

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

**SECOND SPECIAL SESSION**

September 25, 1981

AND

**THIRD SPECIAL SESSION**

December 9, 1981

AND

**SECOND REGULAR SESSION**

January 6, 1982 to April 13, 1982

AND AT THE

**FOURTH SPECIAL SESSION**

April 28, 1982 to April 29, 1982

AND AT THE

**FIFTH SPECIAL SESSION**

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co.  
Augusta, Maine  
1981

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

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**CHAPTER 675**

S.P. 931 - L.D. 2076

**AN ACT to Amend the Maine Implementing  
Act with Respect to the Houlton Band  
of Maliseet Indians.**

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

Sec. 1. 30 MRSA §6203, sub-§2-A is enacted to read:

2-A. Houlton Band Trust Land. "Houlton Band Trust Land" means land or natural resources acquired by the secretary in trust for the Houlton Band of Maliseet Indians, in compliance with the terms of this Act and the Maine Indian Claims Settlement Act of 1980, United States Public Law 96-420, with moneys from the original \$900,000 congressional appropriation and interest thereon deposited in the Land Acquisition Fund established for the Houlton Band of Maliseet Indians pursuant to United States Public Law 96-420, Section 5, United States Code, Title 25, Section 1724, or with proceeds from a taking of Houlton Band Trust Land for public uses pursuant to the laws of this State or the United States.

Sec. 2. 30 MRSA §6205-A is enacted to read:

§6205-A. Acquisition of Houlton Band Trust Land

1. Approval. The State of Maine approves the acquisition, by the secretary, of Houlton Band Trust Land within the State of Maine provided as follows.

A. No land or natural resources acquired by the secretary may have the status of Houlton Band Trust Land, or be deemed to be land or natural resources held in trust by the United States, until the secretary files with the Maine Secretary of State a certified copy of the deed, contract or other instrument of conveyance, setting forth the location and boundaries of the land or natural resources so acquired. Filing by mail shall be complete upon mailing.

B. No land or natural resources may be acquired by the secretary for the Houlton Band of Maliseet Indians until the secretary files with the Maine Secretary of State a certified copy of the instrument creating the trust described in section 6208-A, together with a letter stating that he holds not less than \$100,000 in a trust account for the payment of Houlton Band of Maliseet Indians' obligations, and a copy of the claim filing procedures he has adopted.

C. No land or natural resources located within any city, town, village or plantation may be acquired by the secretary for the Houlton Band of Maliseet Indians without the approval of the legislative body of the city, town, village or plantation.

2. Takings for public uses. Houlton Band Trust Land may be taken for public uses in accordance with the laws of the State of Maine to the same extent as privately-owned land. The proceeds from any such taking shall be deposited in the Land Acquisition Fund. The United States shall be a necessary party to any such condemnation proceeding. After exhausting all state administrative remedies, the United States shall have an absolute right to remove any action commenced in the courts of this State to a United States' court of competent jurisdiction.

3. Restraints on alienation. Any transfer of Houlton Band Trust Land shall be void ab initio and without any validity in law or equity, except:

A. Takings for public uses pursuant to the laws of this State;

B. Takings for public uses pursuant to the laws of the United States;

C. Transfers of individual use assignments from one member of the Houlton Band of Maliseet Indians to another band member;

D. Transfers authorized by United States Public Law 96-420, Section 5(g)(3), United States Code, Title 25, Section 1724(g)(3); and

E. Transfers made pursuant to a special act of Congress.

If the fee to the Houlton Band Trust Fund Land is lawfully transferred to any person or entity, the land so transferred shall cease to have the status of Houlton Band Trust Land.

Sec. 3. 30 MRSA §6206-A is enacted to read:

§6206-A. Powers of the Houlton Band of Maliseet Indians

The Houlton Band of Maliseet Indians shall not exercise nor enjoy the powers, privileges and immunities of a municipality nor exercise civil or criminal jurisdiction within their lands prior to the enactment of additional legislation specifically authorizing the exercise of those governmental

powers.

Sec. 4. 30 MRSA §6208, sub-§2, as enacted by PL 1979, c. 732, §§1 and 31, is amended by adding after the first sentence a new sentence to read:

The Houlton Band of Maliseet Indians shall make payments in lieu of taxes on Houlton Band Trust Land in an amount equal to that which would otherwise be imposed by a municipality, county, district, the State or other taxing authority on that land or natural resource.

Sec. 5. 30 MRSA §6208, sub-§2, as enacted by PL 1979, c. 732, §§1 and 31, is amended by adding at the end a new sentence to read:

The Houlton Band of Maliseet Indians shall not be deemed to own or use any property for governmental purposes.

