

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

lating to nonrenewal of policies shall take effect 30 days after the effective date of this section.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 14, 1986.

CHAPTER 672

H.P. 1418 - L.D. 2007

AN ACT to Amend the Maine Implementing Act
with Respect to the Houlton Band of
Maliseet Indians.

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

Sec. 1. 3 MRSA §602, as enacted by PL 1983, c. 497, §1, is amended to read:

§602. Designation of officer

The governor and council of the Penobscot Nation, ~~and~~ the Joint Tribal Council of the Passamaquoddy Tribe and the council of the Houlton Band of Maliseet Indians shall each designate, by name and title, the officer authorized to execute the certificate of approval of legislation required by section 601. The designation shall be in writing and filed with the Secretary of State no later than the first Wednesday in January in the First Regular Session of the Legislature, except that the designation for the Houlton Band of Maliseet Indians must be filed with the Secretary of State no later than 45 days after adjournment of the Second Regular Session of the 112th Legislature. The Secretary of State shall forthwith transmit certified copies of each designation to the Secretary of the Senate and the Clerk of the House of Representatives. The designation shall remain in effect until the governor and council of the Penobscot Nation ~~or~~, the Joint Tribal Council of the Passamaquoddy Tribe or the council of the Houlton Band of Maliseet Indians make a new designation.

Sec. 2. 30 MRSA §6208, sub-§2, as amended by PL 1981, c. 675, §§4 and 5, is further amended to read:

2. Property taxes. The Passamaquoddy Tribe and the Penobscot Nation shall make payments in lieu of taxes on all real and personal property within their respective Indian territory in an amount equal to that which would otherwise be imposed by a county, a district, the State, or other taxing authority on such real and personal property provided, however, that any real or personal property within Indian territory used by either tribe or nation predominantly for governmental purposes shall be exempt from taxation to the same extent that such real or personal property owned by a municipality is exempt under the laws of the State. The Houlton Band of Maliseet Indians shall make payments in lieu of taxes on Houlton Band Trust Land in an amount equal to that which would otherwise be imposed by a municipality, county, district, the State or other taxing authority on that land or natural resource. Any other real or personal property owned by or held in trust for any Indian, Indian Nation or tribe or band of Indians and not within Indian territory, shall be subject to levy and collection of real and personal property taxes by any and all taxing authorities, including but without limitation municipalities, except that such real and personal property owned by or held for the benefit of and used by the Passamaquoddy Tribe or the Penobscot Nation predominantly for governmental purposes shall be exempt from property taxation to the same extent that such real and personal property owned by a municipality is exempt under the laws of the State. ~~The Houlton Band of Maliseet Indians shall not be deemed to own or use any property for governmental purposes.~~

Sec. 3. 30 MRS.A §6208, sub-§3, as amended by PL 1981, c. 675, §6, is further amended to read:

3. Other taxes. The Passamaquoddy Tribe, the Penobscot Nation, the members thereof, and any other Indian, Indian Nation, or tribe or band of Indians shall be liable for payment of all other taxes and fees to the same extent as any other person or entity in the State. For purposes of this section either tribe or nation, when acting in its business capacity as distinguished from its governmental capacity, shall be deemed to be a business corporation organized under the laws of the State and shall be taxed as such. ~~The Houlton Band of Maliseet Indians shall not be deemed to be a governmental entity or to have the powers of a municipality.~~

Sec. 4. Effective date. This Act shall be effective only if:

1. The United States enacts legislation:

A. Ratifying and approving Maine Public Law 1985, chapter 675, without modification; and

B. Amending the United States Public Law 96-420, Section 6 (e), United States Code, Title 25, Section 1725 (e), to provide the consent of the United States for amendments to the Maine Implementing Act, with respect to the Houlton Band of Maliseet Indians, provided that such amendment of the Maine Implementing Act is made with the agreement of the Houlton Band of Maliseet Indians; and

2. Within 60 days of adjournment of the Legislature, the Secretary of State receives written certification by the council of the Houlton Band of Maliseet Indians that the band has agreed to this Act pursuant to the United States Code, Title 25, Section 1725(e)(1), copies of which shall be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives; provided that in no event shall this Act become effective until 90 days after adjournment of the Legislature.

Effective July 16, 1986, as indicated.

CHAPTER 673

S.P. 909 - L.D. 2276

AN ACT Concerning Access to Vital Records in Cases of Adoption.

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

22 MRSA §2706-A, sub-§5, as enacted by PL 1979, c. 384, is amended to read:

5. Request for contact. When the state registrar has a request for contact from both a biological parent and that parent's adopted child or the child's adoptive parent, he shall notify each party of the name and address of the other party. If a biological parent, an adoptive parent or an adopted person registered under this section has made a request for contact and the party being sought died in Maine, the