Good morning Mr. Cota,

The Taskforce website can be found here: <http://legislature.maine.gov/maine-indian-claims-tf>.

A list of Taskforce members can be found at the bottom of the page. Email addresses for legislators are in the format FirstName.LastName@legislature.maine.gov. Please let me know if you have trouble finding any contact information.

Here is an easily accessible link to submitted testimony: [http://www.mainelegislature.org/legis/bills/display\_ps.asp?PID=1456&snum=129&paper=&paperld=l&ld=2094#](http://www.mainelegislature.org/legis/bills/display_ps.asp?PID=1456&snum=129&paper=&paperld=l&ld=2094)

The Governor’s testimony is listed under Feb 19 and is posted under her name. Attorney General Frey’s testimony is also listed under Feb 19.

Please let me know if you have further questions.

Best,

Sam

Samuel Senft, JD, MPH

Legislative Analyst

Office of Policy and Legal Analysis

Maine State Legislature

samuel.senft@legislature.maine.gov

207-287-1670

**From:** Senft, Samuel
**Sent:** Friday, June 26, 2020 8:28 AM
**To:** 'Dave Cota' <towncvtm@roadrunner.com>
**Cc:** Reinsch, Margaret <Margaret.Reinsch@legislature.maine.gov>; Stocco, Janet <Janet.Stocco@legislature.maine.gov>
**Subject:** RE: L.D. 2094 Revisions to Indian Lands Claim Settlement

Good morning Mr. Cota,

The Judiciary Committee held hearings for LD 2094 on February 14 and 19th.  Work sessions were held March 4 and 11.  Several other committees also held sessions devoted to the bill, focusing on areas directly impacting their subject matters of jurisdiction.

No votes were taken on the bill due to the session ending on March 17 because of the pandemic. We are not yet sure what the next steps in the Legislature’s consideration of LD 2094 will be. However, any further work sessions will be publicized in the usual manner on the Legislature’s website. You can also sign up for the Judiciary Committee’s Interested Parties list to receive notice directly, though please be aware that you will receive emails regarding all Committee work, not just LD 2094. You can sign up here: <https://lists.legislature.maine.gov/sympa/info/jud-ip>.

While the hearings have already taken place, you are still able to submit testimony here: <https://www.mainelegislature.org/testimony/>. You will need to select the Judiciary Committee and enter February 14 (the date of the first hearing). Then, select LD 2094. You will be provided a screen on which to enter testimony.

Would you still like to have a call on Monday? If so, what time works best for you? I can do any time aside from 2-4.

Samuel Senft, JD, MPH

Legislative Analyst

Office of Policy and Legal Analysis

Maine State Legislature

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207-287-1670

**From:** Dave Cota <towncvtm@roadrunner.com>
**Sent:** Thursday, June 25, 2020 3:23 PM
**To:** Stocco, Janet <Janet.Stocco@legislature.maine.gov>
**Cc:** Reinsch, Margaret <Margaret.Reinsch@legislature.maine.gov>; Senft, Samuel <Samuel.Senft@legislature.maine.gov>
**Subject:** RE: L.D. 2094 Revisions to Indian Lands Claim Settlement

**This message originates from outside the Maine Legislature.**

Thank you.  Could you please let me know when hearings on this bill are going to take place.  We will can not allow the Tribe to place land in Federal Trust without an vote of the Town.  This is not acceptable.  Thank you.

Dave Cota

Town Manager

Carrabassett Valley, Maine 04947

Office: 207-235-2645

Email: towncvtm@roadrunner.com

**From:** Stocco, Janet <Janet.Stocco@legislature.maine.gov>
**Sent:** Thursday, June 25, 2020 8:33 AM
**To:** Dave Cota <towncvtm@roadrunner.com>
**Cc:** Reinsch, Margaret <Margaret.Reinsch@legislature.maine.gov>; Senft, Samuel <Samuel.Senft@legislature.maine.gov>
**Subject:** RE: L.D. 2094 Revisions to Indian Lands Claim Settlement

Dear Mr. Cota,

Sam Senft is the best person to answer your question about the tribal trust land acquisition process contemplated in LD 2094, and I am certain he can be of great assistance to you when you speak by phone on Monday.  In the meantime, however, I will try to provide a preliminary answer to your question.

