

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
H.P. 1045 - L.D. 1620

**An Act to Amend the Laws Regarding the Mi'kmaq Nation and to Provide
Parity to the Wabanaki Nations**

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. PL 1989, c. 148, §3 is repealed and the following enacted in its place:

Sec. 3. 30 MRSA c. 603 is enacted to read:

CHAPTER 603

MI'KMAQ NATION RESTORATION ACT

§7201. Short title

This Act may be known and cited as "The Mi'kmaq Nation Restoration Act."

§7202. Legislative findings and declaration of policy

The Legislature finds and declares the following.

The Mi'kmaq Nation, previously known as the Aroostook Band of Micmacs, as represented as of the effective date of this chapter by the Mi'kmaq Nation Tribal Council, is the sole successor in interest, as to lands within the United States, to the aboriginal entity generally known as the Mi'kmaq Nation that years ago claimed aboriginal title to certain lands in the State.

The Mi'kmaq Nation was not referred to in the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420.

There exist aboriginal lands in the State jointly used by the Mi'kmaq Nation and other tribes to which the Mi'kmaq Nation could have asserted aboriginal title but for the extinguishment of all such claims by the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420.

In 1991, the United States formally recognized the Mi'kmaq Nation as a sovereign government to whom it owed a special trust relationship by enacting the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171.

Section 6(d) of the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171, authorized the State of Maine and the Mi'kmaq Nation to execute agreements regarding the State's jurisdiction over lands owned by or held in trust for the benefit of the Mi'kmaq Nation or any citizen of the nation and provided the advance consent of the United States to amendments of the state Micmac Settlement Act in Public Law 1989, chapter 148 for this purpose.

The State of Maine and the Mi'kmaq Nation agree and intend that this Act constitutes a jurisdictional agreement pursuant to Section 6(d) of the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171, that amends the state Micmac Settlement Act, originally enacted in Public Law 1989, chapter 148.

§7203. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Aroostook Band of Micmacs Settlement Act. "Aroostook Band of Micmacs Settlement Act" means the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171.

2. Lands or other natural resources. "Lands or other natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resources, including, but not limited to, minerals and mineral rights, timber and timber rights, water and water rights and hunting and fishing rights.

3. Laws of the State. "Laws of the State" means the Constitution of Maine and all statutes, rules or regulations and the common law of the State and its political subdivisions, and subsequent amendments thereto or judicial interpretations thereof.

4. Mi'kmaq Nation. "Mi'kmaq Nation" has the same meaning as "Band" in Section 3(1) of the Aroostook Band of Micmacs Settlement Act.

5. Mi'kmaq Nation Jurisdiction Land. "Mi'kmaq Nation Jurisdiction Land" means:

A. All Mi'kmaq Nation Trust Land that exists as of the effective date of this subsection; and

B. All Mi'kmaq Nation Trust Land acquired after the effective date of this subsection that is both within Aroostook County and within 50 miles of land described in paragraph A.

6. Mi'kmaq Nation Trust Land. "Mi'kmaq Nation Trust Land" has the same meaning as "Band Trust Land" in Section 3(3) of the Aroostook Band of Micmacs Settlement Act.

7. Secretary. "Secretary" means the United States Secretary of the Interior.

§7204. Laws of State to apply to Indian Lands

Except as otherwise provided in this Act, the Mi'kmaq Nation and all members of the Mi'kmaq Nation in the State and any lands or other natural resources owned by them or held in trust for them by the United States or by any other person or entity are subject to the laws of the State and to the civil and criminal jurisdiction of the courts of the State to the same extent as any other person or lands or other natural resources in the State.

§7205. Powers and duties of Mi'kmaq Nation within Mi'kmaq Nation Jurisdiction Land

1. Sovereign status. The State recognizes that the Mi'kmaq Nation predates the State of Maine and the United States and possesses the power and authority to self-govern as limited by the Aroostook Band of Micmacs Settlement Act and this Act.

2. General powers. Except as otherwise provided in this Act, the Mi'kmaq Nation, within Mi'kmaq Nation Jurisdiction Land, may, separate and distinct from the State, exercise exclusive jurisdiction, including by enacting ordinances, over internal tribal matters, including membership in the nation, the right to reside within Mi'kmaq Nation Jurisdiction Land, tribal organization, tribal government and tribal elections and the exercise of power pursuant to section 7206, subsection 8, section 7207 and section 7208, subsection 1, paragraph F and such matters are not subject to regulation by the State. Pursuant to the Mi'kmaq Nation's power and authority to self-govern, the Mi'kmaq Nation has the same, and no more, power to enact ordinances within Mi'kmaq Nation Jurisdiction Land as municipalities have within the State. The Mi'kmaq Nation shall designate such officers and officials as are necessary to implement and administer those laws of the State applicable to Mi'kmaq Nation Jurisdiction Land and the residents thereof. Any resident of Mi'kmaq Nation Jurisdiction Land who is not a member of the nation is equally entitled to receive any municipal or governmental services provided by the nation or by the State, except those services that are provided exclusively to members of the nation pursuant to state or federal law, and are entitled to vote in national, state and county elections in the same manner as any tribal member residing within Mi'kmaq Nation Jurisdiction Land.

3. Power to sue and be sued. The Mi'kmaq Nation and its 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 except that the nation and its officers and employees are immune from suit when the nation is acting in its governmental capacity to the same extent as municipalities or like officers or employees thereof within the State.

