

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 2
Titles 11 to 13



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
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CHAPTER 209
NATIONAL FORESTS

Sec.

- 751. Acquisition of land by Federal Government; concurrent jurisdiction.
- 752. Federal rules and regulations.
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§ 751. Acquisition of land by Federal Government; concurrent jurisdiction

The consent of the State of Maine is given to the acquisition by the United States of America by purchase or gift, but not by condemnation, of such lands in the State as in the opinion of the Federal Government may be needed for the establishment, consolidation and extension of national forests in the State. The State shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases, and such criminal process as may issue under the authority of the State against any person charged with the commission of crime without or within said jurisdiction, may be executed thereon in like manner as if this section and sections 752 and 754 had not passed. The State of Maine shall retain exclusive jurisdiction over all matters referred to in the proviso contained in section 752.

R.S.1954, c. 36, § 28.

§ 752. Federal rules and regulations

Power is conferred upon the Congress of the United States to pass such laws and to make or provide for the making of such rules and regulations, of both a civil and criminal nature, not inconsistent with any of the provisions of this section and sections 751 and 754, and provide punishment therefor, as in its judgment may be necessary for the administration, control and protection of such lands as are acquired by the United States under said sections. Such laws, rules and regulations shall not in any way supersede, invalidate or modify any of the laws of the State of Maine respecting the storage, control, use or development of water resources in the State, or the Mill Act, so called. Said laws

of the State of Maine as existing on March 20, 1934, or thereafter enacted, are made applicable to all lands acquired under this section and sections 751 and 754, notwithstanding the title thereto shall be in the United States of America, nor shall such laws, rules and regulations, nor shall 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 it prevent the flowage of lands acquired under this section and sections 751 and 754 in accordance with the Mill Act, or special charter, or other general laws of the State, upon payment of compensation therefor, nor shall 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.

R.S.1954, c. 36, § 29.

§ 753. State consent to acquisition of national forests

Subject to the Act of Congress of March 1, 1911, 36 Statutes 961, known as the Weeks Act, and Acts amendatory thereof and supplemental thereto, the consent of the State of Maine is given for the United States to acquire by purchase upon the payment of adequate compensation not exceeding 300,000 acres of land within the Counties of Hancock and Washington and that part of Penobscot County easterly of the Penobscot and Mattawamkeag Rivers, and not exceeding 300,000 acres of land in that part of Aroostook County which lies south of the following 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 easterly to the east line of Aroostook County or international boundary line, and such lands within that portion of Oxford County included or within 5 miles of the purchase unit boundaries of the White Mountain National Forest on July 5, 1935, all in this State as are suitable for national forest purposes, and not over 2,000 acres in Cumberland County for preserves for the protection and conservation of migratory birds; but no such acquisition shall be made against the protest of any owner. Sections 751, 752 and 754 shall not apply to any lands acquired under this section and section 755.

This section as it relates to Oxford County shall be limited to such acquisition as shall have been actually acquired prior to April 27, 1951, and no further land in Oxford County shall be acquired after such date.

R.S.1954, c. 36, § 31.

§ 754. Limitations on state consent

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

R.S.1954, c. 36, § 30.

§ 755. Jurisdiction

The jurisdiction of this State, both civil and criminal, over persons upon any lands acquired under section 753 shall not be affected or changed by the permanent reservation and administration of such lands as national forest lands, except so far as the punishment of offenses against the United States is concerned; the intent and meaning of this section being that this State shall not by reason of such reservation and administration lose its jurisdiction, nor the inhabitants thereof their rights and privileges as citizens, nor be absolved from their duties as citizens of this State.

R.S.1954, c. 36, § 32.