

116TH CONGRESS
1ST SESSION

S. 101

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

IN THE SENATE OF THE UNITED STATES

JANUARY 10, 2019

Mr. KING (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Energy and 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. SHORT TITLE.**

4 This Act may be cited as the “Acadia National Park
5 Boundary Clarification Act”.

6 **SEC. 2. ACADIA NATIONAL PARK BOUNDARY CLARIFICA-**
7 **TION.**

8 Section 101 of Public Law 99–420 (16 U.S.C. 341
9 note) is amended—

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

3 “(a) BOUNDARIES.—Subject to subsections (b) and
4 (c)(2), to”;

5 (2) in the second sentence—

6 (A) by striking “The map shall be on file”
7 and inserting the following:

8 “(c) AVAILABILITY AND REVISIONS OF MAPS.—

9 “(1) AVAILABILITY.—The map, together with
10 the map described in subsection (b)(1) and any re-
11 vised boundary map published under paragraph (2),
12 if applicable, shall be—

13 “(A) on file”; and

14 (B) by striking “Interior, and it shall be
15 made” and inserting the following: “Interior;
16 and

17 “(B) made”;

18 (3) by inserting after subsection (a) (as des-
19 ignated by paragraph (1)) the following:

20 “(b) SCHOODIC PENINSULA ADDITION.—

21 “(1) IN GENERAL.—The boundary of the Park
22 is confirmed to include approximately 1,441 acres of
23 land and interests in land, as depicted on the map
24 entitled ‘Acadia National Park, Hancock County,

1 Maine, Schoodic Peninsula Boundary Revision’,
2 numbered 123/129102, and dated July 10, 2015.

3 “(2) RATIFICATION AND APPROVAL OF ACQUISITION
4 TIONS OF LAND.—Congress ratifies and approves—

5 “(A) effective as of September 26, 2013,
6 the acquisition by the United States of the land
7 and interests in the land described in paragraph
8 (1); and

9 “(B) effective as of the date on which the
10 alteration occurred, any alteration of the land
11 or interests in the land described in paragraph
12 (1) that is held or claimed by the United States
13 (including conversion of the land to fee simple
14 interest) that occurred after the date described
15 in subparagraph (A).”; and

16 (4) in subsection (c) (as designated by para-
17 graph (2)(A)), by adding at the end the following:

18 “(2) TECHNICAL AND LIMITED REVISIONS.—
19 Subject to section 102(k), notwithstanding any other
20 provision of this section, the Secretary of the Inte-
21 rior (referred to in this title as the ‘Secretary’), by
22 publication in the Federal Register of a revised
23 boundary map or other description, may make—

24 “(A) such technical boundary revisions as
25 the Secretary determines to be appropriate to

1 the permanent boundaries of the Park (includ-
2 ing any property of the Park located within the
3 Schoodic Peninsula and Isle Au Haut districts)
4 to resolve issues resulting from causes such as
5 survey error or changed road alignments; and

6 “(B) such limited boundary revisions as
7 the Secretary determines to be appropriate to
8 the permanent boundaries of the Park to take
9 into account acquisitions or losses, by exchange,
10 donation, or purchase from willing sellers using
11 donated or appropriated funds, of land adjacent
12 to or within the Park, respectively, in any case
13 in which the total acreage of the land to be so
14 acquired or lost is less than 10 acres, subject
15 to the condition that—

16 “(i) any such boundary revision shall
17 not be a part of a more-comprehensive
18 boundary revision; and

19 “(ii) all such boundary revisions, con-
20 sidered collectively with any technical
21 boundary revisions made pursuant to sub-
22 paragraph (A), do not increase the size of
23 the Park by more than a total of 100
24 acres, as compared to the size of the Park

1 on the date of enactment of this para-
2 graph.”.

3 **SEC. 3. LIMITATION ON ACQUISITIONS OF LAND FOR ACA-**
4 **DIA NATIONAL PARK.**

5 Section 102 of Public Law 99–420 (16 U.S.C. 341
6 note) is amended—

7 (1) in subsection (a), in the matter preceding
8 paragraph (1), by striking “of the Interior (herein-
9 after in this title referred to as ‘the Secretary’)”;

10 (2) in subsection (d)(1), in the first sentence,
11 by striking “the the” and inserting “the”;

12 (3) in subsection (k)—

13 (A) by redesignating the subsection as
14 paragraph (4) and indenting the paragraph ap-
15 propriately; and

16 (B) by moving the paragraph so as to ap-
17 pear at the end of subsection (b); and

18 (4) by adding at the end the following:

