

MAINE STATE LEGISLATURE

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L.D. 272

(Filing No. S-53)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 152, L.D. 272, Bill, "An Act to Implement the Aroostook Band of Micmacs Settlement Act"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 3 MRSA §603 is enacted to read:

§603. Designation of officer: Aroostook Band of Micmacs

The council of the Aroostook Band of Micmacs shall 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. The Secretary of State shall forthwith transmit certified copies of the designation to the Secretary of the Senate and the Clerk of the House of Representatives. The designation shall remain in effect until the council of the Aroostook Band of Micmacs makes a new designation.

Sec. 2. 30 MRSA c. 603 is enacted to read

CHAPTER 603

MICMAC SETTLEMENT ACT

§7201. Short title

This Act shall be known and may be cited as " The Micmac Settlement Act."

§7202. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1

3 1. Aroostook Band of Micmacs. "Aroostook Band of Micmacs"
5 means the sole successor to the Micmac Nation as constituted in
7 aboriginal times in what is now the State of Maine, and all its
9 predecessors and successors in interest. The Aroostook Band of
11 Micmacs is represented, as of the date of enactment of this
13 subsection, as to lands within the United States by the Aroostook
15 Micmac Council.

9

11 2. Aroostook Band Trust Land. "Aroostook Band Trust Land"
13 means land or natural resources acquired by the secretary in
15 trust for the Aroostook Band of Micmacs, in compliance with the
17 terms of this Act, with money from the original \$900,000
19 congressional appropriation and interest thereon deposited in the
21 Land Acquisition Fund established for the Aroostook Band of
23 Micmacs pursuant to federal legislation concerning the Aroostook
25 Band of Micmacs or with proceeds from a taking of Aroostook Band
27 Trust Land for public uses pursuant to the laws of this State or
29 the United States.

21

23 3. Land or other natural resources. "Land or other natural
25 resources" means any real property or other natural resources, or
27 any interest in or right involving any real property or other
29 natural resources, including, but without limitation, minerals
31 and mineral rights, timber and timber rights, water and water
33 rights and hunting and fishing rights.

27

29 4. Laws of the State. "Laws of the State" means the
31 Constitution and all statutes, rules or regulations and the
33 common law of the State and its political subdivisions, and
35 subsequent amendments thereto or judicial interpretations thereof.

33

35 5. Secretary. "Secretary" means the Secretary of the
37 Interior of the United States.

35

37 6. Transfer. "Transfer" includes, but is not limited to,
39 any voluntary or involuntary sale, grant, lease, allotment,
41 partition or other conveyance; any transaction the purpose of
43 which was to effect a sale, grant, lease, allotment, partition or
45 other conveyance; and any act, event or circumstance that
47 resulted in a change in title to, possession of, dominion over,
49 or control of land or other natural resources.

43

45 §7203. Laws of the State to apply to Indian Lands

45

47 Except as otherwise provided in this Act, the Aroostook Band
49 of Micmacs and all members of the Aroostook Band of Micmacs in
51 the State and any lands or other natural resources owned by them,
53 held in trust for them by the United States or by any other
55 person or entity shall be subject to the laws of the State and to
57 the civil and criminal jurisdiction of the courts of the State to

1 the same extent as any other person or lands or other natural
2 resources therein.

3 §7204. Acquisition of Aroostook Band Trust Land

4 1. Approval. The State of Maine approves the acquisition
5 by the secretary of Aroostook Band Trust Land within the State of
6 Maine provided as follows.

7 A. No land or natural resources acquired by the secretary
8 may have the status of Aroostook Band Trust Land, or be
9 deemed to be land or natural resources held in trust by the
10 United States, until the secretary files with the Maine
11 Secretary of State a certified copy of the deed, contract or
12 other instrument of conveyance, setting forth the location
13 and boundaries of the land or natural resources so
14 acquired. Filing by mail shall be complete upon mailing.

15 B. No land or natural resources may be acquired by the
16 secretary for the Aroostook Band of Micmacs until the
17 secretary files with the Maine Secretary of State a
18 certified copy of the instrument creating the trust
19 described in section 7207, together with a letter stating
20 that the secretary holds not less than \$50,000 in a trust
21 account for the payment of obligations of the Aroostook Band
22 of Micmacs, and a copy of the claim filing procedures the
23 secretary has adopted.

24 C. No land or natural resources located within any city,
25 town, village or plantation may be acquired by the secretary
26 for the Aroostook Band of Micmacs without the approval of
27 the legislative body of the city, town, village or
28 plantation.

29 2. Takings for public uses. Aroostook Band Trust Land may
30 be taken for public uses in accordance with the laws of the State
31 to the same extent as privately owned land. The proceeds from
32 any such taking shall be deposited in the Land Acquisition Fund.
33 The United States shall be a necessary party to any such
34 condemnation proceeding. After exhausting all state
35 administrative remedies, the United States shall have an absolute
36 right to remove any action commenced in the courts of this State
37 to a United States court of competent jurisdiction.

38 3. Restraints on alienation. Any transfer of Aroostook
39 Band Trust Land shall be void ab initio and without any validity
40 in law or equity, except:

41 A. Takings for public uses pursuant to the laws of this
42 State:

1 B. Takings for public uses pursuant to the laws of the
2 United States;

3
4 C. Transfers of individual use assignments from one member
5 of the Aroostook Band of Micmacs to another band member;

6
7 D. Transfers authorized by federal law ratifying and
8 approving this Act; and

9
10 E. Transfers made pursuant to a special act of Congress.

11
12 If the fee to the Aroostook Band Trust Fund Land is lawfully
13 transferred to any person or entity, the land so transferred
14 shall cease to have the status of Aroostook Band Trust Land.

15 §7205. Powers of the Aroostook Band of Micmacs

16
17 The Aroostook Band of Micmacs shall not exercise nor enjoy
18 the powers, privileges and immunities of a municipality nor
19 exercise civil or criminal jurisdiction within their lands prior
20 to the enactment of additional legislation specifically
21 authorizing the exercise of those governmental powers.

22 §7206. Taxation

23
24 1. Property taxes. The Aroostook Band of Micmacs shall
25 make payments in lieu of taxes on Aroostook Band Trust Land in an
26 amount equal to that which would otherwise be imposed by a
27 municipality, county, district, the State or other taxing
28 authority on that land or natural resource.

29 §7207. Aroostook Band Tax Fund

30
31 1. Fund. The satisfaction of obligations, described in
32 section 7206, owed to a governmental entity by the Aroostook Band
33 of Micmacs shall be assured by a trust fund to be known as the
34 Aroostook Band Tax Fund. The secretary shall administer the fund
35 in accordance with reasonable and prudent trust management
36 standards. The initial principal of the fund shall be not less
37 than \$50,000. The principal shall be formed with money
38 transferred from the Land Acquisition Fund established for the
39 Aroostook Band of Micmacs pursuant to federal legislation
40 concerning the Aroostook Band of Micmacs. Any interest earned by
41 the Aroostook Band Tax Fund shall be added to the principal as it
42 accrues and that interest shall be exempt from taxation. The
43 secretary shall maintain a permanent reserve of \$25,000 at all
44 times and that reserve shall not be made available for the
45 payment of claims. The interest earned by the reserved funds
46 shall also be added to the principal available for the payment of
47 obligations.