Sec. 6. 30 MRSA §6208, sub-§3, as enacted by PL 1979, c. 732, §§1 and 31, is amended by adding at the end a new sentence to read:

The Houlton Band of Maliseet Indians shall not be deemed to be a governmental entity or to have the powers of a municipality.

Sec. 7. 30 MRSA §6208-A is enacted to read:

§6208-A. Houlton Band Tax Fund

1. Fund. The satisfaction of obligations, described in section 6208, owed to a governmental entity by the Houlton Band of Maliseet Indians shall be assured by a trust fund to be known as the Houlton Band Tax Fund. The secretary shall administer the fund in accordance with reasonable and prudent trust management standards. The initial principal of the fund shall be not less than \$100,000. The principal shall be formed with moneys transferred from the Land Acquisition Fund established for the Houlton Band of Maliseet Indians pursuant to United States Public Law 96-420, Section 5, United States Code, Title 25, Section 1724. Any interest earned by the Houlton Band Tax Fund shall be added to the principal as it accrues and that interest shall be exempt from taxation. The secretary shall maintain a permanent reserve of \$25,000 at all times and that reserve shall not be made available for the payment of claims. The interest earned by the reserved funds shall also be added to the principal available for the payment of obligations.

2. Claims. The secretary shall pay from the fund all

valid claims for taxes, payments in lieu of property taxes and fees, together with any interest and penalties thereon, for which the Houlton Band of Maliseet Indians is liable pursuant to section 6208, provided that such obligation is final and not subject to further direct administrative or judicial review under the laws of the State of Maine. No payment of a valid claim may be satisfied with moneys from the fund unless the secretary finds, as a result of his own inquiry, that no other source of funds controlled by the secretary is available to satisfy the obligation. The secretary shall adopt written procedures, consistent with this section, governing the filing and payment of claims after consultation with the Maine Commissioner of Finance and Administration and the Houlton Band of Maliseet Indians.

3. Distributions. If the unencumbered principal available for the payment of claims exceeds the sum of \$100,000, the secretary shall, except for good cause shown, provide for the transfer of such excess principal to the Houlton Band of Maliseet Indians. The secretary shall give 30 days' written notice to the Commissioner of Finance and Administration of a proposed transfer of excess principal to the Houlton Band of Maliseet Indians. Any distribution of excess principal to the Houlton Band of Maliseet Indians shall be exempt from taxation.

4. Other remedies. The existence of the Houlton Band Tax Fund as a source for the payment of Houlton Band of Maliseet Indians' obligations shall not abrogate any other remedy available to a governmental entity for the collection of taxes, payments in lieu of taxes and fees, together with any interest or penalty thereon.

Sec. 8. Effective date. This Act shall be effective only upon enactment of legislation by the United States:

1. Ratifying and approving this Act without modification;

2. Amending United States Public Law 96-420, Section 6 (e), United States Code, Title 25, Section 1725 (e) to provide the consent of the United States for amendments to the Maine Implementing Act, with respect to the Houlton Band of Maliseet Indians, provided that such amendment of the Maine Implementing Act is made with the agreement of the Houlton Band of Maliseet Indians; and

3. Amending United States Public Law 96-420, Section 5(d), United States Code, Title 25, Section 1724(d), in order to provide the consent of the United States to the transfer of funds from the Land Acquisition Fund established for the Houlton Band of Maliseet Indians to the Houlton Band

Tax Fund described in this Act and also to provide for a reversionary interest of the Penobscot Nation and the Passamaquoddy Tribe in the funds so transferred in the event the Houlton Band of Maliseet Indians should terminate its interest in the Houlton Band Trust Fund.

In no event shall this Act become effective until 90 days after the adjournment of the Legislature, as required by the Constitution of Maine, Article IV, Part 3, section 16.

Effective as provided within the Act.

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## CHAPTER 676

H.P. 2053 - L.D. 1999

### AN ACT to Allow for Industrial Development Improvements Utilizing Tax Increment Financing.

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

Sec. 1. 30 MRSA §4861, as enacted by PL 1977, c. 397, is amended to read:

§4861. Findings and declaration of necessity

It is found that there is a need for a new development in areas of municipalities which are already built up, to provide new employment opportunities, to improve and broaden the tax base and to improve the general economy of the State. Therefore, municipalities are authorized to develop a program for improving a district of the municipality: To provide impetus for industrial or commercial development, or both; to increase employment; to protect pedestrians from vehicle traffic and inclement weather; to provide the necessary linkage between peripheral parking facilities and places of employment and shopping; to provide off-street parking to serve the shoppers and employees of the district; to eradicate blight and deterioration; to provide open space relief within the district; and to provide other facilities as are outlined in the development program adopted by the governing body of the municipality. It is declared that the