

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2008

Legislative Document

No. 2306

H.P. 1666

House of Representatives, April 8, 2008

An Act To Amend the Definition of "Penobscot Indian Reservation"

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LORING of the Penobscot Nation. (GOVERNOR'S BILL)

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

2 **Sec. 1. 30 MRSA §6203, sub-§8**, as amended by PL 1987, c. 712, §§1 and 2, is
3 further amended to read:

4 **8. Penobscot Indian Reservation.** "Penobscot Indian Reservation" means the
5 islands in the Penobscot River reserved to the Penobscot Nation by agreement with the
6 States of Massachusetts and Maine consisting solely of Indian Island, also known as Old
7 Town Island, and all islands in that river northward thereof that existed on June 29, 1818,
8 excepting any island transferred to a person or entity other than a member of the
9 Penobscot Nation subsequent to June 29, 1818, and prior to the effective date of this Act.
10 If any land within Nicasawet Island is hereafter acquired by the Penobscot Nation, or the
11 secretary on its behalf, that land ~~shall~~ must be included within the Penobscot Indian
12 Reservation.

13 The "Penobscot Indian Reservation" includes the following parcels of land which have
14 been or may be acquired by the Penobscot Nation from Bangor Pacific Hydro Associates
15 as compensation for flowage of reservation lands by the West Enfield dam: A parcel
16 located on the Mattagamon Gate Road and on the East Branch of the Penobscot River in
17 T.6 R.8 WELS, which is a portion of the "Mattagamon Lake Dam Lot" and has an area of
18 approximately 24.3 acres, and Smith Island in the Penobscot River, which has an area of
19 approximately one acre.

20 Notwithstanding section 6205, subsection 5 and section 6209-B, subsection 5, the
21 "Penobscot Indian Reservation" also includes a certain parcel of land located in Argyle,
22 Penobscot County consisting of approximately 714 acres known as the Argyle East Parcel
23 and more particularly described as Parcel One in a deed from the Penobscot Indian
24 Nation to the United States of America dated November 22, 2005 and recorded at the
25 Penobscot County Registry of Deeds in Book 10267, Page 265.

26 **Sec. 2. Effective date.** This Act does not take effect unless, within 60 days of the
27 adjournment of the First Special Session of the 123rd Legislature, the Secretary of State
28 receives written certification by the Tribal Chief and the Council of the Penobscot Nation
29 that the nation has agreed to the provisions of this Act, pursuant to 25 United States Code,
30 Section 1725(e), copies of which must be submitted by the Secretary of State to the
31 Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of
32 Statutes; except that in no event may this Act become effective until 90 days after the
33 adjournment of the First Special Session of the 123rd Legislature.

34 **SUMMARY**

35 This bill adds a 714-acre parcel of land located in a portion of the Unorganized
36 Territory known as Argyle in Penobscot County to the definition of the "Penobscot Indian
37 Reservation."