



# 130th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2022

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Legislative Document

No. 1907

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H.P. 1413

House of Representatives, January 5, 2022

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

(EMERGENCY)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative COLLINGS of Portland.

Cosponsored by Representatives: EVANGELOS of Friendship, FAULKINGHAM of Winter Harbor, McDONALD of Stonington, NEWELL of the Passamaquoddy Tribe, O'NEIL of Saco, TALBOT ROSS of Portland, Senators: MAXMIN of Lincoln, MOORE of Washington.

1           **Emergency preamble.** Whereas, acts and resolves of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3           **Whereas,** this legislation needs to take effect before the expiration of the 90-day  
4 period in order to identify before the convening of the First Regular Session of the 131st  
5 Legislature state-owned lands or waterways that have sacred, traditional or other  
6 significance to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet  
7 Indians or Aroostook Band of Micmacs; and

8           **Whereas,** in the judgment of the Legislature, these facts create an emergency within  
9 the meaning of the Constitution of Maine and require the following legislation as  
10 immediately necessary for the preservation of the public peace, health and safety; now,  
11 therefore,

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

13           **Sec. 1. 5 MRSA §12004-G, sub-§30-F** is enacted to read:

14           **30-F.**

|                     |   |                       |                |
|---------------------|---|-----------------------|----------------|
| 15 <u>Natural</u>   | <u>Commission To Review State-owned</u> | <u>Not Authorized</u> | <u>12 MRSA</u> |
| 16 <u>Resources</u> | <u>Lands and Waterways</u>              |                       | <u>§1809</u>   |

17           **Sec. 2. 12 MRSA §1809** is enacted to read:

18           **§1809. Commission To Review State-owned Lands and Waterways**

19           **1. Established.** The Commission To Review State-owned Lands and Waterways,  
20 referred to in this section as "the commission," is established.

21           **2. Members.** The members of the commission are as follows:

22           A. One member representing the bureau, appointed by the commissioner;

23           B. One member representing the Department of Inland Fisheries and Wildlife,  
24 appointed by the Commissioner of Inland Fisheries and Wildlife;

25           C. One member representing the Department of Marine Resources, appointed by the  
26 Commissioner of Marine Resources;

27           D. One member representing the Passamaquoddy Tribe, appointed by the  
28 Passamaquoddy Tribe;

29           E. One member representing the Penobscot Nation, appointed by the Penobscot  
30 Nation;

31           F. One member representing the Houlton Band of Maliseet Indians, appointed by the  
32 Houlton Band of Maliseet Indians; and

33           G. One member representing the Aroostook Band of Micmacs, appointed by the  
34 Aroostook Band of Micmacs.

35           **3. Duties.** The commission shall:

36           A. Identify which state-owned lands or waterways have sacred, traditional or other  
37 significance to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet  
38 Indians or Aroostook Band of Micmacs;

1 B. Examine the processes used in other states and by the Federal Government to return  
2 lands and waterways to tribes and develop a process to return lands and waterways to  
3 the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and  
4 Aroostook Band of Micmacs. The commission also shall identify resources to fund the  
5 cost to transfer these lands and waterways to the Passamaquoddy Tribe, Penobscot  
6 Nation, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs; and

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

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

14 **5. Report.** The commission shall submit a report no later than November 15th of each  
15 year to the joint standing committee of the Legislature having jurisdiction over  
16 conservation matters, the joint standing committee of the Legislature having jurisdiction  
17 over inland fisheries and wildlife matters and the joint standing committee of the  
18 Legislature having jurisdiction over marine resources matters. The joint standing  
19 committees may report out legislation related to the report of the commission.

20 **Emergency clause.** In view of the emergency cited in the preamble, this legislation  
21 takes effect when approved.

## 22 SUMMARY

23 This bill establishes the Commission To Review State-owned Lands and Waterways  
24 to identify which state-owned lands or waterways have sacred, traditional or other  
25 significance to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet  
26 Indians or Aroostook Band of Micmacs and develop a process to return lands and  
27 waterways to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet  
28 Indians and Aroostook Band of Micmacs. The commission must hold public meetings and  
29 hearings throughout the State and must accept testimony and written comments from the  
30 public. The commission must invite the participation of stakeholders as determined by the  
31 commission and also invite the participation of large private landowners, land trusts and  
32 conservation organizations. The commission must submit a report no later than November  
33 15th of each year to the joint standing committee of the Legislature having jurisdiction over  
34 conservation matters, the joint standing committee of the Legislature having jurisdiction  
35 over inland fisheries and wildlife matters and the joint standing committee of the  
36 Legislature having jurisdiction over marine resources matters. The joint standing  
37 committees may report out legislation related to the report of the commission.