LD 2094, as it is currently drafted, would change the process by which the Penobscot Nation would be able to place lands in federal trust status.  The bill would remove the requirement in current Maine law, located in 30 M.R.S.A. §6205(5), that land located within a city, town, village or plantation cannot be added to the Penobscot Indian territory (over which it has certain, limited jurisdiction under Maine law) without approval of the legislative body of that city, town, village or plantation.  (See the PDF version of the bill, [available here](http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1492&item=1&snum=129), on page 8 lines 41-44.)   Instead, under LD 2094, as it is currently drafted, the Penobscot Nation would be able to acquire trust land “in accordance with applicable . . . federal Indian law, including but not limited to the federal Indian Reorganization Act, Public Law 73-383, and their implementing regulations.”  (See the PDF version of the bill on page 9 lines 5-10.)

A handbook outlining the procedures governing trust land acquisition under the federal Indian Reorganization Act is available on the website of the federal Bureau of Indian Affairs at the following link: <https://www.bia.gov/sites/bia.gov/files/assets/public/raca/handbook/pdf/Acquisition_of_Title_to_Land_Held_in_Fee_or_Restricted_Fee_Status_50_OIMT.pdf>.  When you are looking through the handbook it is important to note that, unless either Congress or a court orders that certain land be placed in trust status, these future acquisitions likely would qualify as discretionary trust acquisitions. The handbook indicates that the Bureau of Indian Affairs would provide notice to and seek comment from the local government before a decision is made whether to place the land into trust status (see Step 6 on pages 17-18; Step 8 on page 18; and Step 10 on page 19; these steps apply to land located off of a reservation via page 29 of the handbook).   In addition, a local government appears to be able to appeal from a decision that certain land be taken into trust status (see Step 11 on 20-23 and page 29 pages).  I am not an expert in this area of law, however, and cannot provide more guidance to you regarding the weight of local government comments or objections when these trust land acquisition decisions are made (see, for example, the factors listed on pages 19-20) or the potential grounds for appealing a trust land acquisition.

I hope that this helps.

Sincerely, Janet

**From:** Dave Cota <towncvtm@roadrunner.com>
**Sent:** Wednesday, June 24, 2020 2:26 PM
**To:** Senft, Samuel <Samuel.Senft@legislature.maine.gov>; Stocco, Janet <Janet.Stocco@legislature.maine.gov>; Reinsch, Margaret <Margaret.Reinsch@legislature.maine.gov>
**Subject:** RE: L.D. 2094 Revisions to Indian Lands Claim Settlement

**This message originates from outside the Maine Legislature.**

Samuel:  Monday works.  However, if any of you are available and can answer the primary question I have (below) before than that would be great.  Thank  you.

dave

Dave Cota

Town Manager

Carrabassett Valley, Maine 04947

Office: 207-235-2645

Email: towncvtm@roadrunner.com

**From:** Senft, Samuel <Samuel.Senft@legislature.maine.gov>
**Sent:** Wednesday, June 24, 2020 1:55 PM
**To:** Dave Cota <towncvtm@roadrunner.com>; Stocco, Janet <Janet.Stocco@legislature.maine.gov>; Reinsch, Margaret <Margaret.Reinsch@legislature.maine.gov>
**Subject:** Re: L.D. 2094 Revisions to Indian Lands Claim Settlement

Hi Mr Cota

I would be happy to give you a call. Would Monday be ok?  I am out of the office this week.

Best,

Samuel

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**From:** Dave Cota <towncvtm@roadrunner.com>
**Sent:** Wednesday, June 24, 2020 1:46 PM
**To:** janet.stocco@legislature.maine.gov; samuel.senft@legislature.maine.gov; margaret.reinsch@legislature.maine.gov
**Subject:** L.D. 2094 Revisions to Indian Lands Claim Settlement

**This message originates from outside the Maine Legislature.**

Dear Janet, Samuel and Margaret:

My name is Dave Cota and I’m the Town Manager of Carrabassett Valley. I was given your contacts through  our Senate and House Rep Legislative Aids.  Until very recently I was not aware of L.D. 2094 and I have several questions that I hope you can answer.  The Penobscot Indian Nation (PIN) owns 24,000 acres of fee land in our community (almost half the Town).  My primary question is how L.D. 2094 may affect this fee land and if there is a mechanism in this L.D. that would allow PIN to place this land in Federal Trust without a vote of the Town?

This is very important to us because our Town is very opposed to allowing Trust Lands and to allowing PIN or any entity to by-pass the Town’s Zoning and Land Use requirements.

Could one of you please call me (235-2645) as I would like to review the L.D. with you.  Your assistance will be greatly appreciated. Thank you.

Dave Cota

Town Manager

Carrabassett Valley, Maine 04947

Office: 207-235-2645

Email: towncvtm@roadrunner.com