

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1255

H.P. 898

House of Representatives, February 16, 1999

An Act Providing for Regulation of the Uses of Surface Waters within or Affecting Passamaquoddy Territory.

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.
Cosponsored by Representatives: GOODWIN of Pembroke, LORING of the Penobscot Nation, TWOMEY of Biddeford.

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

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Sec. 1. 12 MRSA §685-C, sub-§10, as enacted by PL 1997, c. 739, §1, is amended to read:

10. Operating a personal watercraft. Operating a personal watercraft is prohibited on the following categories of great ponds:

A. Great ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission pursuant to subsection 1 as being not accessible within 1/4 mile by 2-wheel drive vehicles, with less than one development unit per mile, and at least one outstanding resource value;

B. Great ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission as being accessible within 1/4 mile by 2-wheel drive vehicles, with less than one development unit per mile, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character;

C. Great ponds and smaller ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission as being not accessible within 1/2 mile by 2-wheel drive vehicles, with no more than one noncommercial remote camp and with a cold water game fishery; and

D. Great ponds with less than all but more than 2/3 of their surface area in or partly in the jurisdiction of the commission that are identified as being of statewide significance in the "Maine Wildlands Lake Assessment" dated June 1, 1987 prepared by the commission, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character and with more than 1/2 of their shoreline in public and private conservation ownership with guaranteed public access for low-impact public recreation.

The commission shall implement this subsection by rule adopted in accordance with section 685-A. Rules adopted to implement this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

This section does not apply to any waters subject to regulation by the Maine Indian Tribal-State Commission or the Passamaquoddy Tribe under Title 30, section 6207, ~~sub-section-3-A~~ 6207-A.

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Sec. 2. 30 MRSA §6207-A is enacted to read:

§6207-A. Regulation of surface water use

The Passamaquoddy Tribe has exclusive authority to regulate the use of surface water of ponds surrounded entirely by Passamaquoddy Indian territory as defined in section 6205. The commission has exclusive authority to regulate the use of surface water of great ponds when at least 10%, but less than 100%, of the shoreline of a pond is within Passamaquoddy Indian territory.

Sec. 3. Effective date; Passamaquoddy Tribe. This Act does not take effect unless within 90 days after adjournment of the Legislature the Secretary of State receives written notification from the Joint Tribal Council of the Passamaquoddy Tribe that that tribe has agreed to the provisions of this Act. Copies of that notification must be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives. In no event may this Act become effective until 90 days after adjournment of the Legislature.

SUMMARY

This bill proposes to give exclusive authority to regulate surface water use on ponds entirely within Passamaquoddy Indian territory to the Passamaquoddy Tribe and gives the Maine Indian Tribal-State Commission authority over surface water use of great ponds with at least 10%, but not all, of the shoreline within Passamaquoddy Indian territory. This law is subject to ratification by the Joint Tribal Council of the Passamaquoddy Tribe.