

Town of
Carrabassett Valley
1001 Carriage Road
Carrabassett Valley, ME 04947
207-235-2646
207-235-2645

**Senator Carney, Representative Moone and members of Legislative
Judiciary Committee**

**Testimony from the Town of Carrabassett Valley Select Board
regarding L.D. 2007**

The Select Board of Carrabassett Valley has serious concerns regarding L.D. 2007. While complete Sovereignty is important to Maine Indian Tribes, it may come with serious implications and unintended consequences for Maine Towns and Cities and especially in the case of our community of Carrabassett Valley. Our community is unique with respect to this legislation and we have significantly more impacts in terms of our land base affected by this legislation (24,000 acres) than any other town in Maine.

While there are many concerns with this legislation including the potential for significant legal challenges due to ambiguous language in this legislation the following are our primary concerns.

Our biggest concern is that this legislation may eliminate an important section of the Maine Implementing Act that currently provides that in an Organized Town in Maine Tribal Fee land cannot be converted to Federal Trust land without a vote of the Town. This is potentially a significant infringement of municipal Home Rule in Maine. Federal Trust lands with 24,000 acres or one-half of our Town's land base could be created within our Town with no vote of our citizens'. We would ask the members of the Judiciary Committee how the voters of their respective communities would react to one-half of their Town's land base being converted to Federal Trust land without your voter's approval!

Secondly, why does the conversion of fee land to Federal Trust land only apply to six more northerly Counties in Maine. This seems like significant political expediency where there is virtually no impact in southern Maine. We are asked to carry the burden and potential consequences of this legislation.

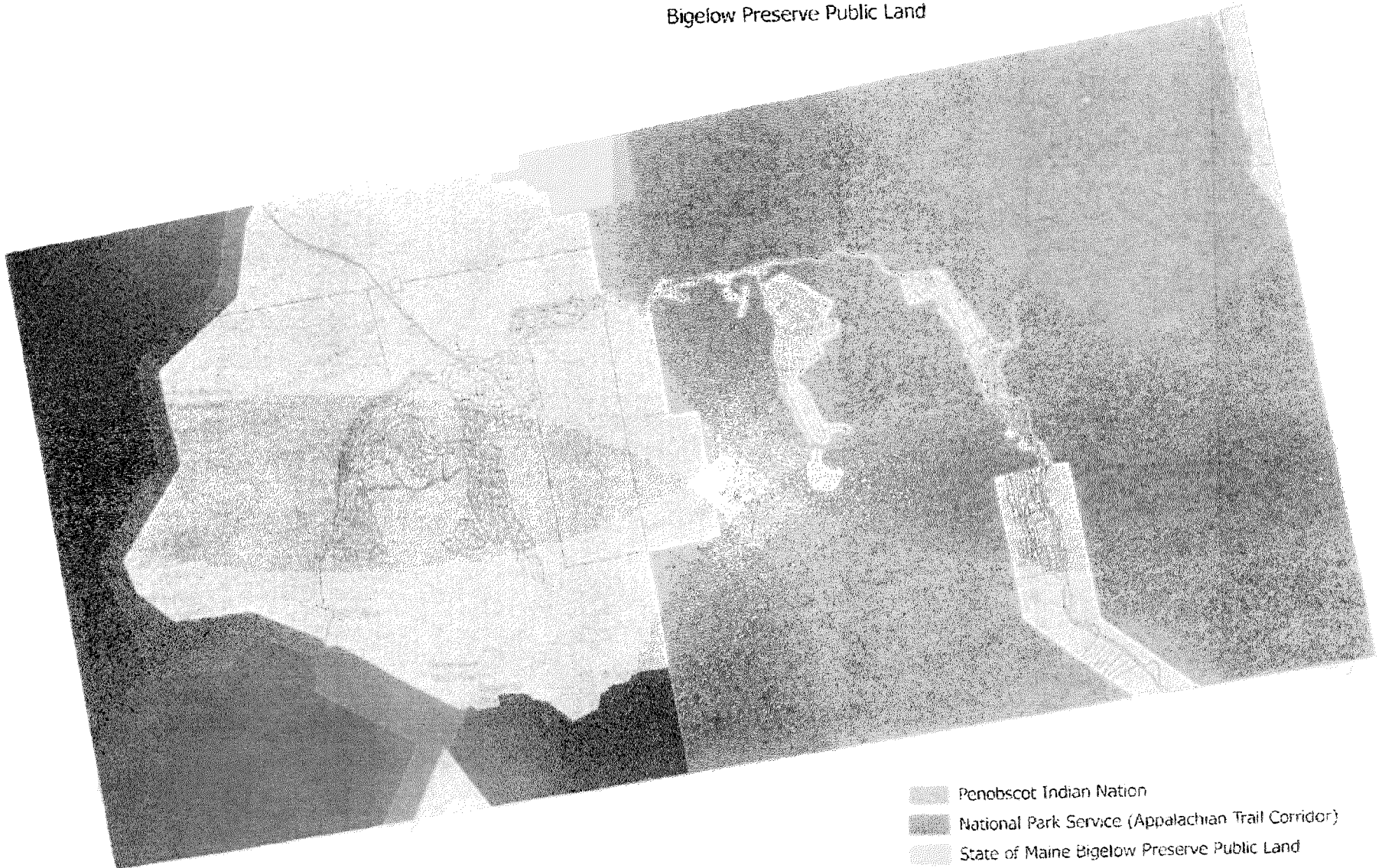
Also, provisions in L.D. 2007 regarding payments in lieu of paying property taxes and zoning requirements are very vague and left to a lot of interpretation (as an example, would the Penobscot Nation pay property taxes based on taxes prior to 1980?). Also, we have hundreds of homes that abut Indian lands in Carrabassett Valley. There is a lot of uncertainty in L.D. 2007 regarding zoning protections for these many homeowners.

