

MAINE STATE LEGISLATURE

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Minority

L.D. 1828

Date: 4/3/14

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JUDICIARY

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STATE OF MAINE

SENATE

126TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 733, L.D. 1828, Bill, "An Act To Limit Consent Regarding Land Transfers to the Federal Government"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 1 MRSA §15 is amended to read:

§15. Consent of Legislature to acquisition of land by United States for public buildings; record of conveyances; tract or contiguous tracts of 40 acres or more

In accordance with the Constitution of the United States, Article 1, Section VIII, Clause 17, and Acts of Congress in such cases provided, the consent of the Legislature is given to the acquisition by the United States, or under its authority, by purchase, condemnation or otherwise, of any land in this State required for the erection of lighthouses or for sites for customhouses, courthouses, post offices, arsenals or other public buildings, or to the acquisition of a tract or contiguous tracts of land the total of which does not exceed 40 acres in area for any other purposes of the government. A tract or contiguous tracts of land the total of which exceeds 40 acres in area may not be acquired by the United States for a purpose not specifically authorized in this section unless consent thereto is granted by the Legislature by an affirmative vote of a majority of the members of each house of the Legislature. Deeds and conveyances or title papers for the same ~~shall~~ must be recorded upon the land records of the county or registry district in which the land so conveyed may lie; and in like manner may be recorded a sufficient description by metes and bounds, courses and distances, of any tracts and legal divisions of any public lands belonging to the United States set apart by the general government for either of the purposes before mentioned, by an order, patent or other official paper so describing such land.

Sec. 2. 1 MRSA §15-B is enacted to read:

COMMITTEE AMENDMENT

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§15-B. Trust lands

Notwithstanding section 15, in accordance with the Constitution of the United States, Article 1, Section VIII, Clause 17, and Acts of Congress in such cases provided, the consent of the Legislature is given for the acquisition of land to be held in trust by the Secretary of the Interior of the United States for the benefit of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs pursuant to applicable state or federal law.'

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary.

The amendment changes the bill to state that the Legislature's consent is not provided when the Federal Government acquires a tract or contiguous tracts of land the total of which exceeds 40 acres for any purpose other than the specific purposes listed in the current law. An affirmative vote of a majority of the members of each house of the Legislature is required to consent to such an acquisition.

The amendment provides that the changes do not limit the Legislature's consent to acquisition by the Federal Government of land to be held in trust for the benefit of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs pursuant to applicable state or federal law.