19 “(k) REQUIREMENTS.—Before revising the bound-
20 aries of the Park pursuant to this section or section
21 101(c)(2)(B), the Secretary shall—

22 “(1) certify that the proposed boundary revision
23 will contribute to, and is necessary for, the proper
24 preservation, protection, interpretation, or manage-
25 ment of the Park;

1 “(2) consult with the governing body of each
2 county, city, town, or other jurisdiction with primary
3 taxing authority over the land or interest in land to
4 be acquired regarding the impacts of the proposed
5 boundary revision;

6 “(3) obtain from each property owner the land
7 or interest in land of which is proposed to be ac-
8 quired for, or lost from, the Park written consent for
9 the proposed boundary revision; and

10 “(4) submit to the Acadia National Park Advi-
11 sory Commission established by section 103(a), the
12 Committee on Natural Resources of the House of
13 Representatives, the Committee on Energy and Nat-
14 ural Resources of the Senate, and the Maine Con-
15 gressional Delegation a written notice of the pro-
16 posed boundary revision.

17 “(1) LIMITATION.—The Secretary may not use the
18 authority provided by section 100506 of title 54, United
19 States Code, to adjust the permanent boundaries of the
20 Park pursuant to this title.”.

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

22 (a) IN GENERAL.—The Secretary shall reestablish
23 and appoint members to the Acadia National Park Advi-
24 sory Commission in accordance with section 103 of Public
25 Law 99–420 (16 U.S.C. 341 note).

(b) CONFORMING AMENDMENT.—Section 103 of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking subsection (f).

**SEC. 5. REPEAL OF CERTAIN PROVISIONS RELATING TO
ACADIA NATIONAL PARK.**

The following are repealed:

(1) Section 3 of the Act of February 26, 1919 (40 Stat. 1178, chapter 45).

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

SEC. 6. MODIFICATION OF USE RESTRICTION.

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

(1) by striking “That the Secretary” and inserting the following:

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

“The Secretary”; and

(2) by striking “for school purposes” and inserting “for public purposes, subject to the conditions that use of the land shall not degrade or adversely impact the resources or values of Acadia National Park and that the land shall remain in public ownership for recreational, educational, or similar public purposes”.

1 **SEC. 7. CONTINUATION OF CERTAIN TRADITIONAL USES.**

2 Title I of Public Law 99–420 (16 U.S.C. 341 note)
3 is amended by adding at the end the following:

4 **“SEC. 109. CONTINUATION OF CERTAIN TRADITIONAL USES.**

5 “(a) DEFINITIONS.—In this section:

6 “(1) LAND WITHIN THE PARK.—The term ‘land
7 within the Park’ means land owned or controlled by
8 the United States—

9 “(A) that is within the boundary of the
10 Park established by section 101; or

11 “(B)(i) that is outside the boundary of the
12 Park; and

13 “(ii) in which the Secretary has or acquires
14 a property interest or conservation easement
15 pursuant to this title.

16 “(2) MARINE SPECIES; MARINE WORM; SHELL-
17 FISH.—The terms ‘marine species’, ‘marine worm’,
18 and ‘shellfish’ have the meanings given those terms
19 in section 6001 of title 12 of the Maine Revised
20 Statutes (as in effect on the date of enactment of
21 this section).

22 “(3) STATE LAW.—The term ‘State law’ means
23 the law (including regulations) of the State of
24 Maine, including the common law.

25 “(4) TAKING.—The term ‘taking’ means the re-
26 moval or attempted removal of a marine species, ma-

1 rine worm, or shellfish from the natural habitat of
2 the marine species, marine worm, or shellfish.

3 “(b) CONTINUATION OF TRADITIONAL USES.—The
4 Secretary shall allow for the traditional taking of marine
5 species, marine worms, and shellfish, on land within the
6 Park between the mean high watermark and the mean low
7 watermark in accordance with State law.”.

8 **SEC. 8. CONVEYANCE OF CERTAIN LAND IN ACADIA NA-**
9 **TIONAL PARK TO THE TOWN OF BAR HAR-**
10 **BOR, MAINE.**

11 (a) IN GENERAL.—The Secretary shall convey to the
12 Town of Bar Harbor all right, title, and interest of the
13 United States in and to the .29-acre parcel of land in Aca-
14 dia National Park identified as lot 110–055–000 on the
15 tax map of the Town of Bar Harbor for section 110, dated
16 April 1, 2015, to be used for a solid waste transfer facility.

17 (b) REVERSION.—If the land conveyed under sub-
18 section (a) is used for a purpose other than the purpose
19 described in that subsection, the land shall, at the discre-
20 tion of the Secretary, revert to the United States.

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