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Public Law
123rd Legislature
First Regular Session

Chapter 189
H.P. 200 - L.D. 229

An Act To Facilitate the Establishment of Tribal Electric Utility Districts

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

Sec. 1. 35-A MRSA §3916 is enacted to read:

§ 3916. Tribal power districts

1. Definitions. As used in this section, unless the context indicates otherwise, the following terms have the following meanings.

- A. "Passamaquoddy Indian territory" has the same meaning as in Title 30, section 6203, subsection 6.
- B. "Passamaquoddy Tribe" has the same meaning as in Title 30, section 6203, subsection 7.
- C. "Penobscot Indian territory" has the same meaning as in Title 30, section 6203, subsection 9.
- D. "Penobscot Nation" has the same meaning as in Title 30, section 6203, subsection 10.

2. Construction and application. This section must be construed to provide the Penobscot Nation and the Passamaquoddy Tribe the opportunity to acquire, develop, finance and provide electric power within their respective Indian territories to allow them to develop a sustainable local economy. The rights applicable to municipal power districts as provided in this chapter apply to any tribal power district of the Penobscot Nation or the Passamaquoddy Tribe.

3. Tribal power districts. Under the authority specified in Title 30, section 6206, subsection 1, the Penobscot Nation and the Passamaquoddy Tribe may form power districts pursuant to this chapter, referred to in this section as "tribal power districts." A tribal power district formed by the Penobscot Nation or the Passamaquoddy Tribe may consist of all or part of the Penobscot Indian territory or the Passamaquoddy Indian territory, respectively. For the purpose of forming a tribal power district, the Penobscot Nation or Passamaquoddy Tribe shall designate appropriate tribal officers and proceedings in place of municipal officers and proceedings to implement the provisions of this chapter and any other laws referenced in this chapter.

Subject to the approval of the commission under sections 2102 and 2105, a tribal power district may furnish electric power transmission, distribution and supply services within the district. An application by a tribal power district to furnish electric power transmission, distribution or supply services must identify the boundaries of the Indian territory to be served. Approval of the commission under sections 2102 and 2105 is not required for a tribal power district to generate or manufacture electricity within the district or to purchase, acquire, accumulate or sell electricity at wholesale or by private contract for use within the tribal power district.

A tribal power district has the same rights, powers, privileges, obligations and limitations of a municipal power district formed under this chapter, including, but not limited to, the issuance of revenue obligation securities; the exemption of district property from taxation under Title 36, section 651; and, in the case of a tribal power district that has received approval from the commission under sections 2102 and 2105, the right of eminent domain as provided under section 3911.

Sec. 2. Findings. The Legislature finds that:

1. The Penobscot Nation and the Passamaquoddy Tribe have inhabited the State as self-governing Indian tribal communities since long before the founding of this State and the United States and each tribe continues to maintain its own tribal government;
2. In keeping with native traditions and culture, the Penobscot Indian territory and the Passamaquoddy Indian territory are communal lands that are owned and held in perpetuity for the benefit of the members of the respective tribes; and
3. The communal ownership of the Penobscot Indian territory and the Passamaquoddy Indian territory deprives the respective tribal governments of the property tax revenues that are the financial foundation of the municipal governments of this State and makes the tribal governments critically dependent upon successfully developing a sustainable local economy.

Effective September 20, 2007