

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1925

7 S.P. 761

In Senate, January 21, 1986

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

9 JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Carpenter of Aroostook.

Cosponsored by Representative Kane of So. Portland.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT Transferring Legislative Jurisdiction
18 over Acadia National Park, St. Croix
19 Island International Historic Site,
20 Portsmouth Naval Shipyard, Veterans
21 Administration Center at Togus and the
22 Soldiers' Lots at the Mount Pleasant
23 Cemetery.
24

25 Be it enacted by the People of the State of Maine as
26 follows:

27 Sec. 1. Acadia National Park and St. Croix Is-
28 land International Historic Site; approval of trans-
29 fer of legislative jurisdiction. The United States
30 Department of the Interior having filed with the Gov-
31 ernor by letter dated August 9, 1985, its notice of
32 intention to relinquish to the State that measure of
33 its exclusive legislative jurisdiction over Acadia
34 National Park necessary to establish concurrent leg-
35 islative jurisdiction between the State and the
36 United States, and to acquire concurrent legislative
37 jurisdiction from the State over all areas in Acadia

1 National Park and St. Croix Island International His-
2 toric Site in which the United States holds a propri-
3 etary interest, pursuant to the Maine Revised Stat-
4 utes, Title 1, section 8, the State hereby approves
5 the transfers of legislative jurisdiction as proposed
6 in the notice of intention.

7 Sec. 2. Acadia National Park and St. Croix Is-
8 land International Historic Site; description of
9 land. The existing lands so affected are as follows.

10 1. Acadia National Park inclusive of all lands
11 within the boundaries of the Acadia National Park, in
12 the Towns of Bar Harbor, Cranberry Isle, Gouldsboro,
13 Mount Desert, Southwest Harbor, Swan's Island,
14 Tremont, Trenton, Winter Harbor, each within Hancock
15 County and Isle au Haut in Knox County.

16 2. St. Croix Island International Historic Site
17 inclusive of all lands within the boundaries of the
18 St. Croix Island International Historic Site, in the
19 City of Calais, Washington County.

20 Sec. 3. Acadia National Park and St. Croix Is-
21 land International Historic Site; concurrent legisla-
22 tive jurisdiction. This Act confers concurrent legis-
23 lative jurisdiction between the State and the United
24 States over all lands within Acadia National Park and
25 St. Croix Island International Historic Site as of
26 the date of enactment of this Act, as well as all
27 lands hereafter acquired by the United States and ex-
28 pressly made a part of Acadia National Park or St.
29 Croix Island International Historic Site, so long as
30 these lands continue to be owned in fee by the United
31 States.

32 Sec. 4. Portsmouth Naval Shipyard; approval of
33 concurrent legislative jurisdiction. The United
34 States Department of the Navy having filed with the
35 Governor by letter dated July 1, 1985, its notice of
36 intention to acquire concurrent legislative jurisdic-
37 tion from the State over all areas of Portsmouth Na-
38 val Shipyard in which the United States holds a pro-
39 prietary interest and to relinquish to the State that
40 measure of its exclusive legislative jurisdiction
41 over areas of Portsmouth Naval Shipyard in which the
42 United States holds exclusive legislative jurisdic-

1 tion necessary to establish concurrent legislative
2 jurisdiction between the State and the United States,
3 pursuant to the Maine Revised Statutes, Title 1, sec-
4 tion 8, the State hereby approves the transfers of
5 legislative jurisdiction as proposed in the notice of
6 intention.

7 Sec. 5. Portsmouth Naval Shipyard; description
8 of land. The existing lands so affected are as fol-
9 lows: The Portsmouth Naval Shipyard located in the
10 Town of Kittery in York County.

11 Sec. 6. Portsmouth Naval Shipyard; concurrent
12 legislative jurisdiction. This Act confers concurrent
13 legislative jurisdiction between the State and the
14 United States over all lands within Portsmouth Naval
15 Shipyard as of the date of enactment of this Act.

