

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2007

6
7 H.P. 1418

House of Representatives, February 11, 1986

8 Reference to the Committee on Legal Affairs suggested and ordered
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Ingraham of Houlton.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Amend the Maine Implementing Act
18 with Respect to the Houlton Band of
19 Maliseet Indians.
20

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

23 Sec. 1. 30 MRSA §6208, sub-§2, as amended by PL
24 1981, c. 675, §§4 and 5, is further amended to read:

25 2. Property taxes. The Passamaquoddy Tribe and
26 the Penobscot Nation shall make payments in lieu of
27 taxes on all real and personal property within their
28 respective Indian territory in an amount equal to
29 that which would otherwise be imposed by a county, a
30 district, the State, or other taxing authority on
31 such real and personal property provided, however,
32 that any real or personal property within Indian ter-
33 ritory used by either tribe or nation predominantly
34 for governmental purposes shall be exempt from taxa-
35 tion to the same extent that such real or personal
36 property owned by a municipality is exempt under the

1 laws of the State. The Houlton Band of Maliseet Indi-
2 ans shall make payments in lieu of taxes on Houlton
3 Band Trust Land in an amount equal to that which
4 would otherwise be imposed by a municipality, county,
5 district, the State or other taxing authority on that
6 land or natural resource. Any other real or personal
7 property owned by or held in trust for any Indian,
8 Indian Nation or tribe or band of Indians and not
9 within Indian territory, shall be subject to levy and
10 collection of real and personal property taxes by any
11 and all taxing authorities, including but without
12 limitation municipalities, except that such real and
13 personal property owned by or held for the benefit of
14 and used by the Passamaquoddy Tribe or the Penobscot
15 Nation predominantly for governmental purposes shall
16 be exempt from property taxation to the same extent
17 that such real and personal property owned by a mu-
18 nicipality is exempt under the laws of the State.
19 ~~The Houlton Band of Maliseet Indians shall not be~~
20 ~~deemed to own or use any property for governmental~~
21 ~~purposes.~~

22 Sec. 2. 30 MRSA §6208, sub-§3, as amended by PL
23 1981, c. 675, §6, is further amended to read:

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

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STATEMENT OF FACT

2 The purpose of this bill is not to make any sub-
3 stantive change in the law, but rather, to eliminate
4 confusion concerning the status of the Houlton Band
5 of Maliseet Indians as federally recognized Indians
6 under the Maine Indian Claims Settlement Act, United
7 States Code, Title 25, Section 1725(2) (i). The
8 Houlton Band of Maliseet Indians have expressed concern
9 that the last sentences to the Maine Revised
10 Statutes, Title 30, section 6208, subsections 2 and
11 3, could be interpreted to mean that the band does
12 not enjoy the status of federally recognized Indians
13 under the Federal Maine Indian Claims Settlement Act.
14 To avoid that erroneous interpretation, this bill re-
15 peals those provisions.

16 This repeal is not intended to confer upon the
17 Houlton Band of Maliseet Indians the status of a mu-
18 nicipality under Maine law or to give the band civil
19 or criminal jurisdiction. This repeal is not in-
20 tended to grant to the band any exemptions from taxa-
21 tion which are otherwise provided to the
22 Passamaquoddy Tribe and the Penobscot Nation by vir-
23 tue of the Maine Revised Statutes, Title 30, section
24 6208.

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