

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
SENATE  
109TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A " to S. P. 827, L.D. 2037, Bill, "AN ACT to Provide for Implementation of the Settlement of Claims by Indians in the State of Maine and to Create the Passamaquoddy Indian Territory and Penobscot Indian Territory."

Amend the Bill in section 1 in that part designated "§6203." in subsection 5 by inserting after the underlined word, figures and punctuation "June 5, 1855;" in the 6th line from the end (5th line in L.D.) the following:

'100 acres of land located at Pleasant Point in Washington County as described in a deed to Captain John Frost from Theodore Lincoln, Attorney for Benjamin Lincoln, Thomas Russell, and John Lowell dated July 14, 1792, and recorded in the Washington County Registry of Deeds on April 27, 1801 at Book 3, Page 73;'

Further amend the Bill in section 1, in that part designated "§6203.", subsection 4, by inserting after the underlined word and punctuation "statutes," the underlined words 'rules or'

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Further amend the Bill in section 1 in that part designated "§6203." by striking out all of subsection 12 and inserting in its place the following:

'12. Settlement Fund. "Settlement Fund" means the trust fund established for the Passamaquoddy Tribe and Penobscot Nation by the United States pursuant to Congressional legislation extinguishing aboriginal land claims in Maine.'

Further amend the Bill in section 1 in that part designated "§6205." in subsection 1 by striking out all of the last underlined paragraph of paragraph B, which begins with "The lands of Great Northern Nekoosa Corporation," and inserting in its place the following underlined paragraph:

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The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), 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), 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 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 Prentiss and Carlisle/<sup>Company</sup>located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff 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, 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 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 T.41, M.D.; any portion of T.42, M.D.B.P.P.; and the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle.'

Further amend the Bill in section 1 in that part designated "§6205." in subsection 2 by striking out all of the last underlined paragraph of paragraph B, which begins with "The lands of Great Northern Nekoosa Corporation," and inserting in its place the following underlined paragraph:

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The lands of Great Northern Nekoosa Corporation located in  
T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb),  
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),  
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  
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  
Prentiss and Carlisle/<sup>Company</sup>located in T.9, S.D.; any portion of  
T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff  
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, 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 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 T.41, M.D.; any  
portion of T.42, M.D.B.P.P.; and the lands of Diamond  
International Corporation, International Paper Company  
and Lincoln Pulp and Paper Company located in Argyle.'

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Further amend the Bill in section 1 in that part designated "§6206." by striking out in the 3rd line of subsection 1 (same in L.D.) the following underlined words, punctuation and figure: "as defined in section 5,"

Further amend the Bill in section 1 in that part designated "§6207." by adding at the end the following subsection:

'9. Fish. As used in this section, the term "fish" means a cold blooded completely aquatic vertebrate animal having permanent fins, gills and an elongated streamlined body usually covered with scales and includes inland fish and anadromous and catadromous fish when in inland water.'

Further amend the Bill in section 1, in that part designated "6207.", subsection 3, /by inserting after the underlined word "fishing" the underlined words 'rules or'

Further amend the Bill in section 1, in that part designated "§6207.", subsection 3, 3rd paragraph from the end, in the first line (same in L.D.), by inserting after the underlined word "such" the underlined words 'rules or'

Further amend the Bill in section 1, in that part designated "§6207.", subsection 3, 2nd paragraph from the end, in the first line (same in L.D.), by inserting after the underlined word "Said" the underlined words 'rules or'

Further amend the Bill in section 1, in that part designated "§6207.", subsection 3, 2nd paragraph from the end, 2nd sentence, by striking out the first underlined word "Regulations" and inserting in its place the underlined words 'Rules and regulations'

Further amend the Bill in section 1, in that part designated "§6207.", subsection 3, 2nd paragraph from the end, in the last sentence, by inserting after the underlined word "adopting" the underlined words 'rules or'

Further amend the Bill in section 1, in that part designated "§6207." subsection/<sup>3,</sup> in the last paragraph, by striking out in the 2nd line (same in L.D.), 5th line (4th line in L.D.), and 6th line (5th line in L.D.) the underlined word "regulations" and inserting <sup>their</sup> in / place the underlined words 'rules and regulations'