16 Sec. 7. Veterans Administration Center at Togus
17 and Soldiers' Lots; approval of transfer of legisla-
18 tive jurisdiction. The United States Administrator of
19 Veterans Affairs having filed with the Governor by
20 letter dated October 18, 1985, its notice of inten-
21 tion to relinquish to the State that measure of its
22 exclusive legislative jurisdiction over the Veterans
23 Administration Center at Togus in Augusta and Chelsea
24 and the Soldiers' Lots at the Mount Pleasant Cemetery
25 in Augusta necessary to establish concurrent legisla-
26 tive jurisdiction between the State and the United
27 States, pursuant to the Maine Revised Statutes, Title
28 1, section 8, the State hereby approves the transfer
29 of legislative jurisdiction as proposed in the notice
30 of intention.

31 Sec. 8. Veterans Administration Center at Togus
32 and Soldiers' Lots; description of land. The existing
33 lands so affected are as follows.

34 1. All of the lands comprising the Veterans Ad-
35 ministration Center at Togus, including the Togus Na-
36 tional Cemetery, in the City of Augusta and Town of
37 Chelsea in Kennebec County.

38 2. All of the lands referred to as the Soldiers'
39 Lots at Mount Pleasant Cemetery in the City of Augus-
40 ta in Kennebec County.

1 Sec. 9. Veterans Administration Center at Togus
2 and Soldiers' Lots; concurrent legislative jurisdic-
3 tion. This Act confers concurrent legislative jurisdic-
4 tion between the State and the United States over
5 all lands comprising the Veterans Administration Cen-
6 ter at Togus in Augusta and Chelsea and the Soldiers'
7 Lots at the Mount Pleasant Cemetery in Augusta as of
8 the date of enactment of this Act.

9 STATEMENT OF FACT

10 This bill is designed to establish concurrent
11 legislative jurisdiction between the State and the
12 United States over all lands at present owned by the
13 United States and located in Acadia National Park,
14 St. Croix Island International Historic Site,
15 Portsmouth Naval Shipyard at Kittery, the Veterans
16 Administration Center at Togus in Augusta and Chelsea
17 and the Soldiers' Lots at the Mount Pleasant Cemetery
18 in Augusta, as well as any future acquisitions of
19 land by the United States to Acadia National Park or
20 St. Croix Island International Historic Site.

21 At present, the United States has title to cer-
22 tain lands in the State, in Hancock and Knox Coun-
23 ties, known as Acadia National Park, approximately
24 35,064 acres, and in Washington County, known as St.
25 Croix Island International Historic Site, approxi-
26 mately 22 acres. The United States Department of the
27 Interior operates, administers and maintains each
28 through the National Park Service. In Acadia National
29 Park, the United States exercises exclusive legisla-
30 tive jurisdiction over approximately 24,146 acres of
31 the park and holds a proprietary interest in the re-
32 maining 10,774 acres. The United States holds a pro-
33 prietary interest in all 22 acres of St. Croix Island
34 International Historic Site.

35 At present, the United States has title to cer-
36 tain lands comprising the Portsmouth Naval Shipyard
37 located in the Town of Kittery, in York County, ap-
38 proximately 282 acres. The United States Department
39 of the Navy operates, administers and maintains the
40 Portsmouth Naval Shipyard. The United States exer-
41 cises exclusive legislative jurisdiction over approx-

1 imately 264 acres of the shipyard and holds a propri-
2 etary interest in approximately 18 acres.

3 The United States has title to all the lands com-
4 prising the Veterans Administration Center at Togus,
5 including the Togus National Cemetery located in the
6 City of Augusta and Town of Chelsea in Kennebec Coun-
7 ty, approximately 496 acres, and all the lands re-
8 ferred to as the Soldiers' Lots at Mount Pleasant
9 Cemetery in Augusta, less than an acre. The United
10 States Veterans Administration operates, administers
11 and maintains these lands. The United States exer-
12 cises exclusive legislative jurisdiction over all of
13 the approximately 496 acres at Togus and over all of
14 the Soldiers' Lots at Mount Pleasant Cemetery.

