

104TH CONGRESS
1ST SESSION

S. 685

To provide for the conveyance of certain lighthouses located in the State of Maine.

IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 5), 1995

Ms. SNOWE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for the conveyance of certain lighthouses located in the State of Maine.

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. CONVEYANCE OF CERTAIN LIGHTHOUSES LO-**
4 **CATED IN MAINE.**

5 (a) AUTHORITY TO CONVEY.—

6 (1) IN GENERAL.—Subject to paragraphs (3)
7 and (4), the Secretary of Transportation may con-
8 vey, without consideration, to the Island Institute,
9 Rockland, Maine (in this section referred to as the
10 “Institute”), all right, title, and interest of the

1 United States in and to any of the facilities and real
2 property and improvements described in paragraph
3 (2).

4 (2) COVERED FACILITIES.—Paragraph (1) ap-
5 plies to lighthouses, together with any real property
6 and other improvements associated therewith, lo-
7 cated in the State of Maine as follows:

8 (A) Whitehead Island Light.

9 (B) Deer Island Thorofare (Mark Island)
10 Light.

11 (C) Burnt Island Light.

12 (D) Rockland Harbor Breakwater Light.

13 (E) Monhegan Island Light.

14 (F) Eagle Island Light.

15 (G) Curtis Island Light.

16 (H) Moose Peak Light.

17 (I) Great Duck Island Light.

18 (J) Goose Rocks Light.

19 (K) Isle au Haut Light.

20 (L) Goat Island Light.

21 (M) Wood Island Light.

22 (N) Doubling Point Light.

23 (O) Doubling Point Front Range Light.

24 (P) Doubling Point Rear Range Light.

25 (Q) Little River Light.

- 1 (R) Spring Point Ledge Light.
- 2 (S) Ram Island Light (Boothbay).
- 3 (T) Seguin Island Light.
- 4 (U) Marshall Point Light.
- 5 (V) Fort Point Light.
- 6 (W) West Quoddy Head Light.
- 7 (X) Brown's Head Light.
- 8 (Y) Cape Neddick Light.
- 9 (Z) Halfway Rock Light.
- 10 (AA) Ram Island Ledge Light.
- 11 (BB) Mount Desert Rock Light.
- 12 (CC) Whitlock's Mill Light.

13 (3) LIMITATION ON CONVEYANCE.—The Sec-
14 retary shall retain all right, title, and interest of the
15 United States in and to any historical artifact, in-
16 cluding any lens or lantern, that is associated with
17 the lighthouses conveyed under this subsection,
18 whether located at the lighthouse or elsewhere. The
19 Secretary shall identify any equipment, system, or
20 object covered by this paragraph.

21 (4) DEADLINE FOR CONVEYANCE.—The convey-
22 ances authorized by this subsection shall take place,
23 if at all, not later than 5 years after the date of the
24 enactment of this Act.

1 (5) ADDITIONAL CONVEYANCES TO UNITED
2 STATES FISH AND WILDLIFE SERVICE.—The Sec-
3 retary may transfer, in accordance with the terms
4 and conditions of subsection (b), the following light-
5 houses, together with any real property and improve-
6 ments associated therewith, directly to the United
7 States Fish and Wildlife Service:

8 (A) Two Bush Island Light.

9 (B) Egg Rock Light.

10 (C) Libby Island Light.

11 (D) Matinicus Rock Light.

12 (b) CONDITIONS OF CONVEYANCE.—The conveyance
13 of a lighthouse, and any real property and improvements
14 associated therewith, under subsection (a) shall be subject
15 to the following conditions:

16 (1) That the lighthouse and any such property
17 and improvements be used for educational, historic,
18 recreational, cultural, and wildlife conservation pro-
19 grams for the general public and for such other uses
20 as the Secretary determines to be not inconsistent or
21 incompatible with such uses.

