

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2607

H.P. 1871

House of Representatives, March 6, 2000

An Act Concerning Previous Passamaquoddy Indian Territory Legislation.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Judiciary 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: AHEARNE of Madawaska, GOODWIN of Pembroke,
MARTIN of Eagle Lake, MAYO of Bath, McKEE of Wayne, SHOREY of Calais,
WHEELER of Eliot, Senator: PARADIS of Aroostook.

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

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

Sec. 1. 30 MRSA §6205, sub-§1, ¶B, as amended by PL 1993, c. 713, §1, is further amended to read:

B. The first 150,000 acres of land acquired by the secretary for the benefit of the Passamaquoddy Tribe from the following areas or lands to the extent that those lands are acquired by the secretary prior to January 31, 1991, are not held in common with any other person or entity and are certified by the secretary by January 31, 1991, as held for the benefit of the Passamaquoddy Tribe:

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 Company 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.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P. (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), ~~and any lands in Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991;~~ and

Sec. 2. 30 MRSA §6205, sub-§1, ¶B-1 is enacted to read:

B-1. Any lands in Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991; and

Sec. 3. Nonduplication of effort. The decision to rezone the property affected by this Act and the development permit for that property issued by the Maine Land Use Regulation Commission to the Passamaquoddy Tribe are deemed effective without further action by either party.

2 **Sec. 4. Legislative intent.** The Legislature intends by passage
of this Act to ratify and validate any action taken by a state
4 official or entity concerning land acquired by the Passamaquoddy
Tribe and assumed to be Indian territory in reliance on Public
6 Law 1991, chapter 720.

8 **Sec. 5. Retroactivity.** This Act applies retroactively to June
30, 1992.

10 **Sec. 6. Effective date; certification.** This Act does not take
12 effect unless, within 60 days of the adjournment of the
Legislature, the Secretary of State receives written
14 certification by the Joint Tribal Council of the Passamaquoddy
Tribe that the tribe has agreed to the provisions of this Act
16 pursuant to 25 United States Code, Section 1725(e), copies of
which must be submitted by the Secretary of State to the
18 Secretary of the Senate, the Clerk of the House of
Representatives and the Revisor of Statutes, except that in no
20 event may this Act become effective until 90 days after the
adjournment of the Legislature.

22

24

SUMMARY

26 The purpose of this bill is to effectuate Public Law 1991,
chapter 720 to include certain lands in Albany Township as
28 Passamaquoddy Indian territory. In response to Kimball v. LURC,
2000 ME 20, the bill removes the land in question from the
30 provision that required certification by the Secretary of the
Interior of the United States by January 31, 1991 and clarifies
32 that the land in question is within Passamaquoddy Indian
territory. The bill applies retroactively to the effective date
34 of Public Law 1991, chapter 720, and provides that decisions of
the Maine Land Use Regulation Commission affecting the property
36 are effective.