4. Ordinances. The Mi'kmaq Nation has the right to exercise exclusive jurisdiction within Mi'kmaq Nation Jurisdiction Land over violations by members of any federally recognized Indian tribe, nation, band or other group of tribal ordinances adopted by the nation pursuant to this section or section 7206. The decision to exercise or terminate the jurisdiction authorized by this section must be made by the Mi'kmaq Nation Tribal Council. If the nation chooses not to exercise, or to terminate its exercise of, jurisdiction as authorized by this section or section 7206, the State has exclusive jurisdiction over violations of the nation's tribal ordinances by members of any federally recognized Indian tribe, nation, band or other group within Mi'kmaq Nation Jurisdiction Land. The State has exclusive jurisdiction over violations of the nation's tribal ordinances by persons not members of any federally recognized Indian tribe, nation, band or other group except as provided in section 7208.

§7206. Regulation of natural resources

1. Adoption of hunting, trapping and fishing ordinances by Mi'kmaq Nation. Subject to the limitations of subsection 5, the Mi'kmaq Nation has exclusive authority within Mi'kmaq Nation Jurisdiction Land to enact ordinances regulating:

A. Hunting, trapping or other taking of wildlife; and

B. Taking of fish on any pond in which all the shoreline and all submerged lands are wholly within Mi'kmaq Nation Jurisdiction Land and that is less than 10 acres in surface area.

Ordinances under this subsection must be equally applicable, on a nondiscriminatory basis, to all persons regardless of whether a person is a member of the Mi'kmaq Nation except that, subject to the limitations of subsection 5, ordinances under this subsection may include special provisions for the sustenance of the individual members of the Mi'kmaq Nation. In addition to the authority provided by this subsection, the Mi'kmaq Nation, subject to the limitations of subsection 5, may exercise within Mi'kmaq Nation Trust Land all the rights incident to ownership of land under the laws of the State.

2. Registration stations. The Mi'kmaq Nation shall establish and maintain registration stations for the purpose of registering bear, moose, deer and other wildlife killed within Mi'kmaq Nation Jurisdiction Land and shall adopt ordinances requiring registration of such wildlife to the extent and in substantially the same manner as such wildlife are required to be registered under the laws of the State. These ordinances requiring registration must be equally applicable to all persons without distinction based on tribal membership. The Mi'kmaq Nation shall report the deer, moose, bear and other wildlife killed and registered within Mi'kmaq Nation Jurisdiction Land to the Commissioner of Inland Fisheries and Wildlife at such times as the commissioner considers appropriate. The records of registration of the Mi'kmaq Nation must be available, at all times, for inspection and examination by the commissioner.

3. Sustenance fishing within Mi'kmaq Nation Jurisdiction Land. Subject to the limitations of subsection 5 and notwithstanding any other provision of state law to the contrary, the members of the Mi'kmaq Nation may take fish for their individual sustenance within the boundaries of Mi'kmaq Nation Jurisdiction Land to the same extent as authorized under section 6207, subsection 4.

4. Posting. Lands or waters subject to regulation by the Mi'kmaq Nation must be conspicuously posted in such a manner as to provide reasonable notice to the public of the limitations on hunting, trapping, fishing or other use of those lands or waters.

5. Supervision by Commissioner of Inland Fisheries and Wildlife. The Commissioner of Inland Fisheries and Wildlife, or the commissioner's successor, is entitled to conduct fish and wildlife surveys within Mi'kmaq Nation Jurisdiction Land to the same extent as the commissioner is authorized to conduct such surveys in other areas of the State. Before conducting any such survey, the commissioner shall provide reasonable advance notice to the Mi'kmaq Nation and afford the nation a reasonable opportunity to participate in that survey. If the commissioner, at any time, has reasonable grounds to believe that a tribal ordinance adopted under this section, or the absence of such a tribal ordinance, is adversely affecting or is likely to adversely affect the stock of any fish or wildlife on lands or waters outside the boundaries of lands or waters subject to regulation by the Mi'kmaq Nation, the commissioner shall inform the governing body of the nation of the commissioner's opinion and attempt to develop appropriate remedial standards in consultation with the nation. If such efforts fail, the commissioner may call a public hearing to investigate the matter further. Any such hearing must be conducted in a manner consistent with the laws of the State applicable to adjudicative hearings. If, after a hearing, the commissioner determines that any such tribal ordinance or the absence of a tribal ordinance is causing, or there is a reasonable likelihood that it will cause, a significant depletion of fish or wildlife stocks on lands or waters outside the boundaries of lands or waters subject to regulation by the Mi'kmaq Nation, the commissioner may adopt appropriate remedial measures including rescission of any such tribal ordinance and, in lieu

thereof, order the enforcement of the generally applicable laws or rules of the State. In adopting any remedial measures, the commissioner shall use the least restrictive means possible to prevent a substantial diminution of the stocks in question and shall take into consideration the effect that non-Indian practices on non-Indian lands or waters are having on those stocks. The remedial measures adopted by the commissioner may not be more restrictive than those that the commissioner could impose if the area in question was not within Mi'kmaq Nation Jurisdiction Land.

In any administrative proceeding under this section, the commissioner has the burden of proof. The decision of the commissioner may be appealed in the manner provided by the laws of the State for judicial review of administrative action and may be sustained only if supported by substantial evidence.

6. Transportation of game. Fish lawfully taken within Mi'kmaq Nation Jurisdiction Land and wildlife lawfully taken within Mi'kmaq Nation Jurisdiction Land and registered pursuant to ordinances adopted by the Mi'kmaq Nation may be transported within the State.

7. Fish. As used in this section, "fish" means a cold-blooded, completely aquatic vertebrate animal having permanent fins, gills and an elongated streamlined body usually covered with scales and includes inland fish and anadromous and catadromous fish when in inland water.

8. Regulation of drinking water. Unless the Mi'kmaq Nation, in its discretion, enters into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues within Mi'kmaq Nation Jurisdiction Land:

A. The Mi'kmaq Nation has exclusive authority to enact ordinances regulating drinking water within Mi'kmaq Nation Jurisdiction Land;

B. The State may not exercise primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within Mi'kmaq Nation Jurisdiction Land; and

C. The Mi'kmaq Nation may seek to be treated as a state and to obtain primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within Mi'kmaq Nation Jurisdiction Land.