22 (2) That the lighthouse and any such property
23 and improvements be maintained at no cost to the
24 United States in a manner that ensures the use of

1 the lighthouse by the Coast Guard as an aid to
2 navigation.

3 (3) That the use of the lighthouse and any such
4 property and improvements by the Coast Guard as
5 an aid to navigation not be interfered with, except
6 with the written permission of the Secretary.

7 (4) That the lighthouse and any such property
8 and improvements be maintained in a manner con-
9 sistent with the provisions of the National Historic
10 Preservation Act (16 U.S.C. 470 et seq.).

11 (5) That public access to the lighthouse and
12 any such property and improvements be ensured.

13 (c) RESERVATIONS.—In the conveyance of a light-
14 house under subsection (a)(1), the Secretary shall reserve
15 to the United States the following:

16 (1) The right to enter the lighthouse, and any
17 real property and improvements conveyed therewith,
18 at any time, without notice, for purposes of main-
19 taining any aid to navigation at the lighthouse, in-
20 cluding any light, antennae, sound signal, and asso-
21 ciated equipment located at the lighthouse, and any
22 electronic navigation equipment or system located at
23 the lighthouse.

24 (2) The right to enter the lighthouse and any
25 such property and improvements at any time, with-

1 out notice, for purposes of relocating, replacing, or
2 improving any such aid to navigation, or to carry
3 out any other activity necessary in aid of navigation.

4 (3) An easement of ingress and egress onto the
5 real property conveyed for the purposes referred to
6 in paragraphs (1) and (2).

7 (4) An easement over such portion of such
8 property as the Secretary considers appropriate in
9 order to ensure the visibility of the lighthouse for
10 navigation purposes.

11 (5) The right to obtain and remove any histori-
12 cal artifact, including any lens or lantern that the
13 Secretary has identified pursuant to paragraph (3)
14 of subsection (a).

15 (d) MAINTENANCE OF AIDS TO NAVIGATION.—The
16 Secretary may not impose upon the Institute, or upon any
17 entity to which the Institute conveys a lighthouse under
18 subsection (g), an obligation to maintain any aid to navi-
19 gation at a lighthouse conveyed under subsection (a)(1).

20 (e) REVERSIONARY INTEREST.—All right, title, and
21 interest in and to a lighthouse and any real property and
22 improvements associated therewith that is conveyed to the
23 Institute under subsection (a)(1) shall revert to the United
24 States and the United States shall have the right of imme-
25 diate entry thereon if—

1 (1) the Secretary determines at any time that
2 the lighthouse, and any property and improvements
3 associated therewith, is not being utilized or main-
4 tained in accordance with subsection (b); or

5 (2) the Secretary determines that—

6 (A) the Institute is unable to identify an
7 entity eligible for the conveyance of the light-
8 house under subsection (g) within the 3-year
9 period beginning on the date of the conveyance
10 of the lighthouse to the Institute under sub-
11 section (a)(1); or

12 (B) in the event that the Institute identi-
13 fies an entity eligible for the conveyance within
14 that period—

15 (i) the entity is unable or unwilling to
16 accept the conveyance and the Institute is
17 unable to identify another entity eligible
18 for the conveyance within that period; or

19 (ii) the committee established under
20 subsection (g)(3)(A) disapproves of the en-
21 tity identified by the Institute and the In-
22 stitute is unable to identify another entity
23 eligible for the conveyance within that pe-
24 riod.

1 (f) INSPECTION.—The State Historic Preservation
2 Officer of the State of Maine may inspect any lighthouse,
3 and any real property and improvements associated there-
4 with, that is conveyed under this section at any time, with-
5 out notice, for purposes of ensuring that the lighthouse
6 is being maintained in the manner required under sub-
7 sections (b)(4) and (b)(5). The United States Fish and
8 Wildlife Service, the Institute, and any subsequent
9 conveyee of the Institute under subsection (g), shall co-
10 operate with the official referred to in the preceding sen-
11 tence in the inspections of that official under this sub-
12 section.

