

MAINE STATE LEGISLATURE

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MAJORITY

1-17-21
-075

L.D. 159

Date: 5-17-21

(Filing No. H-176)

MAJORITY
JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 115, L.D. 159, "An Act To Extend Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement"

Amend the bill by striking out the title and substituting the following:

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

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

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

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

A. The Passamaquoddy Indian Reservation;

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

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

COMMITTEE AMENDMENT

ROD'S

1 T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any
2 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion
3 of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International
4 Corporation, International Paper Company and Lincoln Pulp and Paper Company
5 located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9
6 N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond
7 Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P.
8 (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and any lands in
9 Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991;

10 C. Any land not exceeding 100 acres in the City of Calais acquired by the secretary
11 for the benefit of the Passamaquoddy Tribe as long as the land is ~~acquired by the~~
12 ~~secretary prior to January 1, 2001~~, is not held in common with any other person or
13 entity and is certified by the secretary ~~by January 31, 2001~~, as held for the benefit of
14 the Passamaquoddy Tribe, if:

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

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

20 D. All land acquired by the secretary for the benefit of the Passamaquoddy Tribe in T.
21 19, M.D. to the extent that the land is ~~acquired by the secretary prior to January 31,~~
22 ~~2020~~, is not held in common with any other person or entity and is certified by the
23 secretary ~~by January 31, 2020~~ as held for the benefit of the Passamaquoddy Tribe;

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

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

38 E. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in
39 Township 21 consisting of Gordon Island in Big Lake, conveyed by Domtar Maine
40 Corporation to the Passamaquoddy Tribe by corporate quitclaim deed dated April 30,
41 2002, recorded in the Washington County Registry of Deeds in Book 2624, Page 301,
42 to the extent that the land is ~~acquired by the secretary prior to January 31, 2017~~, is not
43 held in common with any other person or entity and is certified by the secretary ~~by~~
44 ~~January 31, 2017~~ as held for the benefit of the Passamaquoddy Tribe.

COMMITTEE AMENDMENT

ROFS

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

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

8 The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.
9 (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.;
10 the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,
11 B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,
12 B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;
13 any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle
14 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram
15 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion
16 of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of
17 Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and
18 T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any
19 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion
20 of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International
21 Corporation, International Paper Company and Lincoln Pulp and Paper Company
22 located in Argyle; any land acquired in Williamsburg T.6, R.8, N.W.P.; any 300 acres
23 in Old Town mutually agreed upon by the City of Old Town and the Penobscot Nation
24 Tribal Government, ~~provided that the mutual agreement must be finalized prior to~~
25 ~~August 31, 1991~~; any lands in Lakeville acquired by the Penobscot Nation ~~before~~
26 ~~January 1, 1991~~; and all the property acquired by the Penobscot Indian Nation from
27 Herbert C. Haynes, Jr., Herbert C. Haynes, Inc. and Five Islands Land Corporation
28 located in Township 1, Range 6 W.E.L.S.

29 **Sec. 3. Effective date; certification.** This Act does not take effect unless, within
30 60 days of the adjournment of the First Special Session of the 130th Legislature, the
31 Secretary of State receives written certification by the Tribal Chief and Council of the
32 Penobscot Nation and the Joint Tribal Council of the Passamaquoddy Tribe that the nation
33 and tribe have agreed to the provisions of this Act pursuant to 25 United States Code,
34 Section 1725(e), copies of which must be submitted by the Secretary of State to the
35 Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of
36 Statutes; except that in no event may this Act become effective until 90 days after the
37 adjournment of the First Special Session of the 130th Legislature.'

38 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
39 number to read consecutively.

ROFIS

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SUMMARY

This amendment removes all time limits for both the Passamaquoddy Tribe and the Penobscot Nation to add to their respective trust lands under the Act to Implement the Maine Indian Claims Settlement.

FISCAL NOTE REQUIRED

(See attached)



130th MAINE LEGISLATURE

LD 159

LR 749(02)

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

Fiscal Note for Bill as Amended by Committee Amendment *A(LH-176)*

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Secretary of State associated with this legislation can be absorbed within existing budgeted resources.