

MAINE STATE LEGISLATURE

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JAMES E. TIERNEY
ATTORNEY GENERAL



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

January 20, 1982

Representative Fred Mulholland
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Mulholland:

I am writing to address the question you raised regarding the delivery of "municipal services" to residents of Indian Township.

The facts, as we understand them, are as follows. A group of Indian Township homeowners, who are not members of the Passamaquoddy Tribe, have asked you to assist them in obtaining street lights for their neighborhood. Although these residents pay property taxes to the Unorganized Territory Tax District, 36 M.R.S.A. § 1601 et seq., and to Washington County, 30 M.R.S.A. § 254, the county commissioners believe that the Passamaquoddy Tribe is the governmental entity responsible for the delivery of governmental services throughout the township. You have asked for our assistance in resolving this matter.

State legislation enacted in connection with the Indian land claims settlement provides that the Passamaquoddy Tribe will exercise municipal jurisdiction over those portions of Indian Township that: (a) are now owned by the Tribe, and (b) that were owned by a member of the Passamaquoddy Tribe on December 12, 1980, the effective date of the state legislation. 30 M.R.S.A. §§ 6203(5), 6205(1), 6206. Since the land of the homeowners in question does not fall within this classification, the Passamaquoddy Tribe has no jurisdiction over the land and it is not responsible for the delivery of governmental services to these homeowners.

Rather those services are to be provided in the same manner as governmental services are customarily provided in the unorganized territory.^{1/}

I hope this is of assistance to you.

Sincerely,

ANDRE G. JANELLE
Assistant Attorney General

AGJ:mfe

^{1/} The governmental entities that are required to provide services to residents of the unorganized territory are the State of Maine and the individual counties. Such services may be categorized as statewide services (paid through general state taxes), countywide services (paid through county property taxes) and "municipal" or local services (paid through the unorganized territory property tax, 36 M.R.S.A. § 1601 et seq.).