



## **131st MAINE LEGISLATURE**

## FIRST REGULAR SESSION-2023

**Legislative Document** 

No. 1349

H.P. 863

House of Representatives, March 28, 2023

An Act to Review State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki People

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

R(+ B. Hunt

ROBERT B. HUNT Clerk

Presented by Representative COLLINGS of Portland. Cosponsored by Representative: DANA of the Passamaquoddy Tribe.

1	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 5 MRSA §12004-G, sub-§30-F is enacted to read:
3	<u>30-F.</u>
4 5	Natural ResourcesCommission to Review State-owned Lands and WaterwaysNot Authorized12 MRSA §1809
6	Sec. 2. 12 MRSA §1809 is enacted to read:
7	<u>§1809. Commission to Review State-owned Lands and Waterways</u>
8 9	<b><u>1.</u> Established.</b> The Commission to Review State-owned Lands and Waterways. referred to in this section as "the commission," is established.
10	2. Members. The members of the commission are as follows:
11	A. One member representing the bureau, appointed by the commissioner;
12 13	B. One member representing the Department of Inland Fisheries and Wildlife, appointed by the Commissioner of Inland Fisheries and Wildlife;
14 15	C. One member representing the Department of Marine Resources, appointed by the Commissioner of Marine Resources;
16 17	D. One member representing the Maine Indian Tribal-State Commission established in Title 30, section 6212, subsection 1, appointed by the chair of the commission;
18 19	E. One member representing the Passamaquoddy Tribe, appointed by the Passamaquoddy Tribe;
20 21	F. One member representing the Penobscot Nation, appointed by the Penobscot Nation;
22 23	<u>G.</u> One member representing the Houlton Band of Maliseet Indians, appointed by the Houlton Band of Maliseet Indians;
24 25	H. One member representing the Mi'kmaq Nation, appointed by the Mi'kmaq Nation; and
26 27	I. Three members of the public, one each appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives.
28	3. Duties. The commission shall:
29 30 31	<u>A.</u> Identify which state-owned lands or waterways have sacred, traditional or other significance to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Mi'kmaq Nation;
32 33 34 35 36 37	B. Examine the processes used in other states and by the Federal Government to return lands and waterways to tribes and develop a process to return lands and waterways to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Mi'kmaq Nation. The commission also shall identify resources to fund the cost to transfer these lands and waterways to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Mi'kmaq Nation;
38 39	C. Examine the process used by the Federal Government to designate lands and waterways as federal protected areas; and

D. Make recommendations to the Legislature, including recommendations regarding additional members who should be added to the commission.

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**4. Meetings.** The commission shall hold public meetings and hearings throughout the State and shall accept testimony and written comments from the public in a manner determined by the commission. The commission shall invite the participation of stakeholders as determined by the commission and also invite the participation of large private landowners, land trusts and conservation organizations.

5. Confidentiality. The commission may designate as confidential records pertaining
to state-owned lands or waterways described in subsection 3, paragraph A.

6. Report. Beginning in 2024, the commission shall submit a report no later than
November 15th of each year to the joint standing committee of the Legislature having
jurisdiction over conservation matters, the joint standing committee of the Legislature
having jurisdiction over inland fisheries and wildlife matters and the joint standing
committee of the Legislature having jurisdiction over marine resources matters. The joint
standing committees may report out legislation related to the report of the commission.

## SUMMARY

17 This bill establishes the Commission to Review State-owned Lands and Waterways to identify which state-owned lands or waterways have sacred, traditional or other 18 19 significance to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet 20 Indians or Mi'kmag Nation and develop a process to return lands and waterways to the 21 Passamaguoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Mi'kmag 22 Nation. The commission must hold public meetings and hearings throughout the State and 23 must accept testimony and written comments from the public in a manner determined by 24 The commission must invite the participation of stakeholders as the commission. 25 determined by the commission and also invite the participation of large private landowners, land trusts and conservation organizations. Beginning in 2024, the commission must 26 27 submit a report no later than November 15th of each year to the joint standing committee 28 of the Legislature having jurisdiction over conservation matters, the joint standing 29 committee of the Legislature having jurisdiction over inland fisheries and wildlife matters 30 and the joint standing committee of the Legislature having jurisdiction over marine 31 resources matters. The joint standing committees may report out legislation related to the 32 report of the commission.