Notwithstanding any other provision of this subsection, the Mi'kmaq Nation's jurisdiction does not extend beyond Mi'kmaq Nation Jurisdiction Land.

§7207. Jurisdiction of Mi'kmaq Nation over drinking water within Mi'kmaq Nation Jurisdiction Land

Notwithstanding any provision of state law to the contrary, pursuant to the Aroostook Band of Micmacs Settlement Act, Section 6(d), the State and the Mi'kmaq Nation agree and establish that:

1. Jurisdiction of Mi'kmaq Nation to administer drinking water-related programs. The Mi'kmaq Nation 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 Mi'kmaq Nation Jurisdiction Land 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

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

Notwithstanding any other provision of this section, the Mi'kmaq Nation's jurisdiction does not extend beyond Mi'kmaq Nation Jurisdiction Land.

§7208. Jurisdiction of the Mi'kmaq Tribal Court

1. Exclusive jurisdiction over certain matters. Except as provided in subsections 5 and 6, the Mi'kmaq Nation has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:

A. Criminal offenses for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and that are committed on Mi'kmaq Nation Jurisdiction Land by a member of any federally recognized Indian tribe, nation, band or other group, except when committed against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group;

B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Mi'kmaq Nation under paragraph A, and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation within Mi'kmaq Nation Jurisdiction Land;

C. Civil actions between members of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation arising on Mi'kmaq Nation Jurisdiction Land and cognizable as small claims under the laws of the State and civil actions against a member of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation under Title 22, section 2383 involving conduct within Mi'kmaq Nation Jurisdiction Land by a member of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation;

D. Indian child custody proceedings to the extent authorized by applicable state and federal law;

E. Other domestic relations matters, including marriage, divorce and support, between members of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation, both of whom reside within Mi'kmaq Nation Jurisdiction Land; and

F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section 7206, subsection

8, except that the Mi'kmaq Nation may not exercise jurisdiction over a nonprofit public municipal corporation.

The governing body of the Mi'kmaq Nation shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. The decision to exercise, to terminate the exercise of or to reassert the exercise of jurisdiction under each of the subject areas described by paragraphs A to F may be made separately. Until the Mi'kmaq Nation notifies the Attorney General that the nation has decided to exercise exclusive jurisdiction set forth in any or all of the paragraphs in this subsection, the State has exclusive jurisdiction over those matters. If the Mi'kmaq Nation chooses not to exercise, or chooses to terminate its exercise of, jurisdiction over the criminal, juvenile, civil and domestic matters described in this subsection, the State has exclusive jurisdiction over those matters. When the Mi'kmaq Nation chooses to reassert the exercise of exclusive jurisdiction over any or all of the areas under paragraphs A to F, the nation must first provide 30 days' notice to the Attorney General. Except as provided in paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes apply within Mi'kmaq Nation Jurisdiction Land and the State has exclusive jurisdiction over those offenses and crimes.

2. Concurrent jurisdiction over certain criminal offenses. The Mi'kmaq Nation has the right to exercise jurisdiction, concurrently with the State, over the following Class D crimes committed by a person within Mi'kmaq Nation Jurisdiction Land or on lands taken into trust by the secretary for the benefit of the Mi'kmaq Nation, now or in the future, for which the potential maximum term of imprisonment does not exceed one year and the potential fine does not exceed \$2,000: Title 17-A, sections 207-A, 209-A, 210-B, 210-C and 211-A and Title 19-A, section 4011. The concurrent jurisdiction authorized by this subsection does not include an offense committed by a juvenile or a criminal offense committed by a person who is not a member of any federally recognized Indian tribe, nation, band or other group against the person or property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group.

The governing body of the Mi'kmaq Nation shall decide whether to exercise or terminate the exercise of jurisdiction authorized by this subsection. Notwithstanding subsection 3, the Mi'kmaq Nation may not deny to any criminal defendant prosecuted under this subsection the right to a jury of 12, the right to a unanimous jury verdict, the rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary under the United States Constitution in order for the State to authorize concurrent jurisdiction under this subsection. If a criminal defendant prosecuted under this subsection moves to suppress statements on the ground that they were made involuntarily, the prosecution has the burden to prove beyond a reasonable doubt that the statements were made voluntarily.

In exercising the concurrent jurisdiction authorized by this subsection, the Mi'kmaq Nation is deemed to be enforcing Mi'kmaq tribal law. The definitions of the criminal offenses and the punishments applicable to those criminal offenses over which the Mi'kmaq Nation has concurrent jurisdiction under this subsection are governed by the laws of the State. Issuance and execution of criminal process also are governed by the laws of the State.

3. Definitions of crimes; tribal procedures. In exercising its exclusive jurisdiction under subsection 1, paragraphs A and B, the Mi'kmaq Nation is deemed to be enforcing Mi'kmaq tribal law. The definitions of the criminal offenses and juvenile crimes and the

punishments applicable to those criminal offenses and juvenile crimes over which the Mi'kmaq Nation has exclusive jurisdiction under this section are governed by the laws of the State. Issuance and execution of criminal process are also governed by the laws of the State. The procedures for the establishment and operation of tribal forums created to effectuate the purposes of this section are governed by federal statute, including, without limitation, the provisions of 25 United States Code, Sections 1301 to 1303 and rules or regulations generally applicable to the exercise of criminal jurisdiction by Indian tribes on federal Indian reservations.

4. Criminal records, juvenile records and fingerprinting. At the arraignment of a criminal defendant, the Mi'kmaq Tribal Court shall inquire whether fingerprints have been taken or whether arrangements have been made for fingerprinting. If neither has occurred, the Mi'kmaq Tribal Court shall instruct both the responsible law enforcement agency and the person charged as to their respective obligations in this regard, consistent with Title 25, section 1542-A.