The Town's Relationship with the Penobscot Indian Nation:

First and foremost, the Town of Carrabassett Valley (CV) values our relationship with the Penobscot Indian Nation (PIN) which owns 24,000 acres or almost one-half of the land base in our community. We wish to see the Nation succeed and have a bright future. Unfortunately, that relationship has eroded over the past three or four years and the Penobscot Nation has closed their lands in CV to the public dramatically affecting local snowmobile and other trail systems. For many years prior to this land closure the town and the Nation had a good relationship that benefited both parties. We have repeatedly tried to communicate with Penobscot Indian Nation leadership as evidenced by the attached multiple communication attempts to discuss our relationship and how we can work together to come up with ideas and solutions for our mutual benefit. That includes negotiating the conversion of their Carrabassett Valley lands into Trust Land designation. We are committed to working to make that happen if given the opportunity but we need to be able to talk to Penobscot Indian Nation leadership and negotiate this in good faith and allow our citizens to participate (vote) in this process.

We ask you to consider the impacts of L.D. 2007 as written. Changes to the Indian Land Claims Settlement Act may have very serious consequences. The original Settlement Act has stood for over 40 years and is well understood. We ask you to please consider the consequences of L.D. 2007 and provide adequate protections to the municipalities and homeowners affected by L.D. 2007. We ask that the conversion of Maine Tribal Fee land to Federal Trust Land in organized municipalities continue to require that Maine Towns have the right to vote on this issue as the current 'Maine Implementing Act' now requires.

Bigelow Preserve Public Land



- Penobscot Indian Nation
- National Park Service (Appalachian Trail Corridor)
- State of Maine Bigelow Preserve Public Land
- Carrabassett Valley
- State of Maine Crocker Mountain Unit

ESRI, Canada, USA, HERE, Garmin, USGS, NGA, EPA, USDA, NPS, AAFC, NRCan

October 23,2020

To Ambassador Maulian Dana
Penobscott Indian Nation

Dear Ambassador Dana:

My Name is Lloyd Cuttler; I am a long time resident and Selectman of Carrabasset Valley. I was living in Carrabasset Valley when discussions and eventual passing of the Original Maine Indian Claims Act was enacted in 1980. The Penobscot Indian Nation acquired 24,000 ac. in the Town. We have worked together on many issues over these past 40 years, and have always had open lines of discussion. As a Municipality you can imagine our surprise to find out, at the eleventh hour, that a task force had been formed a year earlier to discuss changes to the MIA without any notification to our Town. We only became aware of LD 2094 after the hearings were shut down due to the Pandemic. Its not that we are against modifying the original MIA of 1980, but to not even be invited to be part of that discussion was a major oversight of the Judiciary Committee in our opinion, and hurts any new legislation going forward.

We have spent the last six Months trying to Communicate with the Penobscott Nation, and Chief Francais, to discuss proposals that we feel would be beneficial to the Nation and address our concerns. We understand the constraints of Government in these "Covid times, but to not even get a response to our requests to talk has been very frustrating. As one of the only organized Towns to be affected by what was LD2094, we have been putting together proposals that we believe will be advantageous to the Tribe as well as our Town. We believe that once the new Legislature is convened in January, the Process will begin again with Carrabasset Valley an active and vocal participant in the process. If the Town and the Nation could reach an agreement in principal before the hearings begin, it will make passage of a bill that much easier and successful. My Hope is that in your position as Ambassador you may be able to help us to arrange a meeting with the Nation to discuss our thoughts, and more importantly hear the proposals of the Nation and how we can work together to have them realized.

