

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 229

H.P. 200

House of Representatives, January 16, 2007

### An Act To Facilitate the Establishment of Tribal Electric Utility Districts

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PINGREE of North Haven.  
Cosponsored by Representative LORING of the Penobscot Nation and  
Representatives: EMERY of Cutler, FLETCHER of Winslow, MOORE of Standish, RINES of  
Wiscasset, SOCTOMAH of the Passamaquoddy Tribe, Senators: MARRACHÉ of Kennebec,  
PERRY of Penobscot, RAYE of Washington.

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

2 **Sec. 1. 35-A MRSA §3915**, as amended by PL 1995, c. 254, §11, is further  
3 amended to read:

4 **§3915. Existing service areas**

5 ~~A~~ Except as provided in subsection 1, a municipal power district may not serve as a  
6 public utility, as defined in section 102, without consent from the commission in  
7 accordance with section 2102.

8 **1. Tribal power districts.** A municipal power district formed by the Penobscot  
9 Nation or the Passamaquoddy Tribe pursuant to this chapter under the authority specified  
10 in Title 30, section 6206, subsection 1 may serve as a public utility within its respective  
11 Indian territory upon approval of the commission pursuant to this subsection. Upon  
12 application by the Penobscot Nation or the Passamaquoddy Tribe, the commission shall  
13 authorize a municipal power district formed by the Penobscot Nation or Passamaquoddy  
14 Tribe to serve its respective Indian territory and direct any transmission and distribution  
15 utility serving in that territory to convey to the district for reasonable compensation  
16 transmission and distribution assets located within the district.

17 **SUMMARY**

18 Under current law, the Passamaquoddy Tribe and the Penobscot Nation possess the  
19 authority of municipalities within their respective Indian territories. Municipalities are  
20 authorized to form municipal power districts. This bill directs the Public Utilities  
21 Commission to authorize, upon application by the Passamaquoddy Tribe or Penobscot  
22 Nation, a municipal power district formed by the Passamaquoddy Tribe or Penobscot  
23 Nation to serve its respective Indian territory and to direct any transmission and  
24 distribution utility serving in that territory to convey to the district for reasonable  
25 compensation transmission and distribution assets located within the district.