At the conclusion of a criminal or juvenile proceeding within the Mi'kmaq Nation's exclusive or concurrent jurisdiction, except for a violation of Title 12 or Title 29-A that is a Class D or Class E crime other than a Class D crime that involves hunting while under the influence of intoxicating liquor or drugs or with an excessive alcohol level or the operation or attempted operation of a watercraft, all-terrain vehicle, snowmobile or motor vehicle while under the influence of intoxicating liquor or drugs or with an excessive alcohol level, the Mi'kmaq Tribal Court shall transmit to the Department of Public Safety, State Bureau of Identification an abstract duly authorized on forms provided by the bureau.

5. Lesser included offenses in state courts. In any criminal proceeding in the courts of the State in which a criminal offense under the exclusive jurisdiction of the Mi'kmaq Nation constitutes a lesser included offense of the criminal offense charged, the defendant may be convicted in the courts of the State of the lesser included offense. A lesser included offense is as defined under the laws of the State.

6. Double jeopardy, collateral estoppel. A prosecution for a criminal offense or juvenile crime over which the Mi'kmaq Nation has exclusive jurisdiction under this section does not bar a prosecution for a criminal offense or juvenile crime, arising out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for a criminal offense over which the Mi'kmaq Nation has concurrent jurisdiction under this section does not bar a prosecution for a criminal offense, arising out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for a criminal offense over which the State has concurrent jurisdiction under this section does not bar a prosecution for a criminal offense, arising out of the same conduct, over which the Mi'kmaq Nation has exclusive jurisdiction. A prosecution for a criminal offense or juvenile crime over which the State has exclusive jurisdiction does not bar a prosecution for a criminal offense or juvenile crime, arising out of the same conduct, over which the Mi'kmaq Nation has exclusive jurisdiction under this section. The determination of an issue of fact in a criminal or juvenile proceeding conducted in a Mi'kmaq tribal forum does not constitute collateral estoppel in a criminal or juvenile proceeding conducted in a state court. The determination of an issue of fact in a criminal or juvenile proceeding conducted in a state court does not constitute collateral estoppel in a criminal or juvenile proceeding conducted in a Mi'kmaq tribal forum.

7. Full faith and credit. The State shall give full faith and credit to the judicial proceedings of the Mi'kmaq Nation. The Mi'kmaq Nation shall give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the State.

§7209. Law enforcement within Mi'kmaq Nation Jurisdiction Land

1. Exclusive authority of Mi'kmaq Nation law enforcement officers. Law enforcement officers appointed by the Mi'kmaq Nation have exclusive authority to enforce, within Mi'kmaq Nation Jurisdiction Land, the criminal, juvenile, civil and domestic relations laws over which the Mi'kmaq Nation has exclusive jurisdiction under section 7208, subsection 1, and to enforce, on Mi'kmaq Nation Jurisdiction Land, ordinances adopted under section 7205 and section 7206, subsection 1.

2. Joint authority of Mi'kmaq Nation and state law enforcement officers. Law enforcement officers appointed by the Mi'kmaq Nation and state and county law enforcement officers have the authority within Mi'kmaq Nation Jurisdiction Land to enforce all laws of the State other than those over which the Mi'kmaq Nation has exclusive jurisdiction under section 7208, subsection 1.

3. Agreements for cooperation and mutual aid. This section does not prevent the Mi'kmaq Nation and any state, county or local law enforcement agency from entering into agreements for cooperation and mutual aid.

4. Powers and training requirements. Law enforcement officers appointed by the Mi'kmaq Nation possess the same powers and are subject to the same duties, limitations and training requirements as other corresponding law enforcement officers under the laws of the State.

5. Reports to the State Bureau of Identification by Mi'kmaq Nation. Mi'kmaq Nation law enforcement agencies shall submit to the Department of Public Safety, State Bureau of Identification uniform crime reports and other information required by Title 25, section 1544.

§7210. Eligibility of Mi'kmaq Nation and state funding

1. Eligibility for discretionary funds. The Mi'kmaq Nation is eligible to apply for any federally funded discretionary state grants or loans to the same extent and subject to the same eligibility requirements, including availability of funds, applicable to municipalities in the State.

2. Eligibility of individuals for state funds. Residents of Mi'kmaq Nation Trust Land are eligible for and entitled to receive any state grant, loan, unemployment compensation, medical or welfare benefit or other social service to the same extent as and subject to the same eligibility requirements applicable to other persons in the State as long as in computing the extent to which any person is entitled to receive any such funds any money received by the person from the United States within substantially the same period of time for which state funds are provided and for a program or purpose substantially similar to that funded by the State is deducted in computing any payment to be made by the State.

Sec. A-2. PL 1989, c. 148, §4 is amended to read:

Sec. 4. Effective date. This Act shall be effective only if:

1. The United States enacts legislation:

A. Ratifying and approving this Act without modification; and

B. Providing the consent of the United States for amendments to this Act, with respect to the Aroostook Band of Micmacs, provided that such amendment of this Act is made with the agreement of the Aroostook Band of Micmacs; and

~~2. Within 60 days of adjournment of the Legislature, the Secretary of State receives written certification by the Council of the Aroostook Band of Micmaes that the band has agreed to this Act, copies of which shall be submitted by the Secretary of State to the Secretary of the Senate and the Clerk of the House of Representatives, provided that in no event shall this Act become effective until 90 days after adjournment of the Legislature. Within 90 days after adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Mi'kmaq Nation Tribal Council that the Mi'kmaq Nation has agreed to the provisions of this amendment to this Act, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.~~

Sec. A-3. PL 1989, c. 148, §5 is enacted to read:

Sec. 5. Finding and intent of Legislature and Mi'kmaq Nation.