Lloyd Cuttler
3002 Highland Road
Carrabasset Valley, ME 04947
207-415-8093

6/21/21

Chief Francais
Ambassador Maulian Dana
Penobscot Indian Nation
Indian Island
Old Town, ME.

Dear Maulian and Chief Francais,

I want to share with you an event that happened a few weeks ago. The Penobscot Nation, and your representative foresters, came to our planning Board to request permits for logging your lands in Carrabassett Valley. This is an event that has occurred numerous times in the 40 years you have owned the land in Carrabassett Valley. The planning board met, and listen to the proposal for logging this year, and went through the documents that you supplied. The planning board unanimously approved the Nations permit for continued logging in Carrabassett Valley. Given the strained relationship we now have, I applaud our planning Board for not allowing any of that to Interfere with their decision, and made the decision based on our zoning guidelines.

The reason I share this with you is because this is how we have worked together for over 40 years. We had open communication, and if there were any issues that arose, we discussed them and reached a mutually agreed upon decisions. The Town has not strayed from that commitment to work together, but it appears that the Nation has. With the absence of any communication on your part, it is impossible for us to ascertain if we can ever return to the relationships we have had for years. We have applied for permits, and yet we have no notice as to what their status is, or what is needed to adjust our requests to comply with the Tribes desires. The closure of all your lands and roads in Carrabassett Valley have created hardship not only for our Taxpayers, but all the citizens of Maine who wish to access the public lands of the Bigelow preserve, and other numerous Trails that we have created with your consent in the past.

We still hold out hopes that we can resolve any differences we may have and move forward to the benefit of both of us. As I have stated before, we have numerous thoughts that we feel would be beneficial to the Penobscot Nation. In the absence of any real communication from you they are nothing more than ideas. We will continue to hope that we can work together, and support the Tribes desire for sovereignty.

Lloyd

May 13, 2021

Dear Maulian

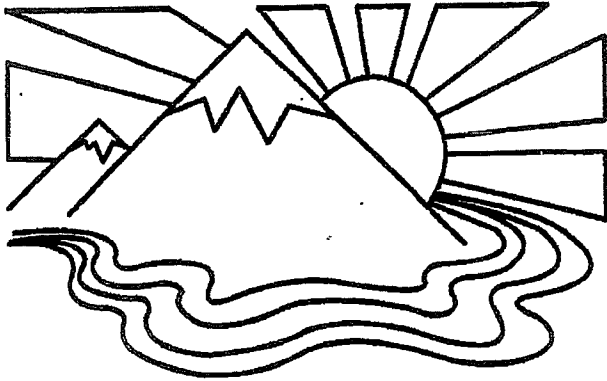
For me to be one of only 3 people that testified against LD1626 I was in a position I rarely find myself in. I am typically in favor of anything that is progressive and changes wrongs to Rights. My opposition to LD 1626 was to purely protect the rights of the Citizens of CV that were given to us in the MIA of 1980. As I have mentioned to you before, a large majority of our Citizens are proud that we can call the Penobscot Nation our Neighbors. For most of the past 40 years we have had a cordial and respectful relationship. That all seems to have disappeared in the past year, and with-it mutual conversation and understanding which is why we are at odds today. We have asked and never received an answer as to why all your lands in CV are still posted.

Because of this lack of communication, we have no idea as to exactly what you see as the future of your lands in Carrabassett Valley. Without that knowledge it is difficult for the Town to relinquish our right to review, and vote on changes you may desire. We believe that if placing your lands in Federal Trust is the goal, then we have ideas as to how that can happen, and we would support it. There are other thoughts that we believe would also be beneficial to the Nation that we would like to discuss. As far as we are concerned everything is on the Table, but it will only come about if we sit together and have an open and beneficial conversation.

Because LD 1626 was Tabled by the Judiciary committee, we now have Months to work with, and see if we can work out an arrangement that could be a Model for all your present and future lands in Maine. What can we do at this point to open a dialogue with your Tribal Leaders and move forward? We are sincere in our intentions to work with the Penobscot Nation for our mutual benefit and look forward to hearing from you, or your Tribal Leaders as to how and when we can begin that process.

Sincerely

Lloyd Cuttler/ Selectman
Carrabassett Valley, ME



Town of
Carrabassett Valley
1001 Carriage Road
Carrabassett Valley, ME 04947
207-235-2646
207-235-2645

September 27th, 2021

Chief Kirk Francis
Ambassador Maullian Dana
Land Committee
Penobscot Indian Nation
12 Wabanaki Way
Indian Island
Old Town, Maine 04469

Re: Employee Housing Committee in the Carrabassett Valley Region

Dear Chief Francis and Ambassador Dana:

The Town of Carrabassett Valley and the neighboring Towns of Kingfield and Eustis have formed a committee to address the lack of employee housing in our area. This is an issue that many communities in Maine are now experiencing. We are working with consultants to identify land in our general area that might be available as well as sources of funding.

