

MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 934

H. P. 643

House of Representatives, February 25, 1959

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Emmons of Kennebunk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

**AN ACT Relating to Legislative Jurisdiction over Federal Lands
Within the State.**

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

R. S., c. 1, §§ 4-A - 4-C, additional. Chapter 1 of the Revised Statutes is amended by adding 3 new sections to be numbered 4-A to 4-C, to read as follows:

‘Sec. 4-A. Transfer of legislative jurisdiction.

I. In order to acquire all, or any measure of, legislative jurisdiction of the kind involved in Article I, Section 8, Clause 17 of the Constitution of the United States over any land or other area; or in order to relinquish such legislative jurisdiction, or any measure thereof, which may be vested in the United States; the United States acting through a duly authorized department, agency or officer, shall file a notice of intention to acquire or relinquish such legislative jurisdiction, hereinafter called notice, together with a sufficient number of duly authenticated copies thereof to meet the recording requirements of subsection III, with the Governor. The notice shall contain a description adequate to permit accurate identification of the boundaries of the land or other area for which the change in jurisdictional status is sought and a precise statement of the measure of legislative jurisdiction sought to be transferred. Immediately upon receipt of the notice, the Governor shall furnish the Attorney General with a copy thereof and shall request his comments and recommendations thereon.

II. The Governor shall transmit said notice together with his comments and recommendations, if any, and the comments and recommendations of the At-

torney General, if any, to the next session of the Legislature which shall be constitutionally competent to consider the same. Unless prior to the expiration of the legislative session to which said notice is transmitted as provided herein, the Legislature has adopted an act approving the transfer of legislative jurisdiction as proposed in said notice, the said transfer shall not be effective.

III. The Governor shall cause a duly authenticated copy of the notice and act to be recorded in the registry of deeds of the county where the land or other area affected by the transfer of jurisdiction is situated, and upon such recordation the transfer of jurisdiction shall take effect. If the land or other area shall be situated in more than one county, a duly authenticated copy of the notice and act shall be recorded in the registry of deeds of each such county.

IV. The Governor shall cause copies of all documents recorded pursuant to sections 4-A to 4-C to be filed with the Secretary of State.

Sec. 4-B. Compliance with certain conditions necessary for valid transfer. In no event shall any transfer of legislative jurisdiction between the United States and this State take effect nor shall the Governor transmit any notice proposing such a transfer pursuant to section 4-A, subsection II, unless under the applicable laws of the United States:

I. This State shall have jurisdiction to tax private persons, private transactions and private property, real and personal, resident, occurring or situated within such land or other area to the same extent that this State has jurisdiction to tax such persons, transactions and property resident, occurring or situated generally within this State.

II. Any civil or criminal process lawfully issued by competent authority of this State or any of its subdivisions, may be served and executed within such land or other area to the same extent and with the same effect as such process may be served and executed generally within this State; provided only that the service and execution of such process within land or other areas over which the Federal Government exercises jurisdiction shall be subject to such rules and regulations issued by authorized officers of the Federal Government, or of any department, independent establishment or agency thereof, as may be reasonably necessary to prevent interference with the carrying out of federal functions.

III. This State shall exercise over such land or other area the same legislative jurisdiction which it exercises over land or other areas generally within this State, except that the United States shall not be required to forego such measure of exclusive legislative jurisdiction as may be vested in or retained by it over such land or other area pursuant to sections 4-A to 4-C, and without prejudice to the right of the United States to assert and exercise such concurrent legislative jurisdiction as may be vested in or retained by it over such land or other area.

Sec. 4-C. Legislative jurisdiction transferred by operation of law unimpaired. Nothing in sections 4-A to 4-C shall be construed to prevent or impair any transfer of legislative jurisdiction to this State occurring by operation of law.'