1. The Legislature and the Mi'kmaq Nation agree and find that the contingency in section 4, subsection 1 was met on November 26, 1991 upon the enactment of the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171.

2. The State of Maine and the Mi'kmaq Nation further agree and intend that the provisions of this Act must be interpreted in a manner consistent with the analogous provisions of the Act to Implement the Maine Indian Claims Settlement in the Maine Revised Statutes, Title 30, chapter 601 that apply to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians.

Sec. A-4. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Aroostook Band of Micmacs" appear or reference is made to that entity or those words, those words are amended to read or mean "Mi'kmaq Nation" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. A-5. Contingent effective date. This Part takes effect 120 days after adjournment of the First Special Session of the 131st Legislature only if, within 90 days after adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Mi'kmaq Nation Tribal Council that the Mi'kmaq Nation has agreed to the provisions of this Part, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes. Such written certification by the Mi'kmaq Nation Tribal Council does not constitute an agreement that the contingency in Public Law 1989, chapter 148, section 4, subsection 2, as it was enacted by the 114th Legislature, was met or that the provisions of Public Law 1989, chapter 148 took effect in 1991.

PART B

Sec. B-1. 30 MRSA §6207, sub-§10, as enacted by PL 2021, c. 650, §8 and affected by §13, is amended to read:

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

A. The Passamaquoddy Tribe has exclusive authority to enact ordinances regulating drinking water within Passamaquoddy Indian territory;

B. The State may not exercise primary 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; and

C. The Passamaquoddy Tribe may seek to be treated as a state and to obtain primary 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.

Notwithstanding any other provision of this subsection, the Passamaquoddy Tribe's jurisdiction does not extend beyond the Passamaquoddy Indian territory.

Sec. B-2. 30 MRSA §6209-A, sub-§1, as amended by PL 2021, c. 650, §§10 to 12 and affected by c. 650, §13, is further amended to read:

1. Exclusive jurisdiction over certain matters. Except as provided in subsections 3 and 4, the Passamaquoddy Tribe has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:

A. Criminal offenses for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and that are committed ~~on the Indian reservation of the~~ within Passamaquoddy ~~Tribe~~ Indian territory by a member of any federally recognized Indian tribe, nation, band or other group, except when committed against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group;

B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Passamaquoddy Tribe under paragraph A, and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation ~~on the reservation of the~~ within Passamaquoddy ~~Tribe~~ Indian territory;

C. Civil actions between members of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation arising ~~on the Indian reservation of the~~ within Passamaquoddy ~~Tribe~~ Indian territory and cognizable as small claims under the laws of the State; and civil actions against a member of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation under Title 22, section 2383 involving conduct ~~on the~~ within Passamaquoddy Indian reservation of the Passamaquoddy Tribe territory by a member of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation;

D. Indian child custody proceedings to the extent authorized by applicable state and federal law;

E. Other domestic relations matters, including marriage, divorce and support, between members of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation, both of whom reside within the ~~Indian reservation of the Passamaquoddy Tribe~~ Indian territory; and

F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section 6207, subsection 10, except that the Passamaquoddy Tribe may not exercise jurisdiction over a nonprofit public municipal corporation, including, but not limited to, the water district established by Private and Special Law 1983, chapter 25.

The governing body of the Passamaquoddy Tribe shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. If the Passamaquoddy Tribe chooses not to exercise, or chooses to terminate its exercise of, jurisdiction over the criminal, juvenile, civil and domestic matters described in this subsection, the State has exclusive jurisdiction over those matters. Except as provided in paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes apply within ~~the Passamaquoddy Indian reservation~~ territory and the State has exclusive jurisdiction over those offenses and crimes.

Sec. B-3. 30 MRSA §6209-A, sub-§6 is enacted to read:

6. Full faith and credit. The State shall give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe. The Passamaquoddy Tribe shall give full faith and credit to the judicial proceedings of the Penobscot Nation, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation and the State.

Sec. B-4. Contingent effective date. This Part takes effect 120 days after adjournment of the First Special Session of the 131st Legislature only if, within 90 days after adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Joint Tribal Council of the Passamaquoddy Tribe that the Passamaquoddy Tribe has agreed to the provisions of this Part, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.

PART C

Sec. C-1. 30 MRSA §6206, sub-§1, as amended by PL 2021, c. 650, §5 and affected by §13, is further amended to read:

1. General powers. Except as otherwise provided in this Act, the Passamaquoddy Tribe and the Penobscot Nation, within their respective Indian territories, ~~shall have; and may 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~~ are 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, the use or disposition of settlement fund income and the exercise of power by the Passamaquoddy Tribe pursuant to section 6207, subsection 10, section 6207-A and section 6209-A, subsection 1, paragraph F ~~shall~~

and by the Penobscot Nation pursuant to section 6207, subsection 11, section 6207-B and section 6209-B, subsection 1, paragraph F, respectively, ~~is 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~~ is equally entitled to receive any municipal or governmental services provided by the respective tribe or nation or by the State, except those services ~~which that~~ are provided exclusively to members of the respective tribe or nation pursuant to state or federal law, and ~~shall be~~ is entitled to vote in national, state and county elections in the same manner as any tribal member residing within Indian territory.

Sec. C-2. 30 MRSA §6207, sub-§11 is enacted to read:

11. Regulation of drinking water by Penobscot Nation. Unless the Penobscot Nation, in its discretion, enters into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues within the Penobscot Indian territory:

A. The Penobscot Nation has exclusive authority to enact ordinances regulating drinking water within Penobscot Indian territory;

B. The State may not exercise primary 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 Penobscot Indian territory; and

C. The Penobscot Nation may seek to be treated as a state and to obtain primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within Penobscot Indian territory.

