

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 609

H. P. 490

House of Representatives, February 23, 1977

Referred to the Committee on Human Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Pearson of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Transfer the Eminent Domain Power of the Penobscot Indian Housing Authority to the Tribal Governor and Council and to Require Referendum Approval of any action Relating to Eminent Domain.

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

22 MRSA §§ 4736-A and 4736-B are enacted to read:

§ 4736-A. Eminent domain power of the Penobscot Indian tribal governor and council

Title 30, section 4656, shall not apply to the Housing Authority of the Penobscot tribal reservation. The tribal governor and council of the Penobscot Indian reservation shall have the right to acquire, by the exercise of the power of eminent domain, any real property which they may deem necessary for the purposes set out in this chapter, after the adoption of a resolution declaring that the acquisition of the real property described therein is necessary for these purposes. Any real property acquired pursuant to this section, shall be transferred by the governor and council to the reservation authority to be used for the purposes set out in this chapter.

§ 4736-B. Referendum

No real property shall be acquired pursuant to section 4736-A, unless or until a majority of the members of the Penobscot tribal reservation eligible to vote under section 4792, voting in a referendum duly held, have voted in favor of the acquisition. The tribal governor and council shall determine the form and operation of the referendum vote and shall make all rules and regulations necessary to carry out the referendum.

STATEMENT OF FACT

The purpose of this bill is to transfer the eminent domain powers held by the Penobscot Indian Housing Authority to the tribal governor and council and to require a referendum vote before the power is exercised. This will enable the members of the Penobscot Indian tribe to acquire a broader voice in matters which affect their reservation and tribal members, and will permit broader participation in decisions concerning the exercise of eminent domain powers.