

114TH CONGRESS
2D SESSION

H. R. 6218

To clarify the boundary of Acadia National Park, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2016

Mr. POLIQUIN introduced the following bill; which was referred to the
Committee on Natural Resources

A BILL

To clarify the boundary of Acadia National Park, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ACADIA NATIONAL PARK BOUNDARY.**

4 (a) IN GENERAL.—Section 101 of Public Law 99–
5 420 (16 U.S.C. 341 note; 100 Stat. 955) is amended—

6 (1) in the first sentence, by striking “In order
7 to” and inserting the following:

8 “(a) BOUNDARIES.—In order to”;

9 (2) in the second sentence, by striking “The
10 map” and inserting the following:

1 “(b) AVAILABILITY OF MAP.—The maps described in
2 subsection (a) and subsection (c)”;

3 (3) by adding at the end the following:

4 “(c) SCHOODIC PENINSULA ADDITION.—The bound-
5 ary of the Park is confirmed to include approximately
6 1,441 acres of land and interests in land, as depicted on
7 the map entitled ‘Acadia National Park, Hancock County,
8 Maine, Schoodic Peninsula Boundary Revision’, numbered
9 123/129102, and dated July 10, 2015.

10 “(d) RATIFICATION AND APPROVAL OF ACQUI-
11 TIONS.—There are hereby ratified and approved the fol-
12 lowing:

13 “(1) Retroactive to September 26, 2013, the ac-
14 quisition or purported acquisition by the United
15 States of land and interests in land referred to in
16 subsection (c).

17 “(2) Any subsequent or purported alteration of
18 the land and interests in land referred to in sub-
19 section (c) held or claimed by the United States in
20 said property (including conversion to fee simple in-
21 terest), retroactive to whatever point an alteration
22 occurred or may have occurred.”.

23 **SEC. 2. ACQUISITION OF LAND.**

24 The Secretary of the Interior may only acquire land
25 or interests in land—

1 (1) within the boundary of Acadia National
2 Park in accordance with Public Law 99-420 (16
3 U.S.C. 341 note; 100 Stat. 955); and

4 (2) outside the boundary of Acadia National
5 Park in Hancock County, Maine, in accordance with
6 Public Law 99-420 (16 U.S.C. 341, note; 100 Stat.
7 955).

8 **SEC. 3. ACADIA BOUNDARY ACT FOR SOLID WASTE MAN-**
9 **AGEMENT.**

10 Section 102(f) of Public Law 99-420 (16 U.S.C. 341,
11 note; 1001 Stat. 957) is amended by striking "toward the
12 cost of constructing" through "50 per centum of the cost
13 of such construction." and inserting "\$350,000 to a re-
14 gional consortium established by law for the purpose of
15 improving the management of the disposal and recycling
16 of solid waste and composed of municipalities on as well
17 as near Mount Desert Island."

18 **SEC. 4. ACADIA NATIONAL PARK ADVISORY COMMISSION.**

19 (a) **IN GENERAL.**—The Secretary of the Interior shall
20 reestablish and appoint members to the Acadia National
21 Park Advisory Commission in accordance with section 103
22 of Public Law 99-420 (16 U.S.C. 341 note; 100 Stat.
23 959).

1 (b) CONFORMING AMENDMENT.—Section 103 of
2 Public Law 99-420 (16 U.S.C. 341 note; 100 Stat. 959)
3 is amended by striking subsection (f).

4 **SEC. 5. REPEALS.**

5 The following provisions are repealed:

6 (1) Section 3 of the Act of February 26, 1919
7 (40 Stat. 1179, chapter 45).

8 (2) The first section of the Act of January 19,
9 1929 (45 Stat. 1083, chapter 77).