Notwithstanding any other provision of this subsection, the Penobscot Nation's jurisdiction does not extend beyond the Penobscot Indian territory.

Sec. C-3. 30 MRSA §6207-B is enacted to read:

§6207-B. Jurisdiction of Penobscot Nation over drinking water within the Penobscot Indian territory

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 Penobscot Nation agree and establish that:

1. Jurisdiction of Penobscot Nation to administer drinking water-related programs. The Penobscot Nation 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 Penobscot 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

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

Notwithstanding any other provision of this section, the Penobscot Nation's jurisdiction does not extend beyond the Penobscot Indian territory.

Sec. C-4. 30 MRSA §6209-B, sub-§1, as corrected by RR 2009, c. 1, §19, is amended to read:

1. Exclusive jurisdiction over certain matters. Except as provided in subsections 3 and 4, the Penobscot Nation has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:

A. Criminal offenses for which the maximum potential term of imprisonment does not exceed one year and the maximum potential fine does not exceed \$5,000 and that are committed ~~on the Indian reservation of the~~ within Penobscot Nation Indian territory by a member of any federally recognized Indian tribe, nation, band or other group, except when committed against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group;

B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Penobscot Nation under paragraph A, and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of ~~either the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation on the Indian reservation of the~~ within Penobscot Nation Indian territory;

C. Civil actions between members of ~~either the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation arising on the Indian reservation of the~~ within Penobscot Nation Indian territory and cognizable as small claims under the laws of the State; and civil actions against a member of ~~either the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation under Title 22, section 2383 involving conduct on the Indian reservation of the~~ within Penobscot Nation Indian territory by a member of ~~either the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation~~;

D. Indian child custody proceedings to the extent authorized by applicable state and federal law; ~~and~~

E. Other domestic relations matters, including marriage, divorce and support, between members of ~~either the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation, both of whom reside on the Indian reservation of the~~ within Penobscot Nation Indian territory; ~~and~~

F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section 6207, subsection

11, except that the Penobscot Nation may not exercise jurisdiction over a nonprofit public municipal corporation.

The governing body of the Penobscot Nation shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. If the Penobscot Nation chooses not to exercise, or chooses to terminate its exercise of, jurisdiction over the criminal, juvenile, civil and domestic matters described in this subsection, the State has exclusive jurisdiction over those matters. Except as provided in paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes apply within ~~the~~ Penobscot Indian ~~reservation~~ territory and the State has exclusive jurisdiction over those offenses and crimes.

Sec. C-5. 30 MRSA §6209-B, sub-§6 is enacted to read:

6. Full faith and credit. The State shall give full faith and credit to the judicial proceedings of the Penobscot Nation. The Penobscot Nation shall give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation and the State.

Sec. C-6. Contingent effective date. This Part takes effect 120 days after adjournment of the First Special Session of the 131st Legislature only if, within 90 days after adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Governor and the Council of the Penobscot Nation that the nation has agreed to the provisions of this Part, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.

PART D

Sec. D-1. 30 MRSA §6203, sub-§1-A is enacted to read:

1-A. Houlton Band Jurisdiction Land. "Houlton Band Jurisdiction Land" means:

A. All Houlton Band Trust Land that exists as of the effective date of this subsection; and

B. All Houlton Band Trust Land acquired after the effective date of this subsection that is both within Aroostook County and within 50 miles of land described in paragraph A.

Sec. D-2. 30 MRSA §6203, sub-§2-A, as enacted by PL 1981, c. 675, §§1 and 8, is repealed and the following enacted in its place:

2-A. Houlton Band Trust Land. "Houlton Band Trust Land" has the same meaning as "Houlton Band trust land" in Section 2(2) of the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, Public Law 99-566.

Sec. D-3. 30 MRSA §6206-B, sub-§1, as enacted by PL 2005, c. 310, §1 and affected by §2, is amended to read:

1. Appointment of tribal law enforcement officers. The Houlton Band of Maliseet Indians may appoint law enforcement officers who have the authority to enforce all the laws of the State within the Houlton Band Trust Land. Law enforcement officers appointed by the Houlton Band of Maliseet Indians have exclusive authority to enforce, within Houlton Band Jurisdiction Land, the criminal, juvenile, civil and domestic relations laws

over which the Houlton Band of Maliseet Indians has exclusive jurisdiction under section 6209-C, subsection 1, and to enforce, on Houlton Band Jurisdiction Land, ordinances adopted under section 6207-C, subsection 1. This section does not limit the existing authority of tribal officers under tribal law or affect the performance of federal duties by tribal officers.

Sec. D-4. 30 MRSA §6207-C is enacted to read:

§6207-C. Regulation of natural resources on Houlton Band Jurisdiction Land

1. Adoption of hunting, trapping and fishing ordinances by the Houlton Band of Maliseet Indians. Subject to the limitations of subsection 6, the Houlton Band of Maliseet Indians has exclusive authority within Houlton Band Jurisdiction Land to enact ordinances regulating:

A. Hunting, trapping or other taking of wildlife; and

B. Taking of fish on any pond in which all the shoreline and all submerged lands are wholly within Houlton Band Jurisdiction Land and that is less than 10 acres in surface area.

Ordinances under this subsection must be equally applicable, on a nondiscriminatory basis, to all persons regardless of whether a person is a member of the Houlton Band of Maliseet Indians except that, subject to the limitations of subsection 6, ordinances under this subsection may include special provisions for the sustenance of the individual members of the Houlton Band of Maliseet Indians. In addition to the authority provided by this subsection, the Houlton Band of Maliseet Indians, subject to the limitations of subsection 6, may exercise within Houlton Band Trust Land all the rights incident to ownership of land under the laws of the State.