As the largest land owner in our area, we would like to invite you to participate in these discussions with us and other parties. At this point, we are only at the beginning stage of trying to identify possible sites that may be available for future employee housing. If there is interest on your part, please contact the Carrabassett Valley Town Office and we will be sure to include you in all meeting announcements and correspondence regarding this important issue. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John Beaupre". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Beaupre, Select Board member and Chair Person of the Employee Housing Committee.

October 7, 2021

Representative: Rachel Talbot Ross
CC Sen. Anne Carney, Rep. Poppy Arford
House Majority Office
2 State House Station
Augusta, ME. 04333

Dear Representative Talbot Ross:

Please find attached our most recent attempt at dialogue with the Penobscott Nation. As we discussed in our meeting last Month, this is one of the numerous attempts by us to start a meaningful conversation with the Penobscott Nation regarding their posting of all their lands in Carrabassett Valley. We still contend there are many avenues that we could mutually agree upon that would be beneficial for the Nations desire for sovereignty, as well as preserving the rights of the Town and the State.

In the absence of any meaningful discussions between all parties I can only surmise that the next sessions Bill by the Nation will be very similar to what has been presented in the past. The last bill in its present form severely affected the Town of Carrabassett due to the unique situation of the Indians land being in an organized Town. This is precisely why the Maine Indian Implementing Act of 1980 required the approval of the Town in order to place acquired lands in Federal Trust. We are the only Town affected today, however that "right to vote" by Towns and Cities was eliminated in LD1568 and LD1620. Any Town or City in Maine could be affected in the future if either of those bills had ever become law.

All this being said, the Town has always been proud to have the Nation as one of our landowners. We want that relationship to continue, however in the absence of any real conversation between us, it's hard to imagine how we will get back to the relationship we both enjoyed. We still hold out hope, and with the legislatures help, that a negotiated process can bring about a reasonable Bill that will be supported by all

Lloyd Cuttler/ Selectman
Carrabassett Valley, Maine

TESTIMONY FROM THE TOWN OF CARRABASSETT VALLEY BOARD OF SELECTMEN REGARDING Potential Changes to the Maine Indian Claims Settlement Implementing Act'

April 2021

The Town's Relationship with the Penobscot Indian Nation:

First and foremost, the Town of Carrabassett Valley (CV) values our relationship with the Penobscot Indian Nation (PIN) who own 24,000 acres or almost one-half of the land base in our community. We also wish to see the Nation succeed and have a bright future. We have asked representatives of the Nation to meet with us to discuss our relationship and how we can work together for our mutual benefit and how we can help with any projects or initiatives they or tribal members are interested in here in CV. Our community leaders have worked hard over the past forty years to maintain this relationship. It is not always easy as communication can be difficult.

The Nation has in the past, generously allowed access to various trail corridors on their land in Carrabassett Valley including snowmobile, ATV, mountain bike and Nordic ski trails in addition to providing access across 4.5 miles of the Carriage Road. The Town has tried to reciprocate by annually giving funds to the Nation's youth programs, paying for maintenance of the Carriage Road and providing use to Town land for their water quality testing station. In addition, Sugarloaf Mountain Corp. has annually provided substantially reduced ski tickets for tribal members and youth. They have also provided daily golf passes which the Nation has auctioned off for their youth programs.

In August of last year, all of PIN lands in CV were suddenly posted for No Trespassing and no reasons given to the Town. Fortunately, access to snowmobile trails were granted in late fall. We have since respectfully requested renewed Use Permits for trail corridors and public use of the Carriage Road and, to this date, we have not heard as to whether these requests will be granted this year.

History of Settlement Act in Carrabassett Valley:

The Town of Carrabassett Valley is comprised of approximately 54,000 acres, of which, 24,000 acres are owned by the Nation. Without getting into a lot of specifics of the Indian Land Claim Settlement Act, this land was acquired as "Fee Land" from Dead River Co. in 1980. Alder Stream Township, an Unorganized Territory, approximately twenty miles north of Carrabassett Valley was part of the Dead River Lands, and this land was placed into Federal Trust by the Penobscot Nation. However, Dead River Company would not sell their Alder Stream land without their lands in Carrabassett Valley being part of the transaction. Thus any fee lands that were acquired by the Nations would require a vote of the Town or that City to be placed into Federal Trust. The sole purpose of this distinction was not to subvert the Town and State standards of zoning, environmental protection agencies and land use ordinances. Thus, the Penobscot Indian land in Carrabassett Valley has remained as Fee Land.

