1	L.D. 906
2	Date: (Filing No. H-)
3	JUDICIARY
4	Reproduced and distributed under the direction of the Clerk of the House.
5	STATE OF MAINE
6	HOUSE OF REPRESENTATIVES
7	130TH LEGISLATURE
8	SECOND REGULAR SESSION
9 10	COMMITTEE AMENDMENT "" to H.P. 662, L.D. 906, "An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water"
11 12	Amend the bill by striking out everything after the enacting clause and inserting the following:
13	'Sec. 1. P&SL 1983, c. 25, §15 is repealed.
14 15	Sec. 2. 30 MRSA §6205, sub-§1, ¶D-2, as amended by PL 2021, c. 139, §1 and affected by §3, is further amended to read:
16 17 18 19 20 21	D-2. 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, to the extent that the land is not held in common with any other person or entity and is certified by the secretary as held for the benefit of the Passamaquoddy Tribe; and
22 23	Sec. 3. 30 MRSA §6205, sub-§1, ¶E, as amended by PL 2021, c. 139, §1 and affected by §3, is further amended to read:
24 25 26 27 28 29	E. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in Township 21 consisting of Gordon Island in Big Lake, conveyed by Domtar Maine Corporation to the Passamaquoddy Tribe by corporate quitclaim deed dated April 30, 2002, recorded in the Washington County Registry of Deeds in Book 2624, Page 301, to the extent that the land is not held in common with any other person or entity and is certified by the secretary as held for the benefit of the Passamaquoddy Tribe-; and
30	Sec. 4. 30 MRSA §6205, sub-§1, ¶F is enacted to read:
31 32	<u>F.</u> Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in Perry consisting of:

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1 (1) Land conveyed by Denise E. Plouffe to the Passamaquoddy Tribe by quitclaim 2 deed dated October 5, 2017, recorded in the Washington County Registry of Deeds 3 in Book 4403, Pages 18 and 19; and 4 (2) Land conveyed by Austin Humphries to the Passamaguoddy Tribe by deed dated November 18, 1983, recorded in the Washington County Registry of Deeds 5 in Book 1252, Pages 93 to 95. 6 7 Notwithstanding subsection 5 and any other provision of this Act to the contrary, the addition of land to the Passamaquoddy Indian territory pursuant to this paragraph is not 8 9 subject to approval by any city, town, village or plantation within the State. Sec. 5. 30 MRSA §6206, sub-§1, as enacted by PL 1979, c. 732, §§1 and 31, is 10 amended to read: 11 1. General Powers powers. Except as otherwise provided in this Act, the 12 13 Passamaquoddy Tribe and the Penobscot Nation, within their respective Indian territories, shall have, exercise and enjoy all the rights, privileges, powers and immunities, including, 14 but without limitation, the power to enact ordinances and collect taxes, and shall be subject 15 16 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 17 in the respective tribe or nation, the right to reside within the respective Indian territories, 18 tribal organization, tribal government, tribal elections and, the use or disposition of 19 settlement fund income and the exercise of power pursuant to section 6207, subsection 10, 20 section 6207-A and section 6209-A, subsection 1, paragraph F shall not be subject to 21 regulation by the State. The Passamaquoddy Tribe and the Penobscot Nation shall 22 23 designate such officers and officials as are necessary to implement and administer those 24 laws of the State applicable to the respective Indian territories and the residents thereof. 25 Any resident of the Passamaquoddy Indian territory or the Penobscot Indian territory who 26 is not a member of the respective tribe or nation nonetheless shall be equally entitled to 27 receive any municipal or governmental services provided by the respective tribe or nation 28 or by the State, except those services which are provided exclusively to members of the 29 respective tribe or nation pursuant to state or federal law, and shall be entitled to vote in 30 national, state and county elections in the same manner as any tribal member residing 31 within Indian territory. 32 Sec. 6. 30 MRSA §6207, as amended by PL 1997, c. 739, §12 and affected by §§13 33 and 14, is further amended by amending the section headnote to read: 34 §6207. Regulation of fish and wildlife natural resources Sec. 7. 30 MRSA §6207, sub-§1, as enacted by PL 1979, c. 732, §§1 and 31, is 35 36 amended to read: 37 1. Adoption of hunting, trapping and fishing ordinances by the tribe or nation. Subject to the limitations of subsection 6, the Passamaquoddy Tribe and the Penobscot 38 39 Nation each shall have exclusive authority within their respective Indian territories to 40 promulgate and enact ordinances regulating: 41 A. Hunting, trapping or other taking of wildlife; and 42 B. Taking of fish on any pond in which all the shoreline and all submerged lands are wholly within Indian territory and which is less than 10 acres in surface area. 43

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Such ordinances shall be equally applicable, on a nondiscriminatory basis, to all persons 1 2 regardless of whether such person is a member of the respective tribe or nation provided, 3 however, that subject to the limitations of subsection 6, such ordinances may include 4 special provisions for the sustenance of the individual members of the Passamaquoddy 5 Tribe or the Penobscot Nation. In addition to the authority provided by this subsection, the Passamaquoddy Tribe and the Penobscot Nation, subject to the limitations of subsection 6, 6 7 may exercise within their respective Indian territories all the rights incident to ownership 8 of land under the laws of the State.