13 (g) SUBSEQUENT CONVEYANCE.—

14 (1) REQUIREMENT.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), the Institute shall convey,
17 without consideration, all right, title, and inter-
18 est of the Institute in and to the lighthouses
19 conveyed to the Institute under subsection
20 (a)(1), together with any real property and im-
21 provements associated therewith, to one or more
22 entities identified under paragraph (2) and ap-
23 proved by the committee established under
24 paragraph (3) in accordance with the provisions
25 of such paragraph (3).

1 (B) EXCEPTION.—The Institute, with the
2 concurrence of the committee and in accordance
3 with the terms and conditions of subsection (b),
4 may retain right, title, and interest in and to
5 the following lighthouses conveyed to the Insti-
6 tute:

7 (i) Whitehead Island Light.

8 (ii) Deer Island Thorofare (Mark Is-
9 land) Light.

10 (2) IDENTIFICATION OF ELIGIBLE ENTITIES.—

11 (A) IN GENERAL.—Subject to subpara-
12 graph (B), the Institute shall identify entities
13 eligible for the conveyance of a lighthouse under
14 this subsection. Such entities shall include any
15 department or agency of the Federal Govern-
16 ment, any department or agency of the Govern-
17 ment of the State of Maine, any local govern-
18 ment in that State, or any nonprofit corpora-
19 tion, educational agency, or community develop-
20 ment organization that—

21 (i) is financially able to maintain the
22 lighthouse (and any real property and im-
23 provements conveyed therewith) in accord-
24 ance with the conditions set forth in sub-
25 section (b);

1 (ii) agrees to permit the inspections
2 referred to in subsection (f); and

3 (iii) agrees to comply with the condi-
4 tions set forth in subsection (b) and to
5 have such conditions recorded with the
6 deed of title to the lighthouse and any real
7 property and improvements that may be
8 conveyed therewith.

9 (B) ORDER OF PRIORITY.—In identifying
10 entities eligible for the conveyance of a light-
11 house under this paragraph, the Institute shall
12 give priority to entities in the following order,
13 which are also the exclusive entities eligible for
14 the conveyance of a lighthouse under this sec-
15 tion:

16 (i) Agencies of the Federal Govern-
17 ment.

18 (ii) Entities of the Government of the
19 State of Maine.

20 (iii) Entities of local governments in
21 the State of Maine.

22 (iv) Nonprofit corporations, edu-
23 cational agencies, and community develop-
24 ment organizations.

1 (3) SELECTION OF CONVEYEES AMONG ELIGI-
2 BLE ENTITIES.—

3 (A) COMMITTEE.—

4 (i) IN GENERAL.—There is hereby es-
5 tablished a committee to be known as the
6 Maine Lighthouse Selection Committee (in
7 this paragraph referred to as the “Com-
8 mittee”).

9 (ii) MEMBERSHIP.—The Committee
10 shall consist of five members appointed by
11 the Secretary as follows:

12 (I) One member, who shall serve
13 as the Chairman of the Committee,
14 shall be appointed from among indi-
15 viduals recommended by the Governor
16 of the State of Maine.

17 (II) One member shall be the
18 State Historic Preservation Officer of
19 the State of Maine, with the consent
20 of that official, or a designee of that
21 official.

22 (III) One member shall be ap-
23 pointed from among individuals rec-
24 ommended by State and local organi-
25 zations in the State of Maine that are

1 concerned with lighthouse preserva-
2 tion or maritime heritage matters.

3 (IV) One member shall be ap-
4 pointed from among individuals rec-
5 ommended by officials of local govern-
6 ments of the municipalities in which
7 the lighthouses referred to in sub-
8 section (a) are located.

9 (V) One member shall be ap-
10 pointed from among individuals rec-
11 ommended by the Secretary of the In-
12 terior.