10 **SEC. 6. USE RESTRICTION MODIFIED.**

11 The Act of August 1, 1950 (64 Stat. 383, chapter
12 511), is amended—

13 (1) by striking “That the Secretary” and in-
14 serting the following:

15 **“SECTION 1. CONVEYANCE OF LAND IN ACADIA NATIONAL
16 PARK.**

17 “The Secretary”; and

18 (2) by striking “for school purposes” and in-
19 serting “for public purposes, subject to the condi-
20 tions that use of the property shall not degrade or
21 adversely impact the resources or values of Acadia
22 National Park, and the land shall remain in public
23 ownership for recreational, educational, or similar
24 public purposes”.

1 **SEC. 7. PRESERVATION OF PUBLIC TRUST.**

2 Title I of Law 99-420 (16 U.S.C. 341, note; 100
3 Stat. 9550 is amended by adding at the end the following:

4 **"SEC. 109. PRESERVATION OF PUBLIC TRUST.**

5 "(a) Nothing in this Act or Public Law 99-420 (16
6 U.S.C. 341, note; 100 Stat. 955)] or any other law, includ-
7 ing laws of general applicability, shall be construed to af-
8 fect, preempt or in any way diminish the rights, respon-
9 sibilities and authority of the State of Maine under and
10 pursuant to the public trust doctrine over any lands in
11 which the United States possesses any kind of property
12 interest where that land is located seaward of the mean
13 high water mark.

14 "(b) Nothing in this Act or Public Law 99-420 (16
15 U.S.C. 341, note; 100 Stat. 9550) shall be construed to
16 affect, preempt or in any diminish the rights and privi-
17 leges of any person under public trust doctrine upon any
18 lands in which the United States possesses any kind of
19 property interest where that land is located seaward of the
20 mean high water mark.

21 "(c) The provisions of any Federal law enacted after
22 the date of the enactment of this Act pertaining to the
23 authority of the United States over lands in which the
24 United States possesses any kind of property interest
25 which would affect, preempt or in any way diminish the
26 rights, responsibilities, and authority of the State of

1 Maine, as stated in subsection (a) of this section, shall
2 not apply within the State of Maine unless such provision
3 of such subsequently enacted Federal law is specifically
4 made applicable to Maine.

5 “(d) The term ‘public trust’ as used in this section
6 has the meaning ascribed to it by and under Maine law.

7 “(e) The term ‘Maine law’ means the Constitution,
8 and all statutes, regulations, and common laws of the
9 State of Maine and its political subdivisions and all subse-
10 quent amendments thereto and judicial interpretations
11 thereof.”.

○

H.R.6218 - To clarify the boundary of Acadia National Park, and for other purposes.

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Sponsor: [Rep. Poliquin, Bruce \[R-ME-2\]](#) (Introduced 09/28/2016)

Committees: House - Natural Resources

Latest Action: 10/07/2016 Referred to the Subcommittee on Federal Lands. ([All Actions](#))

Tracker:

Introduced Passed House Passed Senate To President Became Law

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- Summary (1)
- Text (1)
- Actions (3)**
- Titles (1)
- Amendments (0)
- Cosponsors (0)
- Committees (1)
- Related Bills (1)

All Actions H.R.6218 — 114th Congress (2015-2016)

[All Bill Information \(Except Text\)](#)

[Bill History — Congressional Record References](#)

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3 results for All Actions

Sort by

Date	All Actions
10/07/2016	Referred to the Subcommittee on Federal Lands. Action By: House Natural Resources
09/28/2016	Referred to the House Committee on Natural Resources. Action By: House of Representatives
09/28/2016	Introduced in House Action By: House of Representatives



From: **Warren, Samantha** <sam.warren@mail.house.gov>

Date: Mon, Oct 3, 2016 at 1:14 PM

Subject: Rep. Poliquin Announces Solution to Harvesting Disputes in Acadia

To: "Warren, Samantha" <sam.warren@mail.house.gov>

On Bruce's behalf, I want to thank those of you who were able to come out Friday to Skeet's to hear him announce the details of his legislation to resolve the harvesting issues you've recently had in Acadia. We intentionally had the event at high tide, but know it was still very last minute, and were so pleased so many of you turned out.