15 The exercise of exclusive legislative jurisdic-
16 tion over certain of these lands means the Federal
17 Government has received all the legislative authority
18 of the State with no reservation made to the State
19 except the right to serve civil and criminal process
20 resulting from activities which occurred off the land
21 involved. In those areas where the Federal Government
22 has exclusive legislative jurisdiction, law enforce-
23 ment must be provided by the United States. Maine law
24 does not apply and Maine courts do not have jurisdic-
25 tion over offenses committed on the land.

26 The exercise of proprietary jurisdiction over
27 other parcels of land means the Federal Government
28 has acquired some right or title to these lands, but
29 has not obtained any measure of Maine's legislative
30 authority. The Federal Government holds these lands
31 in much the same way as a private landowner holds
32 land within Maine, although the Federal Government
33 has the right to perform the functions delegated to
34 it by the United States Constitution, without state
35 interference.

36 As a general proposition, Maine laws are enforced
37 by state law enforcement personnel and state courts.
38 Federal law enforcement personnel and federal courts
39 may enforce laws consistent with the authority
40 granted to the Federal Government by the United
41 States Constitution. In areas of proprietary juris-
42 diction, the Federal Government does not have availa-
43 ble to it the Assimilative Crimes Act, United States

1 Code, Title 18, Section 13. Under the Assimilative
2 Crimes Act, certain state criminal laws are adopted
3 by reference and become a part of the federal criminal
4 laws and, as such, are applicable to areas under
5 exclusive or concurrent jurisdiction of the United
6 States. Because of the unavailability of the Assimilative
7 Crimes Act, federal law enforcement personnel
8 have no specific authority to enforce Maine's criminal
9 laws in areas of proprietary legislative jurisdiction.
10 Consequently, state and local law enforcement
11 must expend their resources to police
12 these areas.

13 The mixed jurisdictional character of Acadia National
14 Park is particularly confusing to federal,
15 state and local law enforcement personnel, because
16 Acadia National Park is a patchwork of exclusive and
17 proprietary areas of jurisdiction. To determine the
18 type of jurisdiction in effect over a particular section
19 of Acadia National Park, one must consult the
20 original transfer document. Acadia National Park is
21 made up of over 750 separate land transactions,
22 spanning over 60 years.

23 Similarly, establishment of uniform concurrent
24 jurisdiction at the Portsmouth Naval Shipyard will
25 resolve concerns about the authority of the shipyard
26 security police and will eliminate disparate treatment
27 for crimes of a similar nature because they will
28 no longer take place in areas of differing jurisdictions.
29

30 While the State presently treats civilian occupants
31 of exclusive federal land within Acadia National Park,
32 the Portsmouth Naval Shipyard and the Veterans
33 Administration Center at Togus as state citizens
34 and residents for civil law purposes, there are no
35 specific state statutes authorizing or requiring this
36 treatment. Establishment of concurrent legislative
37 jurisdiction eliminates any future uncertainty as to
38 these occupants' status vis a vis Maine civil law.

39 Through this bill, the United States and the
40 State will jointly hold and exercise all the rights
41 accorded a sovereign with the broad qualification
42 that the authority is held concurrently. Both state
43 and federal officials may enforce their respective

1 laws, with the obvious qualifier that the State's au-
2 thority to enforce laws is limited by the Supremacy
3 Clause of the United States Constitution, which pre-
4 cludes state laws which interfere with federal func-
5 tions.

6 By transmitting its various Notices of Intention
7 to effect jurisdictional transfers, the Federal Gov-
8 ernment has triggered the operation of the Maine Re-
9 vised Statutes, Title 1, section 8. This Act is de-
10 signed to effectuate those jurisdictional transfers.

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