E. O. P.

Further amend the Bill in section 1, in that part designated "§6207." subsection 4, by inserting after the underlined words "Notwithstanding any" the underlined words 'rule or'

Further amend the Bill in section 1, in that part designated "§6207.", subsection 6, <sup>first paragraph,</sup> /in the 17th line from the end (13th line from the end in the L.D.) by striking out the underlined words "ordinance or regulation" and inserting in their place the underlined words and punctuation 'ordinance, rule or regulation'

Further amend the Bill in section 1, in that part designated "§6207.", subsection 6, <sup>first paragraph,</sup> /in the 10th and 11th lines from the end (8th and 9th lines from the end in the L.D.) by striking out the underlined words "ordinance or regulation" and inserting in their place the underlined words and punctuation 'ordinance, rule or regulation'



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Further amend the Bill in section 1 in that part designated "§6208." by inserting after the words "either tribe or nation"  
7th and  
in the 8th lines of subsection 2 (6th line in L.D.) the word 'predominantly'; and by inserting after the underlined words "Penobscot Nation" in the 17th line of subsection 2 (14th line in L.D.) the underlined word 'predominantly'

Further amend the Bill in section 1, in that part designated "§6209.", subsection 2, in the last sentence, by inserting after the underlined words and figures "sections 1301-03 and" the underlined words 'rules or'

Further amend the Bill in section 1 in that part designated "§6209."  
in subsection 5,  
/by striking out in the 10th line (8th line in L.D.) the underlined word "amends" and inserting in its place the underlined word 'amend'

Further amend the Bill in section 1, in that part designated "§6210.", subsection 2, in the 5th line from the end (4th line from the end in the L.D.) by inserting after the underlined words "to enforce" the underlined words 'rules or'

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Further amend the Bill in section 1 in that part designated "\$6213." by inserting after the underlined words and punctuation 'statute of any state,' in the 5th line of subsection 1 (4th line in L.D.) the following:

'which transfer occurred prior to the effective date of this Act,'  
in section 1 (9th in LD)

Further amend the Bill/by striking out all of the 11th line/ from the end which reads:

"\$13. Tribal school committees" and inserting in its place the following: '\$6214. Tribal school committees'

Further amend the Bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 1 MRSA §2501, sub-§30, as amended by PL 1979, c. 663, §2, is repealed.'

Further amend the Bill in section 12, in that part designated "\$7655.", in the first line (same in L.D.) by inserting after the underlined words "violation of" the underlined words 'rules or'

Further amend the Bill in section 12, in that part designated "\$7655.", in the first sentence, by inserting after the underlined words "violation of the" the underlined words 'rules or'

Further amend the Bill in section 12 in that part designated "\$7655." by striking out in the last 3 lines (last 2 lines in L.D.) the words and punctuation "the "Act to Implement the Maine Indian Land Claims Settlement."" and inserting in their place the following: 'Title 30, Part 4.'

Further amend the Bill by striking out all of section 21 and inserting in its place the following:

'Sec. 21. 30 MRSA §4786, as amended by PL 1979, c. 570, and §2, as repealed is reenacted to read:

§4786. Definitions

As used in this Article, unless the context otherwise indicates, the following words shall have the following meanings.

1. Housing. "Housing" shall include but not be limited to any "project" or "housing project," as defined in section 4552, subsection 12.

2. Housing Mortgage Insurance Fund. "Housing Mortgage Insurance Fund" means any fund established by the Maine State Housing Authority for the purpose of providing insurance for payment of mortgage loans for housing in Maine.

3. Indian Housing Mortgage Insurance Fund. "Indian Housing Mortgage Insurance Fund" means any Housing Mortgage Insurance Fund established by the Maine State Housing Authority in cooperation with the Indian Housing Authorities for the purpose of providing insurance for payment of mortgage loans for housing on the several Indian reservations.

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4. Indian Housing Authority. "Indian Housing Authority"  
means any housing authority created by the Maine Indian  
Housing Authority law.