9 Sec. 8. 30 MRSA §6207, sub-§10 is enacted to read:

10 <u>10. Regulation of drinking water.</u> Unless the Passamaquoddy Tribe, in its discretion,
 11 enters into an intergovernmental agreement authorizing the State to exercise concurrent
 12 jurisdiction over specific drinking water-related issues within the Passamaquoddy Indian
 13 territory:

- 14A. The Passamaquoddy Tribe has exclusive authority to enact ordinances regulating15drinking water within Passamaquoddy Indian territory;
- 16B. The State may not exercise primary enforcement authority from the United States17Environmental Protection Agency to implement the federal Safe Drinking Water Act18and its implementing regulations, as amended, within the Passamaquoddy Indian19territory; and
- <u>C. The Passamaquoddy Tribe may seek to be treated as a state and to obtain primary</u>
 enforcement authority from the United States Environmental Protection Agency to
 implement the federal Safe Drinking Water Act and its implementing regulations, as
 amended, within the Passamaquoddy Indian territory.
- 24 Sec. 9. 30 MRSA §6207-A is enacted to read:

25 <u>§6207-A. Jurisdiction of the Passamaquoddy Tribe over drinking water within the</u> <u>Passamaquoddy Indian territory</u>

Notwithstanding any provision of state law to the contrary, pursuant to the federal
 Maine Indian Claims Settlement Act of 1980, Public Law 96-420, Section 6(e)(1), the State
 and the Passamaquoddy Tribe agree and establish that:

Jurisdiction of Passamaquoddy Tribe to administer drinking water-related
 programs. The Passamaquoddy Tribe may seek to be treated as a state pursuant to the
 federal Safe Drinking Water Act, 42 United States Code, Section 300j-11, and its
 implementing regulations, as amended, within the Passamaquoddy Indian territory and may
 otherwise benefit from and exercise jurisdiction under any other federal law enacted after
 October 10, 1980 that permits a federally recognized Indian tribe to administer drinking
 water-related programs; and

37 2. Administration of drinking water-related programs does not affect or preempt
 38 state law. The application of any provision of the federal Safe Drinking Water Act and its
 39 implementing regulations, as amended, and of any other federal law enacted after October
 40 10, 1980 that permits a federally recognized Indian tribe to administer drinking water 41 related programs, and the enforcement of such laws and regulations by the Passamaquoddy
 42 Tribe under subsection 1 does not affect or preempt the laws of the State.

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- 1 Sec. 10. 30 MRSA §6209-A, sub-§1, ¶D, as enacted by PL 1995, c. 388, §6 and affected by §8, is amended to read: 2 3 D. Indian child custody proceedings to the extent authorized by applicable federal law; 4 and 5 Sec. 11. 30 MRSA §6209-A, sub-§1, ¶E, as amended by PL 2009, c. 384, Pt. E, §1 and affected by §3, is further amended to read: 6 7 E. Other domestic relations matters, including marriage, divorce and support, between 8 members of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation, both of whom reside within the Indian reservation of the 9 10 Passamaquoddy Tribe-; and 11 Sec. 12. 30 MRSA §6209-A, sub-§1, ¶F is enacted to read: 12 F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section 6207, subsection 13 14 10. Sec. 13. Contingent effective date; certification. This Act does not take effect 15 16 unless, within 60 days after adjournment of the Second Regular Session of the 130th Legislature, the Secretary of State receives written certification by the Joint Tribal Council 17 18 of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act, copies 19 of which must be submitted by the Secretary of State to the Secretary of the Senate, the 20 Clerk of the House of Representatives and the Revisor of Statutes.' 21 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section 22 number to read consecutively. 23 **SUMMARY** 24 This amendment strikes and replaces the bill, which is a concept draft. The intent of this amendment is to improve access to safe drinking water for the Passamaquoddy Tribe 25 at Pleasant Point and surrounding communities. The amendment exempts the property of 26 27 the Passamaquoddy Water District, which is a nontribal entity, from taxation by municipal 28 governments. It also authorizes 2 parcels of tribally owned fee land in close proximity to 29 the existing Passamaquoddy Indian territory to be added to the tribe's Indian territory through the federal trust acquisition process, without local approval, in order to provide 30 31 access to alternate supplies of groundwater. Finally, it provides that the United States 32 Environmental Protection Agency, and not the State, has the primary authority to regulate 33 drinking water standards within Passamaquoddy Indian territory. If the Passamaquoddy 34 Tribe chooses to do so, it may seek authority from the United States Environmental 35 Protection Agency to regulate drinking water standards within Passamaquoddy Indian
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FISCAL NOTE REQUIRED (See attached)

territory to the extent permitted under federal law.

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