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Legislative Document

No. 471

S.P. 177

In Senate, February 16, 2021

An Act To Require Legislative Approval for Certain Leases of Public Lands

Received by the Secretary of the Senate on February 11, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BLACK of Franklin.

Cosponsored by Senator: BENNETT of Oxford, Representative: O'NEIL of Saco.

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

2 **Sec. 1. 12 MRSA §1852, sub-§4**, as enacted by PL 1997, c. 678, §13 and amended
3 by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §24, is further amended to read:

4 **4. Lease of public reserved land for utilities and rights-of-way.** The Subject to the
5 provisions of section 598-A, the bureau may lease the right, for a term not exceeding 25
6 years, to:

7 A. Set and maintain or use poles, electric power transmission and telecommunication
8 transmission lines and facilities, roads, bridges and landing strips;

9 B. Lay and maintain or use pipelines and railroad tracks; and

10 C. Establish and maintain or use other rights-of-way.

11 Any such poles, transmission lines and facilities, landing strips, pipelines and railroad
12 tracks under this subsection are deemed to substantially alter the uses of the land within the
13 meaning of the Constitution of Maine, Article IX, Section 23, and a lease or conveyance
14 for the purpose of constructing and operating such poles, transmission lines and facilities,
15 landing strips, pipelines and railroad tracks under this subsection may not be granted
16 without first obtaining the vote of 2/3 of all the members elected to each House of the
17 Legislature.

18 Notwithstanding Title 1, section 302 or any other provision of law to the contrary, this
19 subsection applies retroactively to September 16, 2014.

20 **SUMMARY**

21 This bill requires the approval of 2/3 of all the members elected to each House of the
22 Legislature for any use of public reserved lands for transmission lines and facilities and
23 certain other projects. This provision applies retroactively to September 16, 2014. This
24 bill confirms the Legislature's understanding of the applicability of the Constitution of
25 Maine, Article IX, Section 23 and the Maine Revised Statutes, Title 12, section 598-A to
26 leases of public reserved lands.