Effects of Potential Changes to the Settlement Act:

As was the case in the 129th Legislature, we anticipate the Legislative Judiciary Committee will be hearing various LD's that would make dramatic changes to the Indian Land Claims Settlement Act that took years to negotiate, and which was approved by the Maine Indian Tribes and the Federal Government in 1980. Some of the proposed legislation potentially has profoundly serious implications for our Town and other organized Towns and Cities in Maine.

The most concerning potential change to our Town is a change to the Settlement Act that would allow the Tribes to apply to the Federal Bureau of Indian Affairs to have their Fee Lands placed in "Federal Trust" without a vote of the Town in which these lands are located. The implications of this are significant. If approved, the Tribes may not pay property taxes on these lands and, more importantly, municipalities would lose all land use regulation over these lands, in our case, almost one-half of our town's land base.

We would have no jurisdiction over what happens on these 24,000 acres. In addition to a potential loss of State or Town wood harvesting regulations on these lands, a casino, a wind tower project or other projects could be built with absolutely no Town or State approval process. In our community, hundreds of our homeowners whose properties abut PIN land would lose the protection of the Town's Zoning Ordinance which they now have.

The loss of property taxes and related Tree Growth Tax law reimbursement to our Town on these 24,000 acres is not huge but important. Last year's proposed legislation would have taken away the ability of municipalities to tax tribal fee lands and would have given the Tribes the right to tax tribal members or tribal entities on these lands. A question has been raised as to who is responsible for paying education tuition costs for educating students who reside on Trust Lands? Who is going to pay for fire protection, ambulance service, and other municipal services? Is this the Town's responsibility with no ability to receive property taxes from these lands? Is the State going to reimburse the Towns for this loss of tax revenue? Essentially, what may be proposed is the process to "create a Nation within a Town". In addition, this raises serious legal questions concerning conflicts with the Municipal Home Rule provisions of the State of Maine Constitution.

In addition to the loss of significant property taxes and the loss of land use regulation, there are serious concerns in some communities regarding the potential impacts of water quality standards controlled by the Tribes if "bank to bank" river jurisdiction is granted.

Changes to the Indian Land Claims Settlement Act may have serious consequences. The original Settlement Act took almost seven years of discussion, debate, and compromise to arrive at the final document that was signed in 1980 by all parties. The agreement has stood for over 40 years. It now seems that this Act may be completely rewritten without properly vetting these important issues. The Legislative Task Force that was created in 129th legislature and is often referred to was poorly formed with absolutely no municipal representation. We ask that this process allow for additional input and consideration by all affected parties including municipal representation.

We believe there may be other alternatives to consider such as appropriate land swaps where "Trust Land designation" may be appropriate and we would like the time and opportunity to explore them with the State and the Tribes. We appreciate your consideration in this matter. Please let us know if you have any questions regarding our concerns.

Respectfully Submitted,

Board of Selectmen
Town of Carrabassett Valley



Lloyd Cuttler <papalod@gmail.com>

Tribal bill

Wed, Feb 22, 2023 at 10:53 AM

Angus King <bensdad1990@gmail.com>
To: Lloyd Cutler <papalod@gmail.com>

Here is the letter I have sent to those who have contacted my office on this issue. Feel free to forward to anyone you feel might be interested.

Angus

I have been seeking pathways to consensus improvements on this issue and I am grateful for the opportunity to share more of my thinking with you. Here are some of the questions I have been hearing most from Maine people and how I view the way forward.

First, some background on the issue for historical context.

In the 1970's, the Passamaquoddy Tribe and the Penobscot Nation claimed large areas of Maine as having been unlawfully conveyed away under federal law. The lawsuits by the Tribes never came to a final decision, but led to lengthy negotiations between the State and the Tribes with the intention of reaching a resolution of the claims acceptable to all parties. Those negotiations successfully concluded in 1980 with an agreed-upon settlement between the parties, and two laws were enacted to implement the agreement, one by the State (the "Maine Implementing Act") and the other by Congress (the "Maine Indian Claims Settlement Act" or "MICSA").

So what did the Tribes get from the agreement?

In the negotiations, the Tribes' basic goals were rebuilding their land base and achieving self-governing rights. The State's primary interest was in maintaining its statewide jurisdiction in areas such as environmental and land-use laws to avoid a patchwork where state law would apply in most areas but not on tribal lands. The Tribes received \$81.5 million (about \$275 million in today's dollars), \$54.5 million to buy 300,000 acres of land and a \$27 million trust fund to be expended by the Tribes as they saw fit; they were also granted unfettered self-government powers over "internal tribal matters" including the right to establish their own governance structures, determine tribal membership, and enact and enforce laws on their reservations. The Tribes were also provided the rights of municipalities which would entitle them to education and other financial support from the state (which is not true of most other tribes across the country).