5. Indian Housing Mortgage Insurance Committee. "Indian  
Housing Mortgage Insurance Committee" means a committee consisting  
of the Treasurer of State, the Director of the Maine State  
Housing Authority, the Commissioner of Finance and  
Administration and one person from the Passamaquoddy Tribe  
and one person from the Penobscot Nation to be chosen by the  
respective tribe or nation.'

Further amend the Bill by striking out all of the amending  
clause of section 22 and inserting in its place the  
following:

'Sec. 22. 30 MRSA §4787, sub-§2-A, as enacted by PL 1979,  
c. 570, §3 and as repealed, is reenacted to read:'

Further amend the Bill by inserting after section 23 the  
following:

'Sec. 23-A. 30 MRSA §4789, as enacted by PL 1979, c. 570,  
§4 and as repealed, is reenacted to read:  
§4789. Rule making

In order to implement and administer the Housing Mortgage  
Insurance Law, the Maine State Housing Authority is authorized  
to enact, amend or repeal rules and regulations pursuant  
to the Maine Administrative Procedure Act, Title 5, chapter 375.'

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Fiscal Note

It is estimated that this bill will result in savings to the State based upon past expenditures.

The bill could result in some additional cost as it relates to ~~General Assistance~~, services by other agencies of the State to the <sup>Tribal-State</sup> ~~Commission~~ or preparing impact statements under Title 30, section 6205, subsection 3, but the costs will be more than offset by the savings in the cost of education which is understood will be paid by the Federal Government starting July 1, 1980, and other expenses provided by the Department of Indian Affairs.

The expenses of the <sup>Tribal-State</sup> ~~Commission~~, up to \$3,000 per year, will be paid out of the ~~Dedicated Revenues~~ in the Department of Inland Fisheries and Wildlife.

Statement of Fact

The purpose of this amendment is to make technical corrections in the bill. Specifically, the amendment corrects the definition of the Passamaquoddy Indian Reservation to include Pleasant Point Reservation and its legal description. The designation of the potential scope of each Indian ~~Territory~~ is amended to reflect the intentions of the parties as follows:

"T.6, R.1, W.B.K.P. (Holeb)" is changed to

"T.6, R.1, N.B.K.P. (Holeb);"

"T.2, R.5, W.E.L.S." is changed to

"T.2, R.10, W.E.L.S.;"

"Bertram Tackeff" is changed to "Bertram C.

Tackeff or Northeastern Blueberry Company, Inc.;"

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"T.2, R.8, W.E.L.S." is changed to

"T.2, R.8, N.W.P.;"

"Diamond International Company" is changed to "Diamond International Corporation;" and "International Pulp and Paper Company" is changed to "International Paper Company."

The following new designation is added to Indian Territory: The lands of the Dead River Company in T.5, R.1, N.B.P.P. and T.5, N.D.

This amendment also amends the definition of "Settlement Fund" to make it apply to the federal act even if it is not enacted this year.

It adds an amendment to the Department of Inland Fisheries and Wildlife section to clarify that the authority of the tribes and the Tribal-State Commission relate only to inland finfish.

It modifies the tax exemption for Indian property to apply only if it is used "predominantly" for governmental purposes.

It clarifies the provision for extinguishment of claims under  $\leftrightarrow$  state law by adding a statement that it only applies to transfers before the effective date.

It reenacts the provisions of the Indian Housing Act that will be repealed by a ~~sunset~~ law provision prior to the effective date of this Act. That ~~sunset~~ provision is repealed by section 2 of the bill, but the repealer will not take effect in time to prevent the sunseting of these provisions as intended by the bill.

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It also changes the term "regulation" as it appears in the bill to include the term "rules." This is necessary to conform to use elsewhere in the Maine statutes.

Finally the amendment corrects spelling errors and an incorrect section number and cross-reference.

The provisions in this amendment have been approved by the Attorney General and the Penobscot Nation and Passamaquoddy Tribe.

Reported by the Joint Select Committee on Indian Land Claims.

Reproduced and distributed pursuant to Senate Rule 11-A.

April 2, 1980

(Filing No. S-536)