13 (iii) APPOINTMENT DEADLINE.—The
14 Secretary shall appoint the members of the
15 Committee not later than 180 days after
16 the date of the enactment of this Act.

17 (iv) MEMBERSHIP TERM.—

18 (I) Members of the Committee
19 shall serve for such terms not longer
20 than 3 years as the Secretary shall
21 provide. The Secretary may stagger
22 the terms of initial members of the
23 Committee in order to ensure continu-
24 ous activity by the Committee.

1 (II) Any member of the Commit-
2 tee may serve after the expiration of
3 the term of the member until a suc-
4 cessor to the member is appointed. A
5 vacancy in the Committee shall be
6 filled in the same manner in which the
7 original appointment was made.

8 (v) VOTING.—The Committee shall
9 act by an affirmative vote of a majority of
10 the members of the Committee.

11 (B) RESPONSIBILITIES.—

12 (i) IN GENERAL.—The Committee
13 shall—

14 (I) review the entities identified
15 by the Institute under paragraph (2)
16 as entities eligible for the conveyance
17 of a lighthouse; and

18 (II) approve one such entity, or
19 disapprove all such entities, as entities
20 to which the Institute may make the
21 conveyance of the lighthouse under
22 this subsection.

23 (ii) APPROVAL.—If the Committee ap-
24 proves an entity for the conveyance of a

1 lighthouse, the Committee shall notify the
2 Institute of such approval.

3 (iii) DISAPPROVAL.—If the Committee
4 disapproves of the entities, the Committee
5 shall notify the Institute and, subject to
6 subsection (e)(2)(B), the Institute shall
7 identify other entities eligible for the con-
8 veyance of the lighthouse under paragraph
9 (2). The Committee shall review and ap-
10 prove or disapprove of entities identified
11 pursuant to the preceding sentence in ac-
12 cordance with this subparagraph.

13 (C) EXEMPTION FROM FACa.—The Fed-
14 eral Advisory Committee Act (5 U.S.C. App.)
15 shall not apply to the Committee, however, all
16 meetings of the Committee shall be open to the
17 public and preceded by appropriate public no-
18 tice.

19 (D) TERMINATION.—The Committee shall
20 terminate 8 years from the date of the enact-
21 ment of this Act.

22 (4) CONVEYANCE.—Upon notification under
23 paragraph (3)(B)(ii) of the approval of an entity for
24 the conveyance of a lighthouse under this subsection,

1 the Institute shall, with the consent of the entity,
2 convey the lighthouse to the entity.

3 (5) RESPONSIBILITIES OF CONVEYEEES.—Each
4 entity to which the Institute conveys a lighthouse
5 under this subsection, or any successor or assign of
6 such entity in perpetuity, shall—

7 (A) use and maintain the lighthouse in ac-
8 cordance with subsection (b) and have such
9 terms and conditions recorded with the deed of
10 title to the lighthouse and any real property
11 conveyed therewith; and

12 (B) permit the inspections referred to in
13 subsection (f).

14 (h) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of any lighthouse, and any real prop-
16 erty and improvements associated therewith, conveyed
17 under subsection (a) shall be determined by the Secretary.

18 (i) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act, and annually thereafter for
20 the next 7 years, the Secretary shall submit to Congress
21 a report on the conveyance of lighthouses under this sec-
22 tion. The report shall include a description of the imple-
23 mentation of the provisions of this section, and the re-
24 quirements arising under such provisions, in—

1 (1) providing for the use and maintenance of
2 the lighthouses conveyed under this section in ac-
3 cordance with subsection (b);

4 (2) providing for public access to such light-
5 houses; and

6 (3) achieving the conveyance of lighthouses to
7 appropriate entities under subsection (g).

8 (j) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
9 retary may require any additional terms and conditions
10 in connection with a conveyance under subsection (a) that
11 the Secretary considers appropriate in order to protect the
12 interests of the United States.

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