

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 1266

S.P. 409

In Senate, April 15, 1993

**An Act to Allow a Casino to be Constructed by the Passamaquoddy
Tribe in Calais for the Purpose of Gambling.**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator VOSE of Washington.

Cosponsored by Senators: BALDACCI of Penobscot, BERUBE of Androscoggin, CAREY of Kennebec, CIANCHETTE of Somerset, CONLEY of Cumberland, HALL of Piscataquis, HANDY of Androscoggin, LAWRENCE of York, MARDEN of Kennebec, TITCOMB of Cumberland, Representatives: CARR of Sanford, CARROLL of Gray, COTE of Auburn, DRISCOLL of Calais, GOULD of Greenville, HICHBORN of Howland, HUSSEY of Milo, JALBERT of Lisbon, JOSEPH of Waterville, LARRIVEE of Gorham, MARTIN of Van Buren; MORRISON of Bangor, PARADIS of Augusta, POULIOT of Lewiston, RICKER of Lewiston, ROTONDI of Athens, TARDY of Palmyra, TOWNSEND of Eastport, VIGUE of Winslow.

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

2
4 Sec. 1. 17 MRSA §348 is enacted to read:

6 **§348. Compact negotiations required**

8 Notwithstanding any other provision of law, the Governor,
10 upon receipt of a request by the Passamaquoddy Tribe, shall
12 conduct good faith negotiations with the tribe in accordance with
14 and pursuant to the terms of the federal Indian Gaming Regulatory
16 Act, 25 United States Code, Section 2710(d) on behalf of the
18 State to enter into a tribal-state compact governing the conduct
of Class III electronic and table games of chance on any
Passamaquoddy Indian Territory in Calais, Maine. Upon taking
effect under the terms of the compact and the federal Indian
Gaming Regulatory Act, a tribal-state compact with the
Passamaquoddy Tribe has the force and effect of law and is the
license of the tribe as that term is used in Title 17-A, section
951.

20 Sec. 2. 30 MRSA §6205, sub-§1, ¶B, as amended by PL 1991, c.
22 720, §1 and affected by §2, is further amended to read:

24 B. The first 150,000 acres of land acquired by the
26 secretary for the benefit of the Passamaquoddy Tribe from
28 the following areas or lands to the extent that those lands
30 are acquired by the secretary prior to January 31, 1991
2001, are not held in common with any other person or entity
and are certified by the secretary by January 31, 1991 2001,
as held for the benefit of the Passamaquoddy Tribe:

32 The lands of Great Northern Nekoosa Corporation located in
34 T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb),
36 T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of
Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond),
38 T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6,
B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the
40 heirs of David Pingree located in T.6, R.8, W.E.L.S.; any
portion of Sugar Island in Moosehead Lake; the lands of
42 Prentiss and Carlisle Company located in T.9, S.D.; any
portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff
44 or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.;
any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5,
46 W.B.K.P. (Alder Stream); the lands of Dead River Company in
T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and
48 T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any
portion of T.3, N.D.; any portion of T.4, N.D.; any portion
of T.39, M.D.; any portion of T.40, M.D.; any portion of
50 T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of
Diamond International Corporation, International Paper
52 Company and Lincoln Pulp and Paper Company located in
Argyle; and the lands of the Dyer Interests in T.A.R.7

2 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3. N.B.K.P. (Alder Brook
Township), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4
4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P.
(Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss
6 Township), and any lands in Albany Township acquired by the
Passamaquoddy Tribe before January 1, 1991; and any lands in
the City of Calais approved by the legislative body of that
8 city for acquisition by the tribe.

10 **Sec. 3. Tribal ratification.** This Act is not effective unless,
within 60 days of the adjournment of the Legislature, the
12 Secretary of State receives written notification by the Joint
Tribal Council of the Passamaquoddy Tribe that the tribe has
14 agreed to the provisions of this Act pursuant to the United
States Code, Title 25, Section 1725(e)(1), copies of which must
16 be submitted by the Secretary of State to the Secretary of the
Senate, the Clerk of the House of Representatives and the Office
18 of the Revisor of Statutes.

20
22 **STATEMENT OF FACT**

This bill authorizes the Passamaquoddy Tribe to operate a
24 casino on tribal land in Calais under the terms of a tribal-state
compact to be negotiated and concluded under the terms of the
26 compact and the federal Indian Gaming Regulatory Act. This
ensures that the Passamaquoddy Tribe receives the full benefits
28 granted to other federally recognized tribes under the federal
Indian Gaming Regulatory Act. The bill also authorizes the
30 Passamaquoddy Tribe to include land in Calais as part of
Passamaquoddy Indian Territory with the approval of the Calais
32 City Council. The bill also requires that the Passamaquoddy
Tribe ratify the provisions of a tribal-state compact pursuant to
34 the terms of the federal Settlement Act.