Several years before the Settlement, the Tribes were granted federal recognition which entitled them all the benefits (financial and otherwise) available to other federally recognized tribes, as long as these benefits don't override existing Maine state law.

At the enactment of MICSA, the Native American Rights Fund, which assisted the Tribes in the negotiations, characterized the Settlement as "far and away the greatest Indian victory of its kind in the history of the United States."

I thought the heart of the present controversy was that Maine Tribes are excluded from federal laws that benefited tribes generally; is that not the case?

Fortunately, that's not true and in fact, the agreement (and the law) is just the opposite. Section 6(i) of MICSA explicitly says that our Tribes "shall be eligible to receive all financial benefits which the United States provides to Indians, Indian nations or tribes or bands of Indians to the same extent and subject to the same eligibility criteria generally applicable to other Indians, Indian nations or tribes or bands of Indians".

This boils down to our Tribes being entitled to "all financial benefits" available to other tribes across the country, including access to federal economic development programs and a broad range of other assistance in areas such as healthcare, education, and housing, and they have received such funding over the years and continue to do so today. I have always supported the funding of these programs as well as specific allocations to our Tribes under the recent pandemic relief and infrastructure bills.

Further, Section 6(h) makes general federal Indian laws passed after MICSA applicable to our Tribes - "Except as otherwise provided in this Act, the laws and regulations of the United States which are generally applicable to Indians, Indian nations, or tribes or bands of Indians shall be applicable in the State of Maine..." The exception is that any laws enacted after MICSA's effective date do not apply in Maine if they would "affect or preempt the application of the laws of the state of Maine".

And that's the heart of the matter that we're working through.

So what does the bill that was introduced in Congress actually do?

It repeals the exception which protects Maine's jurisdiction, which means all future tribal-related federal laws would apply in Maine even though they could compromise the statewide applicability of Maine's laws. (There is an escape clause in the exception, however; Congress can explicitly direct a new tribal law to apply in Maine if it chooses to do so).

It's important to emphasize that the proposed legislation would have no impact at all on the eligibility of our Tribes for federal financial benefits since they have always had such eligibility under the original MICSA.

The Tribes say this deprives them of their sovereignty and disadvantages them in relation to other non-Maine tribes; what about that?

Sovereignty—the power to govern yourself—is a term with a variety of meanings. For example, we refer to our states as "sovereign" and yet they are clearly limited by federal law. Another example is current law which provides for federal oversight of "sovereign" Tribal governments—a provision covering many tribes out west but which does not apply in Maine. In this case, our Tribes have the principal attributes of sovereignty in that they have full power over their internal affairs (actually, greater than many federally recognized tribes which are subject to supervision by the federal Bureau of Indian Affairs), and all the rights of other Tribes, with the exception noted above.

I have heard there have been over 150 Indian laws passed since 1980 which didn't apply in Maine; is that true?

This is not true. The vast majority of those laws have nothing to do with our Tribes or do apply here because they don't conflict with the State's jurisdiction. In a meeting with Tribal Leadership late last summer, I asked for a list of those post-1980 laws that would have benefited them but for the exception in MICSA. In response, they identified three specific federal laws—one of which, the Violence Against Women Act was recently amended in Congress to include them with my full support. The other two (involving disaster aid and certification of nurses serving tribal members) seem resolvable.

To that end, I have reached out to Tribal Leadership and the Governor to organize a meeting to address these specific concerns and to improve consultation around federal issues that would improve tribal welfare and economic opportunity.

I have enjoyed a positive relationship with the Tribes and have met with them regularly since I've been in Washington. I am always ready to work with them to address their concerns with specific issues as they arise, just as I have in the past on legislation such as the Violence Against Women Act.

Even if Tribes get federal funding and general tribal benefits but still have that exception for laws that could conflict with State jurisdiction, why not just drop the exception and be done with it?

Three reasons. First, having our state laws applicable in half of town A and not in the other half (owned by the Tribes) is a recipe for confusion and conflict and clearly would compromise the State's interest in consistent, comprehensive, and broadly applicable law (a situation inevitably leading to litigation). This is particularly problematic in Maine because, unlike in most other states, our tribal lands are in separate lots scattered across the central and northern sections of the state rather than in large contiguous parcels. And the Tribes still have the authority under MICSA to acquire more land, so the location of Indian Territory in Maine is not fixed and is subject to expansion.

Second, this would essentially negate the fundamental position of the State in the negotiation leading to MICSA while leaving the provisions beneficial to the Tribes intact—which undermines the whole concept of an agreed-upon settlement.

Finally, one of the underlying principles of MICSA was that it was simply the codification of the agreement of the parties and that therefore, it should only be substantively amended by agreement of the parties. Since the State objects to this proposed change, if the bill passed, it would establish the precedent that the agreement of all parties to future changes isn't necessary, a precedent the Tribes could come to regret. I should add that if the shoe was on the other foot and the State asked me to support a unilateral change in MICSA over the objection of the Tribes, I would refuse to do so.