As Bruce shared, last week prior to leaving Washington, he introduced HR 6218, which we believe will resolve the issue once and for all, protecting traditional access and the livelihoods that depend on it. Specifically, his legislation makes clear that the public trust doctrine is the law of the land in Maine- period. This doctrine, which is special to Maine and is often times referred to as the "colonial law," guarantees Maine citizens the right to access the intertidal zone- regardless of whether it is owned by a public or private land owner- to fish, fowl, and navigate. That includes marine worm and seaweed harvesting, or clamming or picking periwinkles in the intertidal zone in and around Acadia on land owned by the National Park Service or land on which they have a conservation easement.

In hopes that this bill will receive wide support in Congress, including from the National Park Service, Bruce has included several other things in it that we know are of great importance to the park, its supporters and the surrounding communities. His bill retroactively allows for the 2015 Schoodic Woods land transfer while making clear that 1986 boundary law remains the law of the land and any – I repeat ANY – further boundary expansions will require approval by Congress. Secondly, following input from the Town of Mount Desert, the Town of Cranberry Isles and the Acadia Disposal District, his bill releases restrictions on two parcels of land-- one in Tremont and one in Bar Harbor—so they can finally be used for public purposes as determined by those two communities. Thirdly, it ensures that Acadia National Park, which relies on the area's solid waste management system for its millions of visitors, fulfills a 1986 financial commitment to give \$350,000 to the Acadia Disposal District so area communities can improve their solid waste facilities. Finally, it makes the Acadia National Park Advisory Commission, which ensures important local input in park issues, permanent.

You can click [HERE](#) to see a PDF version of the bill. You'll notice the public trust doctrine piece that applies to your industry is at the end, as all other pieces of the bill address existing pieces of the Acadia National Park Boundary Act of 1986, and this is an addition to that Act. Our press release on the announcement is below.

We hope this gives you all the certainty you need to continue working in that area. As Bruce said, until this bill is passed, if you are working on the flats there and ever have issues, please let us know immediately as the park service has assured us and you publicly they will not be taking enforcement action at this time. It is our hope the House will take up Bruce's bill when they come back in session in November. Senator King earlier this year submitted a bill only dealing with the Schoodic boundary issue, and we're hoping his bill from the Senate can be combined with ours from the House and be sent to the President. If this doesn't happen before the end of

the year, it will be the first piece of legislation Bruce reintroduces when the next Congress convenes. In the meantime, it would be helpful if you contacted other members of the delegation in Maine to let them know how important this particular issue is to you. Having the entire Maine Congressional delegation supportive of the public trust doctrine provision will better ensure this piece moves forward and your traditional access continues.

You can contact Carol Woodcock at Senator Collins' office in Bangor at Carol_Woodcock@collins.senate.gov or 945-0417 or Senator Susan Collins attn: Carol Woodcock 202 Harlow Street, Room 20100 Bangor ME 04401

You can contact Chris Rector at Senator King's office in Augusta at Chris_Rector@king.senate.gov or 622-8292 or Senator Angus King attn: Chris Rector 4 Gabriel Drive, Suite 3 Augusta ME 04330

You can contact Chellie Pingree's Portland office at 774-5019 or 2 Portland Fish Pier Suite 304 Portland ME 04101.

Please let me know any additional information we can provide. We really appreciate you bringing this issue to our attention and working with us to make it right.

