

# MAINE STATE LEGISLATURE

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MINORITY

SAK  
RECORDS

L.D. 159

Date: 5-17-21

(Filing No. H-777)

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

COMMITTEE AMENDMENT "B" 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 everything after the enacting clause and inserting the following:

Sec. 1. 30 MRSA §6203, sub-§1-A is enacted to read:

1-A. Designated area for land acquisition. "Designated area for land acquisition" means land located east of the mouth of the Penobscot River, land east of the Penobscot River and north to 44° 50' N, land north of 44° 50' N westward to 69° 10' W, land east of 69° 10' W northward to 45° 55' N, land north of 45° 55' N westward to 69° 55' W, land west of 69° 55' W southward until 45° 30' N and land north of 45° 30' N westward to the border with Canada. "Designated area for land acquisition" includes mainland territory from the eastern shore of Penobscot Bay southward to Eggemoggin Reach and Naskeag Point, eastward to the border with Canada, including all Maine islands east of 68° 33' W. "Designated area for land acquisition" does not include the Kennebec River watershed, except within the boundaries specified in this subsection, does not include the headwaters of the Kennebec River watershed, including any lands that have shoreline around or within Moosehead Lake, and does not include any lands west of the Penobscot River south of 44° 50' N nor from Penobscot Bay to the boundary with New Hampshire to the west and the border with Canada to the northwest. The designated area for land acquisition defines a specified boundary that is an approximate representation of the Penobscot River watershed and all lands north and east of the Penobscot River watershed to the border with Canada, including the St. John River and St. Croix River watersheds located within the State.

Sec. 2. 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;

COMMITTEE AMENDMENT

R.O.F.S

1 B. The first 150,000 acres of land acquired by the secretary for the benefit of the  
2 Passamaquoddy Tribe ~~from the following areas or lands, to include the following areas~~  
3 or lands acquired pursuant to the provisions of this Act prior to January 1, 2021 and  
4 subject to the limitations of subsection 2-A, as well as the following areas or lands and  
5 any areas or lands located within the designated area for land acquisition as defined in  
6 this chapter after January 1, 2021, to the extent that those lands are acquired by the  
7 secretary prior to January 31, 1991 December 31, 2040, are not held in common with  
8 any other person or entity and are certified by the secretary by January 31, 1991,  
9 December 31, 2040 as held for the benefit of the Passamaquoddy Tribe:

10 The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.  
11 (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.;  
12 ~~the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,~~  
13 ~~B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,~~  
14 ~~B.K.P.W.K.R.;~~ the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;  
15 ~~any portion of Sugar Island in Moosehead Lake;~~ the lands of Prentiss and Carlisle  
16 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram  
17 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion  
18 of T.2, R.8, N.W.P.; ~~any portion of T.2, R.5, W.B.K.P. (Alder Stream);~~ the lands of  
19 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  
20 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  
21 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion  
22 of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International  
23 Corporation, International Paper Company and Lincoln Pulp and Paper Company  
24 located in Argyle; ~~and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9~~  
25 ~~N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond~~  
26 ~~Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P.~~  
27 ~~(Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and any lands in~~  
28 ~~Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991; and~~  
29 a plot of contiguous land not to exceed 100 acres in Calais mutually agreed upon by  
30 the City of Calais and the Passamaquoddy Tribal Government;

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

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

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

41 D. All land acquired by the secretary for the benefit of the Passamaquoddy Tribe in T.  
42 19, M.D. to the extent that the land is acquired by the secretary prior to ~~January 31,~~  
43 ~~2020~~ December 31, 2040, is not held in common with any other person or entity and is  
44 certified by the secretary by ~~January 31, 2020~~ December 31, 2040 as held for the benefit  
45 of the Passamaquoddy Tribe;

# COMMITTEE AMENDMENT

1 D-1. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in  
2 Centerville consisting of Parcels A, B and C conveyed by Bertram C. Tackeff to the  
3 Passamaquoddy Tribe by quitclaim deed dated July 27, 1981, recorded in the  
4 Washington County Registry of Deeds in Book 1147, Page 251, to the extent that the  
5 land is acquired by the secretary prior to ~~January 31, 2017~~ December 31, 2040, is not  
6 held in common with any other person or entity and is certified by the secretary by  
7 ~~January 31, 2017~~ December 31, 2040 as held for the benefit of the Passamaquoddy  
8 Tribe;

9 D-2. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in  
10 Centerville conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by quitclaim  
11 deed dated May 4, 1982, recorded in the Washington County Registry of Deeds in  
12 Book 1178, Page 35, to the extent that the land is acquired by the secretary prior to  
13 ~~January 31, 2023~~ December 31, 2040, is not held in common with any other person or  
14 entity and is certified by the secretary by ~~January 31, 2023~~ December 31, 2040 as held  
15 for the benefit of the Passamaquoddy Tribe; and

16 E. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in  
17 Township 21 consisting of Gordon Island in Big Lake, conveyed by Domtar Maine  
18 Corporation to the Passamaquoddy Tribe by corporate quitclaim deed dated April 30,  
19 2002, recorded in the Washington County Registry of Deeds in Book 2624, Page 301,  
20 to the extent that the land is acquired by the secretary prior to ~~January 31, 2017~~  
21 December 31, 2040, is not held in common with any other person or entity and is  
22 certified by the secretary by ~~January 31, 2017~~ December 31, 2040 as held for the benefit  
23 of the Passamaquoddy Tribe.

