

MAINE STATE LEGISLATURE

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1 Penobscot Reservation as part of its reconstruction of
2 the West Enfield dam; and

3 Whereas, in compensation for the flooded
4 reservation land, Bangor Pacific Hydro Associates has
5 agreed to convey land to the Penobscot Nation along
6 the Penobscot River and one island in the Penobscot
7 River totaling approximately the same acreage as the
8 reservation land flooded; and

9 Whereas, if legislation is not immediately passed
10 providing that the boundaries of the Penobscot
11 Reservation include the replacement land, then eminent
12 domain proceedings will have to be used to take the
13 reservation land, and the area of the reservation will
14 be reduced; and

15 Whereas, in the judgment of the Legislature, these
16 facts create an emergency within the meaning of the
17 Constitution of Maine and require the following
18 legislation as immediately necessary for the
19 preservation of the public peace, health and safety;
20 now, therefore,

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

23 30 MRSA §6203, sub-§8, as enacted by PL 1979,
24 c. 732, §§1 and 31, is amended to read:

25 8. Penobscot Indian Reservation. "Penobscot
26 Indian Reservation" means the islands in the Penobscot
27 River reserved to the Penobscot Nation by agreement
28 with the States of Massachusetts and Maine consisting
29 solely of Indian Island, also known as Old Town
30 Island, and all islands in said that river
31 northward thereof that existed on June 29, 1818,
32 excepting any island transferred to a person or entity
33 other than a member of the Penobscot Nation subsequent
34 to June 29, 1818, and prior to the effective date of
35 this Act. If any land within Nicasow Island is
36 hereafter acquired by the Penobscot Nation, or the
37 secretary on its behalf, that land shall be included
38 within the Penobscot Indian Reservation.

1 The "Penobscot Indian Reservation" includes the
2 following parcels of land which have been or may be
3 acquired by the Penobscot Nation from Bangor Pacific
4 Hydro Associates as compensation for flowage of
5 reservation lands by the West Enfield dam: A parcel
6 located on the Mattagamon Gate Road and on the East
7 Branch of the Penobscot River in T.6 R.8 WELS, which
8 is a portion of the "Mattagamon Lake Dam Lot" and has
9 an area of approximately 24.3 acres, and Smith Island
10 in the Penobscot River, which has an area of
11 approximately one acre.

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

15 STATEMENT OF FACT

16 Over the last several years, Bangor-Hydro Electric
17 Company, through Bangor Pacific Hydro Associates, has
18 been improving and rebuilding its dam in the Penobscot
19 River between West Enfield and Howland. The dam has
20 been raised and will impound more water. As a result
21 of this, it is estimated that about 24 to 25 acres of
22 Penobscot Reservation land, consisting of islands in
23 the Penobscot River, will be flooded. Bangor Pacific
24 Hydro Associates and the Penobscot Nation have worked
25 out an agreement providing for compensation to the
26 Penobscot Nation which includes land to replace the
27 flooded reservation lands. Bangor Pacific Hydro
28 Associates has agreed to provide land along the East
29 Branch of the Penobscot River and a small island in
30 the Main Stem of the Penobscot River which total
31 approximately the same acreage as the land which will
32 be flooded. This bill prevents the area of the
33 Penobscot Reservation from being diminished by
34 providing that the Penobscot Indian Reservation
35 includes these replacement lands. Its passage will
36 make it unnecessary for the Penobscot Reservation land
37 to be taken by eminent domain.

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