe at Motahkomikuk;
- 23 4. The Passamaquoddy Tribe at Sipayik; and
- 24 5. The Penobscot Nation.

25 **SUMMARY**

26 This bill repeals the provisions in law that authorize the Department of Environmental
27 Protection to consider and potentially grant a permit under the Maine Revised Statutes,
28 Title 38, section 480-D for construction of an offshore wind terminal on Sears Island in the
29 Town of Searsport to be located on or that will otherwise impact a coastal sand dune system
30 on the island.

31 The bill also repeals the provisions in law that direct the Department of Transportation,
32 in collaboration with the Maine Coast Heritage Trust, to take all reasonable steps to ensure
33 the conservation and protection of a parcel of land in the northwest portion of Sears Island
34 that is approximately 10 acres in size and that includes a coastal sand dune system that is
35 approximately 1 1/2 acres in size.

36 The bill also requires that any legislation proposing to enact a measure regarding the
37 development of land that is in conflict with United States Environmental Protection Agency
38 regulations may be sponsored only by a member of the House of Representatives or Senate

1 who represents the affected district and may be enacted only with a 2/3 vote of the
2 Legislature.

3 The bill also prohibits the State from authorizing any land development on Sears Island
4 without first establishing an indigenous lands protection committee and obtaining from that
5 committee a certification that any area to be developed does not contain a site sacred to
6 indigenous people in Maine.