

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 317

H.P. 211

House of Representatives, February 10, 2015

**An Act To Recognize and Provide for the Right of Access for
Members of the Houlton Band of Maliseet Indians To Certain
Public Lands in Aroostook County for Traditional Uses**

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

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

ROBERT B. HUNT
Clerk

Presented by Representative BEAR of the Houlton Band of Maliseet Indians.
Cosponsored by Senator LIBBY of Androscoggin and
Representatives: AUSTIN of Gray, CAMPBELL of Orrington, DANA of the Passamaquoddy
Tribe, FARNSWORTH of Portland, MITCHELL of the Penobscot Nation.

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

2 **Sec. 1. 12 MRSA c. 219** is enacted to read:

3 **CHAPTER 219**

4 **ACCESS BY HOULTON BAND OF MALISEET INDIANS ON CERTAIN LANDS**
5 **FOR WOOD HARVESTING**

6 **§1771. Authority to harvest wood in Aroostook County**

7 Notwithstanding any other provision of law and in accordance with rules adopted by
8 the Commissioner of Agriculture, Conservation and Forestry, referred to in this section as
9 "the commissioner," a member of the Houlton Band of Maliseet Indians who is a resident
10 of the State, referred to in this section as "an eligible tribal member," may collect or
11 harvest wood or wood fiber in Aroostook County on lands owned by the State and on
12 uninhabited lands in the unorganized and deorganized areas of Aroostook County without
13 fee or cost for the purpose of using the wood or wood fiber for fuel, personal shelter
14 construction or traditional woodcraft production.

15 **1. Rules.** The commissioner shall adopt rules governing the collection and
16 harvesting of wood or wood fiber, in accordance with the following:

17 A. The rules must ensure a sufficient amount of wood or wood fiber is available to
18 satisfy the harvesting needs of eligible tribal members;

19 B. Throughout the rule-making process, the commissioner shall seek input from the
20 Houlton Band of Maliseet Indians to ensure that the specific harvesting needs of
21 eligible tribal members are met. The commissioner shall ensure that:

22 (1) An adequate number of birch trees that have a radius of greater than 16
23 inches and that are otherwise suitable for canoe making are accessible to eligible
24 tribal members; and

25 (2) An adequate number of ash trees suitable for basket making are accessible to
26 eligible tribal members;

27 C. The rules must maximize eligible tribal members' access to the desired wood,
28 while also ensuring that any harvesting activities are consistent with the use and
29 purposes of the land on which the harvesting occurs; and

30 D. When adopting rules related to any land held by the Department of Inland
31 Fisheries and Wildlife, the commissioner shall consult with the Commissioner of
32 Inland Fisheries and Wildlife.

33 Rules adopted pursuant to this section are major substantive rules as defined in Title 5,
34 chapter 375, subchapter 2-A.

35 The commissioner shall review the rules periodically to ensure compliance with the
36 requirements of this subsection.

1 **SUMMARY**

2 This bill permits any member of the Houlton Band of Maliseet Indians who is a
3 resident of the State to collect or harvest wood or wood fiber in Aroostook County on
4 lands owned by the State and uninhabited lands in the unorganized and deorganized areas
5 of the county for the purpose of using the wood or wood fiber for fuel, personal shelter
6 construction or traditional woodcraft production.

7 The bill directs the Commissioner of Agriculture, Conservation and Forestry to adopt
8 rules governing the collection and harvesting of wood or wood fiber by members of the
9 Houlton Band of Maliseet Indians.