

MAINE STATE LEGISLATURE

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R.O.S.

L.D. 229

Date: 5/3/07

(Filing No. H-184)

UTILITIES AND ENERGY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 200, L.D. 229, Bill, "An Act To Facilitate the Establishment of Tribal Electric Utility Districts"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 35-A MRSA §3916 is enacted to read:

§3916. Tribal power districts

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

A. "Passamaquoddy Indian territory" has the same meaning as in Title 30, section 6203, subsection 6.

B. "Passamaquoddy Tribe" has the same meaning as in Title 30, section 6203, subsection 7.

C. "Penobscot Indian territory" has the same meaning as in Title 30, section 6203, subsection 9.

D. "Penobscot Nation" has the same meaning as in Title 30, section 6203, subsection 10.

2. Construction and application. This section must be construed to provide the Penobscot Nation and the Passamaquoddy Tribe the opportunity to acquire, develop, finance and provide electric power within their respective Indian territories to allow them to develop a sustainable local economy. The rights applicable to municipal power districts as provided in this chapter apply to any tribal power district of the Penobscot Nation or the Passamaquoddy Tribe.

3. Tribal power districts. Under the authority specified in Title 30, section 6206, subsection 1, the Penobscot Nation and the Passamaquoddy Tribe may form power districts pursuant to this chapter, referred to in this section as "tribal power districts." A

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1 tribal power district formed by the Penobscot Nation or the Passamaquoddy Tribe may
2 consist of all or part of the Penobscot Indian territory or the Passamaquoddy Indian
3 territory, respectively. For the purpose of forming a tribal power district, the Penobscot
4 Nation or Passamaquoddy Tribe shall designate appropriate tribal officers and
5 proceedings in place of municipal officers and proceedings to implement the provisions
6 of this chapter and any other laws referenced in this chapter.

7 Subject to the approval of the commission under sections 2102 and 2105, a tribal power
8 district may furnish electric power transmission, distribution and supply services within
9 the district. An application by a tribal power district to furnish electric power
10 transmission, distribution or supply services must identify the boundaries of the Indian
11 territory to be served. Approval of the commission under sections 2102 and 2105 is not
12 required for a tribal power district to generate or manufacture electricity within the
13 district or to purchase, acquire, accumulate or sell electricity at wholesale or by private
14 contract for use within the tribal power district.

15 A tribal power district has the same rights, powers, privileges, obligations and limitations
16 of a municipal power district formed under this chapter, including, but not limited to, the
17 issuance of revenue obligation securities; the exemption of district property from taxation
18 under Title 36, section 651; and, in the case of a tribal power district that has received
19 approval from the commission under sections 2102 and 2105, the right of eminent
20 domain as provided under section 3911.

21 **Sec. 2. Findings.** The Legislature finds that:

22 1. The Penobscot Nation and the Passamaquoddy Tribe have inhabited the State as
23 self-governing Indian tribal communities since long before the founding of this State and
24 the United States and each tribe continues to maintain its own tribal government;

25 2. In keeping with native traditions and culture, the Penobscot Indian territory and
26 the Passamaquoddy Indian territory are communal lands that are owned and held in
27 perpetuity for the benefit of the members of the respective tribes; and

28 3. The communal ownership of the Penobscot Indian territory and the Passamaquoddy
29 Indian territory deprives the respective tribal governments of the property tax revenues
30 that are the financial foundation of the municipal governments of this State and makes the
31 tribal governments critically dependent upon successfully developing a sustainable local
32 economy.'

33 **SUMMARY**

34 This amendment replaces the bill. Under current law, municipalities are authorized
35 to form municipal power districts. Under laws implementing the Maine Indian lands
36 claims settlement, the Passamaquoddy Tribe and the Penobscot Nation possess the rights
37 and powers of Maine municipalities within their respective Indian territories. This
38 amendment explicitly affirms the right of the Passamaquoddy Tribe and the Penobscot
39 Nation to form and organize tribal power districts with the same rights, powers,
40 privileges, obligations and limitations as municipal power districts. The amendment also
41 clarifies the interaction between the laws governing municipal power districts and the
42 Maine Indian land claims settlement.

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1 The purpose of this amendment is to provide the Penobscot Nation and the
2 Passamaquoddy Tribe the opportunity to acquire, develop, finance and provide electric
3 power within their respective Indian territories to allow them to develop a sustainable
4 local economy.

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FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 229

LR 981(02)

An Act To Facilitate the Establishment of Tribal Electric Utility Districts

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Utilities and Energy

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

The additional costs to conduct certain proceedings if a tribal power district applies for a Public Utility Commission review can be absorbed by the PUC utilizing existing budgeted resources.