

130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1560

S.P. 502

In Senate, April 22, 2021

Resolve, Authorizing the State To Convey to the Passamaquoddy Tribe the State's Interest in a Certain Parcel of Land in the Town of Meddybemps

Received by the Secretary of the Senate on April 20, 2021. Referred to the Committee on Agriculture, Conservation and Forestry pursuant to Joint Rule 308.2 and ordered printed.

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DAREK M. GRANT Secretary of the Senate

Presented by Senator MOORE of Washington. (GOVERNOR'S BILL)

1 Sec. 1. Authority to convey state land. Resolved: That, notwithstanding any 2 provision of law to the contrary, the State may transfer a certain parcel of land described in 3 section 2 to the Passamaquoddy Tribe, subject to such terms and conditions described in 4 sections 3 to 6.

5 Sec. 2. Description of land transferred. Resolved: That the land authorized to 6 be conveyed pursuant to this resolve is a parcel of land of approximately 3.2 acres located 7 on the northern side of State Route 191 in Meddybemps, Washington County, described in 8 a deed recorded in the Washington County Registry of Deeds, Book 2462, Page 212.

9 Sec. 3. Land subject to terms and conditions. Resolved: That the State may 10 convey the parcel described in section 2 upon such terms and conditions as the 11 Commissioner of Environmental Protection considers appropriate and necessary to ensure 12 access to the property transferred, compliance with encumbrances of record and inclusion 13 of any new restrictions determined necessary by the Department of Environmental 14 Protection or the United States Environmental Protection Agency.

Sec. 4. Land to be transferred as is. Resolved: That the land described in section
2 must be transferred by release deed "as is" with no representations or warranties as to
title, subject to any and all terms, conditions, encumbrances, restrictions and liens of record,
including those described in section 3.

19 Sec. 5. Release of liability for historical contamination. Resolved: That the 20 Passamaquoddy Tribe's compliance with the terms, conditions, encumbrances and 21 restrictions described in section 3 releases the Passamaquoddy Tribe of any state 22 environmental contamination claims, including natural resource damage claims, that have 23 or in the future may accrue to the State or its agencies as a result of the historic 24 contamination of the land by parties other than the Passamaquoddy Tribe.

25 Sec. 6. Repeal. Resolved: That sections 1 to 4 of this resolve are repealed 5 years 26 from its effective date.

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SUMMARY

This resolve authorizes the State to convey to the Passamaquoddy Tribe a certain parcel of land located on the northern side of State Route 191 in Meddybemps, Washington County, which is a portion of a site known as the Eastern Surplus Company Superfund site that has been designated a Superfund site due to the presence of hazardous substances, materials or wastes.

This resolve allows the Passamaquoddy Tribe to take ownership of the land without assuming liability for historical contamination that the tribe did not cause and permits continued access to the land by the State and the United States to address remaining and future contamination at this or nearby lands.