So where do you come out on all of this?

As you can tell, I think preserving the integrity of the State's legal and regulatory system is important and that the current law offers a path to resolving specific problems as they arise. I am committed to working with the Tribes (and the State) on the examples they cited and any future cases where a conflict between a proposed Indian law and State jurisdiction might exist to find a mutually agreeable resolution. The full impacts of entirely scrapping the state jurisdiction provision are impossible to predict, while in my view, the benefits the Tribes may seek can be achieved by a more targeted case-by-case process.

I deeply respect the Tribes and their interests, but also have an obligation to the interests of all the citizens of Maine; fortunately, in this case, I believe that what now appear to be serious differences can, indeed, be reconciled, and I will do all I can to make that happen.

February 24, 2022

To: Representative C. Babbidge

From: Lloyd Cuttler / Selectman
Carrabassett Valley

I wanted to take a few minutes of your time to thank you for all your work on the Judiciary Committee. More specifically, as it relates to the numerous bills the Wabanaki Tribes have put forth this session. I Have communicated with you previously as to the Issues the Town of Carrabassett Valley has with LD1568 and LD1626 as it pertains to Home Rule, and State laws. Those Bills would adversely impact all towns in Maine, as well as the issue of State Jurisdiction.

Your LD1665 which you Presented as an Amendment to the MIA of 1980 is a perfect compromise for all the issues that the two previous bills (1568/1626) create. The issue of land acquisition is specifically dealt with, and points out the 150,000 ac. That are still available for the tribes to acquire. I believe the "Designated Area for Land Acquisition." Is a progressive solution for the Nations to acquire additional lands in the future that can be placed into federal trust.

The amendment also addresses the issues of State and local criminal jurisdiction which is another flaw in LD1626. Although those issues do not affect us directly as a Town, it is something that the amendment addresses in a constructive manner that should aid legislators in the future.

As a Town that has one half of all its area owned by the Penobscot Nation, we are extremely concerned with loosing our rights of home rule as it pertains to lands being placed into federal trust. Those rights were given to us, and all the Municipalities in Maine, in the Maine Indian Claims act of 1980. Specifically, Public Laws, 1979 Chapter 732 Limitations. Simply put if lands are owned by the tribes within a Town or Municipality that land could not be put into Federal Trust without the vote of the Townspeople. That provision remains in MIA of 1980, and that is why the Town of Carrabassett Valley strongly supports your amendment in Bill LD1665.

Sincerely,

Lloyd Cuttler
Selectman



Lloyd Cuttler <papalod@gmail.com>

Land Use Permit Requests in Carrabassett Valley

Dave Cota <towncvtm@roadrunner.com>
To: Kirk Francis <Kirk.Francis@penobscotnation.org>
Cc: Lloyd Cuttler <papalod@gmail.com>

Mon, Nov 28, 2022 at 11:47 AM

Dear Chief Francis:

We have not heard from you since August when we believe you indicated that you would be willing to meet with us regarding trail use permits on Penobscot Land here in Carrabassett Valley. Our snowmobile club as sent a permit request to the Nation at 12 Wabanaki Way to use the same snowmobile trails that the Tribe generously allowed prior to 2022. We also previously requested permission to use the 3-mile so called Redington Road loop for cross country skiing. Again, we have not heard anything back regarding these requests.

As you know, in the past, we have tried to reciprocate this good will by paying for annual summer maintenance of PIN owned Carriage Road (approximately \$10,000 to \$12,000/yr.). We have also donated money to the Nation's youth programs (\$2,000 in 2021) and Sugarloaf has donated golf course day passes for your annual auction (for youth programs) and they have also provided the opportunity for very low-cost skiing passes particularly for your youth. The opportunity to do more on our Town's part is very much possible.

Meanwhile, we are answering calls from our many home owners and from all over the State as to why we cannot obtain land owner permission to use these trails. It's creating a lot of ill will. It's affecting not only Carrabassett Valley but the economy of our entire region as there are no longer trail connections throughout our area.

We wish to respectfully request that we meet with you and representatives of the Nation as you indicated to us in August to discuss these land use permits and any other issue you wish to discuss. Winter is upon us and we would like to provide a firm answer to the many people and organizations that are asking if land use permission is going to be granted. We look forward to hearing from you.

