

Good afternoon Senator Valentino, Representative Priest, Representative Soctomah, Representative Mitchell and Members of the Joint Standing Committee on Judiciary.

I am here to offer MITSC's favorable recommendation on the taking of land in Centerville into trust for the Passamaquoddy Tribe. This matter is here before you in LD 64.

Under the Maine Implementing Act, MITSC has the responsibility to review all requests to take land into trust that originate with the Passamaquoddy Tribe or the Penobscot Indian Nation. This statutory responsibility is outlined under Sec. 6205 Subsec. 5, which I include for your reference:

5. Limitations. No lands held or acquired by or in trust for the Passamaquoddy Tribe or the Penobscot Nation, other than those described in subsections 1, 2, 3 and 4, shall be included within or added to the Passamaquoddy Indian territory or the Penobscot Indian territory except upon recommendation of the commission and approval of the State to be given in the manner required for the enactment of laws by the Legislature and Governor of Maine, provided, however, that no lands within any city, town, village or plantation shall be added to either the Passamaquoddy Indian territory or the Penobscot Indian territory without approval of the legislative body of said city, town, village or plantation in addition to the approval of the State.

In 2007, MITSC was asked to review the Passamaquoddy intention to take three parcels of land into trust. Among them was the land acquired by the secretary for the benefit of the Passamaquoddy Tribe in Centerville conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by quitclaim deed dated May 4, 1982, recorded in the Washington County Registry of Deeds in Book 1178, Page 35.

MITSC followed its process and opened a public commentary period. We requested public commentary in the Calais Advertiser on January 25, 2007 and February 12, 2007. Copies of these ads are included in this package. We received no public commentary.

At the MITSC meeting on March 14, 2007 the following resolution was passed:

Greg Cunningham moved that based on the lack of public input after two rounds of legal advertising that MITSC not hold a public hearing on LDs 73 and 169. Chief Phillips-Doyle seconded it. It passed unanimously.

John Banks moved MITSC support LDs 73 and 169 and authorize the chair to develop testimony to present to the appropriate committee of the Legislature. Chief Phillips-Doyle seconded the motion. It passed unanimously.

For reasons unknown, in 2007 when the LD 73 was released only one of the two Centerville properties was referenced. The Bertram C. Tackeff to the word or words missing? Passamaquoddy Tribe by quitclaim deed dated May 4, 1982, recorded in the Washington County Registry of Deeds in Book 1178, Page 35 was left out of the bill.

MITSC sees LD 64 as righting this omission. We stand behind our previous position and recommend that the parcel in question today be taken into trust on behalf of the Passamaquoddy Tribe.

On February 20, 2013, MITSC passed the following resolution:

Harold Clossey moved, Linda Raymond seconded authorizing MITSC Executive Director John Dieffenbacher-Krall to respond to an anticipated request from the Passamaquoddy Chiefs concerning what they would like MITSC to do in terms of its responsibilities for placing land in Centerville into trust. The motion passed unanimously.

Copies of the 2007 bills, the MITSC minutes these resolutions were extracted from and the two advertisements for public commentary are included with this testimony. I have also included the unapproved minutes from the February 20, 2013 meeting for your review.