

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 573

H.P. 417

House of Representatives, February 5, 2019

**An Act To Extend Time Limits for Placing Land in Trust Status
under the Maine Indian Claims Settlement**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MOONEN of Portland.

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

2 **Sec. 1. 30 MRSA §6205, sub-§1**, as amended by PL 2013, c. 91, §§1 and 2 and
3 affected by §3, is further amended to read:

4 **1. Passamaquoddy Indian territory.** Subject to subsections 3, 4 and 5, the
5 following lands within the State are known as the "Passamaquoddy Indian territory:"

6 A. The Passamaquoddy Indian Reservation;

7 B. The first 150,000 acres of land acquired by the secretary for the benefit of the
8 Passamaquoddy Tribe from the following areas or lands to the extent that those lands
9 are acquired by the secretary prior to January 31, ~~1991~~ 2030, are not held in common
10 with any other person or entity and are certified by the secretary by January 31, ~~1991~~
11 2030, as held for the benefit of the Passamaquoddy Tribe:

12 The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.
13 (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9,
14 W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond),
15 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,
16 B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;
17 any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle
18 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram
19 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any
20 portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the
21 lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1,
22 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,
23 N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.;
24 any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond
25 International Corporation, International Paper Company and Lincoln Pulp and Paper
26 Company located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S.,
27 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.
28 (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3
29 N.B.K.P. (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and
30 any lands in Albany Township acquired by the Passamaquoddy Tribe before January
31 ~~31, 1991~~ 2030;

32 C. Any land not exceeding 100 acres in the City of Calais acquired by the secretary
33 for the benefit of the Passamaquoddy Tribe as long as the land is acquired by the
34 secretary prior to January ~~31, 2001~~ 2030, is not held in common with any other
35 person or entity and is certified by the secretary by January 31, ~~2001~~ 2030, as held for
36 the benefit of the Passamaquoddy Tribe, if:

37 (1) The acquisition of the land by the tribe is approved by the legislative body of
38 that city; and

39 (2) A tribal-state compact under the federal Indian Gaming Regulatory Act is
40 agreed to by the State and the Passamaquoddy Tribe or the State is ordered by a
41 court to negotiate such a compact;

1 D. All land acquired by the secretary for the benefit of the Passamaquoddy Tribe in
2 T. 19, M.D. to the extent that the land is acquired by the secretary prior to January 31,
3 ~~2020~~ 2030, is not held in common with any other person or entity and is certified by
4 the secretary by January 31, ~~2020~~ 2030 as held for the benefit of the Passamaquoddy
5 Tribe;

6 D-1. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in
7 Centerville consisting of Parcels A, B and C conveyed by Bertram C. Tackeff to the
8 Passamaquoddy Tribe by quitclaim deed dated July 27, 1981, recorded in the
9 Washington County Registry of Deeds in Book 1147, Page 251, to the extent that the
10 land is acquired by the secretary prior to January 31, ~~2017~~ 2030, is not held in
11 common with any other person or entity and is certified by the secretary by January
12 31, ~~2017~~ 2030 as held for the benefit of the Passamaquoddy Tribe;

13 D-2. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in
14 Centerville conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by
15 quitclaim deed dated May 4, 1982, recorded in the Washington County Registry of
16 Deeds in Book 1178, Page 35, to the extent that the land is acquired by the secretary
17 prior to January 31, ~~2023~~ 2030, is not held in common with any other person or entity
18 and is certified by the secretary by January 31, ~~2023~~ 2030 as held for the benefit of
19 the Passamaquoddy Tribe; and

20 E. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in
21 Township 21 consisting of Gordon Island in Big Lake, conveyed by Domtar Maine
22 Corporation to the Passamaquoddy Tribe by corporate quitclaim deed dated April 30,
23 2002, recorded in the Washington County Registry of Deeds in Book 2624, Page 301,
24 to the extent that the land is acquired by the secretary prior to January 31, ~~2017~~ 2030,
25 is not held in common with any other person or entity and is certified by the secretary
26 by January 31, ~~2017~~ 2030 as held for the benefit of the Passamaquoddy Tribe.

27 **Sec. 2. 30 MRSA §6205, sub-§2, ¶B,** as amended by PL 1999, c. 625, §1, is
28 further amended to read:

29 B. The first 150,000 acres of land acquired by the secretary for the benefit of the
30 Penobscot Nation from the following areas or lands to the extent that those lands are
31 acquired by the secretary prior to January 31, ~~2021~~ 2030, are not held in common
32 with any other person or entity and are certified by the secretary by January 31, ~~2021~~
33 2030, as held for the Penobscot Nation:

34 The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.
35 (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9,
36 W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond),
37 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,
38 B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;
39 any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle
40 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram
41 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any
42 portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the
43 lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1,
44 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,

1 N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.;
2 any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond
3 International Corporation, International Paper Company and Lincoln Pulp and Paper
4 Company located in Argyle; any land acquired in Williamsburg T.6, R.8, N.W.P.;
5 any 300 acres in Old Town mutually agreed upon by the City of Old Town and the
6 Penobscot Nation Tribal Government, provided that the mutual agreement must be
7 finalized prior to ~~August~~ January 31, ~~1991~~ 2030; any lands in Lakeville acquired by
8 the Penobscot Nation before January ~~1~~ 31, ~~1991~~ 2030; and all the property acquired
9 by the Penobscot Indian Nation from Herbert C. Haynes, Jr., Herbert C. Haynes, Inc.
10 and Five Islands Land Corporation located in Township 1, Range 6 W.E.L.S.

11 **Sec. 3. Effective date; certification.** This Act does not take effect unless, within
12 60 days of the adjournment of the First Regular Session of the 129th Legislature, the
13 Secretary of State receives written certification by the Tribal Chief and Council of the
14 Penobscot Nation and the Joint Tribal Council of the Passamaquoddy Tribe that the
15 nation and tribe have agreed to the provisions of this Act pursuant to 25 United States
16 Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the
17 Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of
18 Statutes; except that in no event may this Act become effective until 90 days after the
19 adjournment of the First Regular Session of the 129th Legislature.

20 **SUMMARY**

21 This bill extends all time limits for both the Passamaquoddy Tribe and the Penobscot
22 Nation to add to their respective trust lands under the Act to Implement the Maine Indian
23 Claims Settlement to January 31, 2030.

24 Because this bill amends the Act to Implement the Maine Indian Claims Settlement,
25 this bill does not take effect unless the Joint Tribal Council of the Passamaquoddy Tribe
26 and the Tribal Chief and Council of the Penobscot Nation agree to these changes and
27 certify their agreement to the Secretary of State within 60 days of the adjournment of the
28 First Regular Session of the 129th Legislature.