24 **Sec. 3. 30 MRSA §6205, sub-§2, ¶B**, as amended by PL 1999, c. 625, §1, is further  
25 amended to read:

26 B. The first 150,000 acres of land acquired by the secretary for the benefit of the  
27 Penobscot Nation ~~from the following areas or lands, to include the following areas or~~  
28 lands acquired pursuant to the provisions of this Act prior to January 1, 2021 and  
29 subject to the limitations of subsection 2-A, as well as the following areas or lands and  
30 any areas or lands located within the designated area for land acquisition after January  
31 1, 2021, to the extent that those lands are acquired by the secretary prior to ~~January 31,~~  
32 ~~2021~~ December 31, 2040, are not held in common with any other person or entity and  
33 are certified by the secretary by ~~January 31, 2021,~~ December 31, 2040 as held for the  
34 benefit of the Penobscot Nation:

35 The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.  
36 (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.;  
37 ~~the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,~~  
38 ~~B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,~~  
39 ~~B.K.P.W.K.R.;~~ the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;  
40 ~~any portion of Sugar Island in Moosehead Lake;~~ the lands of Prentiss and Carlisle  
41 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram  
42 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion  
43 of T.2, R.8, N.W.P.; ~~any portion of T.2, R.5, W.B.K.P. (Alder Stream);~~ the lands of  
44 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  
45 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

R.O.F.S

1 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion  
2 of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International  
3 Corporation, International Paper Company and Lincoln Pulp and Paper Company  
4 located in Argyle; any land acquired in Williamsburg T.6, R.8, N.W.P.; any 300 acres  
5 in Old Town mutually agreed upon by the City of Old Town and the Penobscot Nation  
6 Tribal Government, provided that the mutual agreement must be finalized prior to  
7 August 31, 1994; any lands in Lakeville acquired by the Penobscot Nation before  
8 January 1, 1994; and all the property acquired by the Penobscot Indian Nation from  
9 Herbert C. Haynes, Jr., Herbert C. Haynes, Inc. and Five Islands Land Corporation  
10 located in Township 1, Range 6 W.E.L.S.

11 **Sec. 4. 30 MRSA §6205, sub-§2-A** is enacted to read:

12 **2-A. Acquisitions within the designated area for land acquisition.** For the purposes  
13 of meeting the threshold of 150,000 acres described in subsection 1, paragraph B and  
14 subsection 2, paragraph B, additional lands within the designated area for land acquisition  
15 that are contiguous to existing tribal lands may be purchased, consistent with the provisions  
16 of subsection 5, and certified by the secretary by December 31, 2030 for the benefit of the  
17 Passamaquoddy Tribe or the Penobscot Nation. This timeline is subject to extension upon  
18 the agreement of the Passamaquoddy Tribe and the State and the Penobscot Nation and the  
19 State.

20 **Sec. 5. Effective date; certification.** This Act does not take effect unless, within  
21 60 days of the adjournment of the First Special Session of the 130th Legislature, the  
22 Secretary of State receives written certification by the Tribal Chief and Council of the  
23 Penobscot Nation and the Joint Tribal Council of the Passamaquoddy Tribe that the nation  
24 and the tribe have agreed to the provisions of this Act pursuant to 25 United States Code,  
25 Section 1725(e), copies of which must be submitted by the Secretary of State to the  
26 Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of  
27 Statutes; except that in no event may this Act become effective until 90 days after the  
28 adjournment of the First Special Session of the 130th Legislature.'

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

31 **SUMMARY**

32 This amendment replaces the original bill. This amendment extends the opportunity  
33 for tribal land acquisition to December 31, 2040 for both the Passamaquoddy Tribe and the  
34 Penobscot Nation to add to their respective trust lands under the Act to Implement the  
35 Maine Indian Claims Settlement. It also establishes a new category of land, the designated  
36 area for land acquisition. It provides that for the purposes of meeting the initial threshold  
37 of 150,000 acres, additional lands within the designated area for land acquisition that are  
38 contiguous to existing tribal lands may be purchased and certified by the United States  
39 Secretary of the Interior by December 31, 2030 for the benefit of the Passamaquoddy Tribe  
40 or Penobscot Nation.

41 **FISCAL NOTE REQUIRED**  
42 (See attached)



# 130th MAINE LEGISLATURE

LD 159

LR 749(03)

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 *BCH-177*

Committee: Judiciary

Fiscal Note Required: Yes

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## Fiscal Note

### Fiscal Detail and Notes

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