Sincerely,

Dave Cota

David Cota
Town Manager

For: Maine Municipal Association Legislative Policy Committee Consideration
From: Town of Carrabassett Valley
Re: Potential Concerns with L.D. 2007 'An Act to Advance Self-Determination for Wabanaki Nations'
Date: November 8th, 2023

L.D. 2007 is a "Concept Legislative Document" that was developed very late in the recent legislative session. In fact, legislation that was proposed at the very end of the session was rushed through with very little notice of a Public Hearing and the legislation was vetoed by Governor Mills. We do not know what the exact L.D. 2007 legislation will look like but we must assume it will entail a complete revision of the 'Maine Indian Claims Settlement Implementing Act' (MIA).

While L.D. 2007 may have many adverse effects for the State of Maine, we wish to focus on what the effects of this legislation may have on municipalities and why we believe the Maine Municipal Association should be involved in this discussion. While complete Sovereignty is important to Maine Indian Tribes, it may come with serious implications and unintended consequences for some Maine Towns and Cities. In the case of our community of Carrabassett Valley, twenty-four thousand acres or roughly one-half of our Town's land base (see attached map) is owned by the Penobscot Indian Nation. This land was acquired as the result of the landmark Federal Indian Lands Claim Settlement Act.

Recent legislative attempts to change the MIA included eliminating that section of Title 30 Chapter 601 that currently requires the vote of the legislative body of an Organized "City, Town, Village or Plantation" for lands within that entity to be acquired by or placed in trust for the Tribes by the Federal government. It is hugely important for our and potentially other communities to retain this right. We have hundreds of homeowners that abut Penobscot Indian Nation land. Aside from the loss of property taxes, the potential loss of zoning on these lands is very concerning. Some of the recent proposed legislation even provided that land within the Federal Tribal Trust land could even be taxed by the Tribes. We would essentially have a "Nation within a Town". Who will provide services for these lands, pay educational costs, etc.? Recent past legislation even included political expediency by eliminating all southern Maine Counties from some of the effects of Sovereignty legislation.

Other communities you will hear from are very concerned about Tribal Sovereignty legislation that could allow for Tribal governments setting water quality standards (now governed by the State Department of Environmental Protection) for up and downstream waters from Tribal lands. This could have devastating consequences for these communities.

All of the recent related legislation refers to the recommendations of the Legislative 'Task Force on Changes to the Indian Claims Settlement Implementing Act'. This so-called Task Force consisted of two State Senators, two State Representatives and five Tribal Government Chiefs. Seemingly indefensible, there was absolutely no municipal representation on this Task Force.

We have enclosed 2020 testimony from our Town regarding proposed legislation at that time. We also have enclosed a January 2021 letter from Town Manager Dave Cota to MMA legislative Advocacy concerning proposed legislation effecting the MIA at that time. Although certainly an uncomfortable position to be in, the facts are that proposed Tribal Sovereignty legislation may have very serious implications for some municipalities in Maine and we believe the time has come for MMA to become involved. Thank you for your consideration.

Sincerely,

Lloyd Cuttler, Select Board Member
Dave Cota, Town Manager
On behalf of the Carrabassett Valley Select Board

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.

Any lands within the Passamaquoddy Indian territory or the Penobscot Indian territory, the fee to which is transferred to any person who is not a member of the respective tribe or nation, shall cease to constitute a portion of Indian territory and shall revert to its status prior to the inclusion thereof within Indian territory.

§ 6206. Powers and duties of the Indian tribes within their respective Indian territories

1. **General Powers.** Except as otherwise provided in this Act, the Passamaquoddy Tribe and the Penobscot Nation, within their respective Indian territories, shall have, exercise and enjoy all the rights, privileges, powers and immunities, including, but without limitation, the power to enact ordinances and collect taxes, and shall be subject to all the duties, obligations, liabilities and limitations of a municipality of and subject to the laws of the State, provided, however, that internal tribal matters, including membership in the respective tribe or nation, the right to reside within the respective Indian territories, tribal organization, tribal government, tribal elections and the use or disposition of settlement fund income shall not be subject to regulation by the State. The Passamaquoddy Tribe and the Penobscot Nation shall designate such officers and officials as are necessary to implement and administer those laws of the State applicable to the respective Indian territories and the residents thereof. Any resident of the Passamaquoddy Indian territory or the Penobscot Indian territory who is not a member of the respective tribe or nation nonetheless shall be equally entitled to receive any municipal or governmental services provided by the respective tribe or nation or by the State, except those services which are provided exclusively to members of the respective tribe or nation pursuant to state or federal law, and shall be entitled to vote in national, state and county elections in the same manner as any tribal member residing within Indian territory.

2. **Power to sue and be sued.** The Passamaquoddy Tribe, the Penobscot Nation and their members may sue and be sued in the courts of the State to the same extent as any other entity or person in the State provided, however, that the respective tribe or nation and its officers and employees shall be immune from suit when the respective tribe or nation is acting in its governmental capacity to the same extent as any municipality or like officers or employees thereof within the State.