2. Registration stations. The Houlton Band of Maliseet Indians shall establish and maintain registration stations for the purpose of registering bear, moose, deer and other wildlife killed within Houlton Band Jurisdiction Land and shall adopt ordinances requiring registration of such wildlife to the extent and in substantially the same manner as such wildlife are required to be registered under the laws of the State. These ordinances requiring registration must be equally applicable to all persons without distinction based on tribal membership. The Houlton Band of Maliseet Indians shall report the deer, moose, bear and other wildlife killed and registered within Houlton Band Jurisdiction Land to the Commissioner of Inland Fisheries and Wildlife at such times as the commissioner considers appropriate. The records of registration of the Houlton Band of Maliseet Indians must be available, at all times, for inspection and examination by the commissioner.

3. Adoption of regulations by commission. Subject to the limitations of subsection 6, the commission has exclusive authority to adopt fishing rules or regulations on:

A. Any pond other than those specified in subsection 1, paragraph B, 50% or more of the linear shoreline of which is within Houlton Band Jurisdiction Land;

B. Any section of a river or stream, both sides of which are within Houlton Band Jurisdiction Land; and

C. Any section of a river or stream one side of which is within Houlton Band Jurisdiction Land for a continuous length of 1/2 mile or more.

In adopting such rules or regulations the commission shall consider and balance the need to preserve and protect existing and future sport and commercial fisheries, the historical non-Indian fishing interests, the needs or desires of the band to establish fishery practices for the sustenance of the band or to contribute to the economic independence of the band, the traditional fishing techniques employed by and ceremonial practices of Indians in the State and the ecological interrelationship between the fishery regulated by the commission and other fisheries throughout the State. Such regulation may include, without limitation, provisions on the method, manner, bag and size limits and season for fishing.

Said rules or regulations must be equally applicable on a nondiscriminatory basis to all persons regardless of whether such person is a member of the Houlton Band of Maliseet Indians. Rules and regulations adopted by the commission may include the imposition of fees and permits or license requirements on users of such waters other than members of the Houlton Band of Maliseet Indians. In adopting rules or regulations pursuant to this subsection, the commission shall comply with the Maine Administrative Procedure Act.

In order to provide an orderly transition of regulatory authority, all fishing laws and rules and regulations of the State remain applicable to all waters specified in this subsection until the commission certifies to the Commissioner of Inland Fisheries and Wildlife that the commission has met and voted to adopt its own rules and regulations in substitution for such laws and rules of the State.

4. Sustenance fishing within Houlton Band Jurisdiction Land. Subject to the limitations of subsection 6 and notwithstanding any other provision of state law to the contrary, the members of the Houlton Band of Maliseet Indians may take fish for their individual sustenance within the boundaries of Houlton Band Jurisdiction Land to the same extent as authorized under section 6207, subsection 4.

5. Posting. Lands or waters subject to regulation by the commission or the Houlton Band of Maliseet Indians must be conspicuously posted in such a manner as to provide reasonable notice to the public of the limitations on hunting, trapping, fishing or other use of the lands or waters.

6. Supervision by Commissioner of Inland Fisheries and Wildlife. The Commissioner of Inland Fisheries and Wildlife, or the commissioner's successor, is entitled to conduct fish and wildlife surveys within Houlton Band Jurisdiction Land and on waters subject to the jurisdiction of the commission to the same extent as the commissioner is authorized to conduct surveys in other areas of the State. Before conducting any such survey, the commissioner shall provide reasonable advance notice to the Houlton Band of Maliseet Indians and afford it a reasonable opportunity to participate in such survey. If the commissioner, at any time, has reasonable grounds to believe that a tribal ordinance or commission rule adopted under this section, or the absence of such a tribal ordinance or commission rule, is adversely affecting or is likely to adversely affect the stock of any fish or wildlife on lands or waters outside the boundaries of land or waters subject to regulation by the commission or the Houlton Band of Maliseet Indians, the commissioner shall inform the governing body of the band or the commission, as is appropriate, of the commissioner's opinion and attempt to develop appropriate remedial standards in consultation with the band or the commission. If such efforts fail, the commissioner may call a public hearing to investigate the matter further. Any such hearing must be conducted in a manner consistent with the laws of the State applicable to adjudicative hearings. If, after hearing, the commissioner determines that any such ordinance or rule, or the absence of an ordinance

or rule, is causing, or there is a reasonable likelihood that it will cause, a significant depletion of fish or wildlife stocks on lands or waters outside the boundaries of lands or waters subject to regulation by the Houlton Band of Maliseet Indians or the commission, the commissioner may adopt appropriate remedial measures including rescission of any such ordinance or rule and, in lieu thereof, order the enforcement of the generally applicable laws or rules of the State. In adopting any remedial measures the commissioner shall use the least restrictive means possible to prevent a substantial diminution of the stocks in question and shall take into consideration the effect that non-Indian practices on non-Indian lands or waters are having on those stocks. The remedial measures adopted by the commissioner may not be more restrictive than those that the commissioner could impose if the area in question was not within Houlton Band Jurisdiction Land or waters subject to commission regulation.

In any administrative proceeding under this section the commissioner has the burden of proof. The decision of the commissioner may be appealed in the manner provided by the laws of the State for judicial review of administrative action and may be sustained only if supported by substantial evidence.

7. Transportation of game. Fish lawfully taken within Houlton Band Jurisdiction Land or in waters subject to commission regulation and wildlife lawfully taken within Houlton Band Jurisdiction Land and registered pursuant to ordinances adopted by the Houlton Band of Maliseet Indians, may be transported within the State.

8. Fish and wildlife on non-Indian lands. The commission shall undertake appropriate studies, consult with the Houlton Band of Maliseet Indians and landowners and state officials, and make recommendations to the commissioner and the Legislature with respect to implementation of fish and wildlife management policies on non-Indian lands in order to protect fish and wildlife stocks on lands and water subject to regulation by the Houlton Band of Maliseet Indians or the commission.

