

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1994

H.P. 1491

House of Representatives, December 26, 2001

**An Act Concerning Passamaquoddy Land in Grand Lake Stream
Plantation.**

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 19, 2001. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.
Cosponsored by Representatives: COTE of Lewiston, LORING of the Penobscot Nation,
McKEE of Wayne, TWOMEY of Biddeford.

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

2 **Sec. 1. 30 MRSA §6203, sub-§5**, as amended by PL 1985, c. 747,
4 §1, is further amended to read:

6 **5. Passamaquoddy Indian Reservation.** "Passamaquoddy
8 Indian Reservation" means those lands reserved to the
Passamaquoddy Tribe by agreement with the State of Massachusetts
dated September 19, 1794, excepting any parcel within such lands
10 transferred to a person or entity other than a member of the
Passamaquoddy Tribe subsequent to such agreement and prior to the
12 effective date of this Act. If any lands reserved to the
Passamaquoddy Tribe by the aforesaid agreement hereafter are
14 acquired by the Passamaquoddy Tribe, or the secretary on its
behalf, that land shall must be included within the Passamaquoddy
16 Indian Reservation. For purposes of this subsection, the lands
reserved to the Passamaquoddy Tribe by the aforesaid agreement
18 shall must be limited to Indian Township in Washington County;
Pine Island, sometimes referred to as Taylor's Island, located in
20 Big Lake, in Washington County; 100 acres of land located on
Nemcass Point, sometimes referred to as Governor's Point, located
22 in Washington County and shown on a survey of John Gardner which
that is filed in the Maine State Archives, Executive Council
24 Records, Report Number 264 and dated June 5, 1855; 100 acres of
land located at Pleasant Point in Washington County as described
26 in a deed to Captain John Frost from Theodore Lincoln, Attorney
for Benjamin Lincoln, Thomas Russell, and John Lowell dated July
28 14, 1792, and recorded in the Washington County Registry of Deeds
on April 27, 1801, at Book 3, Page 73; and those 15 islands in
30 the St. Croix River in existence on September 19, 1794 and
located between the head of the tide of that river and the falls
32 below the forks of that river, both of which points are shown on
a 1794 plan of Samuel Titcomb which that is filed in the Maine
34 State Archives in Maine Land Office Plan Book Number 1, page 33.
The "Passamaquoddy Indian Reservation" includes those lands which
36 have been or may be acquired by the Passamaquoddy Tribe within
that portion of the Town of Perry which that lies south of Route
38 1 on the east side of Route 190 and south of lands now owned or
formerly owned by William Follis on the west side of Route 190,
40 provided that no such lands may be included in the Passamaquoddy
Indian Reservation until the Secretary of State receives
42 certification from the treasurer of the Town of Perry that the
Passamaquoddy Tribe has paid to the Town of Perry the amount of
44 \$350,000, provided that the consent of the Town of Perry would be
voided unless the payment of the \$350,000 is made within 120 days
46 of the effective date of this section. Any commercial
development of those lands must be by approval of the voters of
48 the Town of Perry with the exception of land development
currently in the building stages. The Passamaquoddy Indian
50 Reservation includes those lands that have been or may be

2 acquired by the Passamaquoddy Tribe within that portion of the
3 Plantation of Grand Lake Stream that lies east of Musquash Stream
4 on the south side of the Talmadge town line and north of the
5 Grand Lake Stream Road and on the west side of the Indian
6 Township reservation boundary line.

7 **Sec. 2. Certification.** Lands in Grand Lake Stream Plantation
8 may not be included in the Passamaquoddy Indian Reservation
9 pursuant to section 1 of this Act until the Secretary of State
10 receives certification from the officials of Grand Lake Stream
11 Plantation that the Passamaquoddy Tribe and the Grand Lake Stream
12 Plantation have agreed to provisions set for the transfer.

13 **Sec. 3. Contingent effective date.** Section 1 of this Act does
14 not take effect unless, within 60 days of the adjournment of the
15 Legislature, the Secretary of State receives written
16 certification from the Joint Tribal Council of the Passamaquoddy
17 Tribe that the tribe has agreed to the provisions of this Act
18 pursuant to the United States Code, Title 25, Section 1725(e)(1),
19 copies of which must be submitted by the Secretary of State to
20 the Secretary of the Senate, the Clerk of the House and the
21 Revisor of Statutes, except that in no event may this Act take
22 effect until 90 days after adjournment of the Legislature.
23

24 **SUMMARY**

25 **28** This bill adds land in Grand Lake Stream Plantation to the
26 Passamaquoddy Indian Reservation.