-Sam

Samantha Warren, District Director

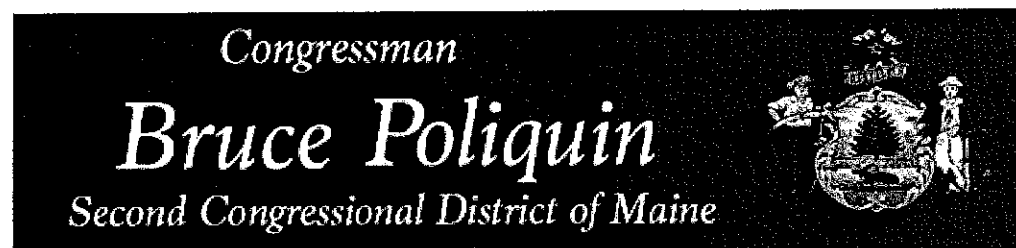
Congressman Bruce Poliquin, Maine's Second District

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For Immediate Release

September 30, 2016

Contact: Brendan Conley

(202) 225-6306

Rep. Poliquin Announces Solution to Harvesting Disputes in Acadia

Legislation will protect traditional access to Maine's marine resources

HANCOCK – At Skeet's Bait Shop, just minutes away from Acadia National Park, Congressman Bruce Poliquin (ME-02) stood with more than a dozen local clam and worm harvesters, many whose families have worked the flats in Acadia for generations, to announce his new bill to resolve recent disputes between them and the National Park Service (NPS) being caused by unpredictable enforcement in the intertidal zone in and around the park that is threatening their livelihoods.

Last month, Congressman Poliquin hosted a roundtable in Ellsworth with these local clambers and wormers to learn about the challenges their industry is facing and to commit to protecting traditional access to Maine's waters and woods, including the harvesting of marine resources. Today, the Congressman is putting forward legislation to resolve the issue.

“For generations, Maine families have been harvesting and working the flats of the intertidal zone here in Acadia,” **said Congressman Poliquin**. “Our State has a long and proud tradition of honoring the ‘colonial law,’ Mainer’s right to use the flats to make their livings and run their businesses. My bill is a comprehensive solution to these recent disputes that will help make sure our traditional uses of the intertidal zone are protected and these harvesters’ rights upheld.

The Congressman’s legislation will provide a comprehensive and long-term solution to resolve the recent disputes and to protect the traditional uses of the land. Specifically, this bill makes clear that the public trust doctrine is the law of the land in Maine. This doctrine, which is unique to Maine and is often times referred to as the “colonial law,” guarantees Maine citizens the right to access the intertidal zone, regardless of whether it is owned by a public or private land owner,

to fish, fowl and navigate. That includes marine worm harvesting, clamming or picking periwinkles in the intertidal zone in and around Acadia.

In addition, the legislation also includes several other provisions that are of great importance to Acadia National Park, its supporters and the surrounding communities:

· First, the bill retroactively allows for the 2015 Schoodic Woods land transfer from a generous donor to the NPS while making clear that 1986 boundary law remains permanent. Any further boundary expansions will require approval by Congress.

· Secondly, following input from the Town of Mount Desert, the Town of Cranberry Isles, the Town of Tremont and the Acadia Disposal District, the bill releases restrictions on two parcels of land—one in Tremont and one in Bar Harbor—that have been unusable for decades so they can finally be utilized for public purposes as determined by those two communities.

· Thirdly, it ensures that Acadia National Park, which relies on the area's solid waste management system for its millions of yearly visitors, fulfills a 1986 financial commitment to give \$350,000 to the Acadia Disposal District so area communities can improve their solid waste disposal and recycling.

· Finally, this legislation makes the Acadia National Park Advisory Commission, which ensures important local input in park issues, permanent.

Congressman Poliquin has worked closely with and sought input from several informed local, state and federal organizations and individuals in crafting this legislation, including the Maine Department of Marine Resources, the Maine Clammers Association, the Independent Maine Marine Worm Harvesters Association, the Town of Cranberry Isles, the Town of Mount Desert, the Town of Tremont, Acadia National Park, Acadia Disposal District, the Alewife Harvesters of Maine, the Maine Elver Fisherman Association, local bait shops, and several individual clammer, wormer, mussels, and periwinkle harvesters.

Click [HERE](#) to see a PDF version of Congressman Poliquin's bill, H.R. 6218.