9. Fish. As used in this section, the term "fish" means a cold-blooded, completely aquatic vertebrate animal having permanent fins, gills and an elongated streamlined body usually covered with scales and includes inland fish and anadromous and catadromous fish when in inland water.

10. Regulation of drinking water. Unless the Houlton Band of Maliseet Indians, in its discretion, enters into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues within Houlton Band Jurisdiction Land:

A. The Houlton Band of Maliseet Indians has exclusive authority to enact ordinances regulating drinking water within Houlton Band Jurisdiction Land;

B. The State may not exercise primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within Houlton Band Jurisdiction Land; and

C. The Houlton Band of Maliseet Indians may seek to be treated as a state and to obtain primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within Houlton Band Jurisdiction Land.

Notwithstanding any other provision of this subsection, the Houlton Band of Maliseet Indians' jurisdiction does not extend beyond Houlton Band Jurisdiction Land.

Sec. D-5. 30 MRSA §6207-D is enacted to read:

§6207-D. Jurisdiction of the Houlton Band of Maliseet Indians over drinking water within Houlton Band Jurisdiction Land

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)(2), the State and the Houlton Band of Maliseet Indians agree and establish that:

1. Jurisdiction of Houlton Band of Maliseet Indians to administer drinking water-related programs. The Houlton Band of Maliseet Indians 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 Houlton Band Jurisdiction Land 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

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

Notwithstanding any other provision of this section, the Houlton Band of Maliseet Indians' jurisdiction does not extend beyond Houlton Band Jurisdiction Land.

Sec. D-6. 30 MRSA §6209-C, as corrected by RR 2011, c. 1, §45, is amended to read:

§6209-C. Jurisdiction of the Houlton Band of Maliseet Indians Tribal Court

1. Exclusive jurisdiction over certain matters. Except as provided in subsections 3 and 4, the Houlton Band of Maliseet Indians has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:

A. Criminal offenses for which the maximum potential term of imprisonment does not exceed one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Houlton Band Jurisdiction Land by a member of ~~the Houlton Band of Maliseet Indians~~ any federally recognized Indian tribe, nation, band or other group, except when committed against a person who is not a member of ~~the Houlton Band of Maliseet Indians~~ any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of ~~the Houlton Band of Maliseet Indians~~ any federally recognized Indian tribe, nation, band or other group;

B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Houlton Band of Maliseet Indians under paragraph A and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the Houlton Band of Maliseet Indians ~~on the~~, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation within Houlton Band Jurisdiction Land;

C. Civil actions between members of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation arising on the Houlton Band Jurisdiction Land and cognizable as small claims under the laws of the State and civil actions against a member of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation under Title 22, section 2383 involving conduct on the within Houlton Band Jurisdiction Land by a member of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation;

D. Indian child custody proceedings to the extent authorized by applicable state and federal law; and

E. Other domestic relations matters, including marriage, divorce and support, between members of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation, both of whom reside within ~~the~~ Houlton Band Jurisdiction Land; and

F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section 6207-C, subsection 10, except that the Houlton Band of Maliseet Indians may not exercise jurisdiction over a nonprofit public municipal corporation.

The governing body of the Houlton Band of Maliseet Indians shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. The decision to exercise, to terminate the exercise of or to reassert the exercise of jurisdiction under each of the subject areas described by paragraphs A to ~~E~~ F may be made separately. Until the Houlton Band of Maliseet Indians notifies the Attorney General that the band has decided to exercise exclusive jurisdiction set forth in any or all of the paragraphs in this subsection, the State has exclusive jurisdiction over those matters. If the Houlton Band of Maliseet Indians chooses not to exercise or chooses to terminate its exercise of exclusive jurisdiction set forth in any or all of the paragraphs in this subsection, the State has exclusive jurisdiction over those matters until the Houlton Band of Maliseet Indians chooses to exercise its exclusive jurisdiction. When the Houlton Band of Maliseet Indians chooses to reassert the exercise of exclusive jurisdiction over any or all of the areas of the exclusive jurisdiction authorized by this subsection it must first provide 30 days' notice to the Attorney General. Except as provided in ~~subsections 2 and 3~~ paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes apply within the Houlton Band Trust Land and the State has exclusive jurisdiction over those offenses and crimes.

~~**1-A. Exclusive jurisdiction over Penobscot Nation members.** The Houlton Band of Maliseet Indians has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:~~

~~A. Criminal offenses for which the maximum potential term of imprisonment does not exceed one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Houlton Band Jurisdiction Land by a member of the Penobscot Nation against a member or property of a member of those federally recognized Indian tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet Indians under this subsection, and by a member of those federally recognized Indian tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet~~

~~Indians under this subsection against a member or the property of a member of the Penobscot Nation;~~

~~B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Houlton Band of Maliseet Indians under paragraph A and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the Penobscot Nation on the Houlton Band Jurisdiction Land;~~

~~C. Civil actions between a member of those federally recognized Indian tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet Indians under this subsection and members of the Penobscot Nation arising on the Houlton Band Jurisdiction Land and cognizable as small claims under the laws of the State and civil actions against a member of the Penobscot Nation under Title 22, section 2383 involving conduct on the Houlton Band Jurisdiction Land by a member of the Penobscot Nation;~~

~~D. Indian child custody proceedings to the extent authorized by applicable federal law; and~~

~~E. Other domestic relations matters, including marriage, divorce and support, between members of either those federally recognized Indian tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet Indians under this subsection or the Penobscot Nation, both of whom reside on the Houlton Band Jurisdiction Land.~~

~~The Houlton Band of Maliseet Indians may assert, terminate or reassert exclusive jurisdiction over these areas as described in subsection 1.~~

~~**1-B. Exclusive jurisdiction over Passamaquoddy Tribe members.** The Houlton Band of Maliseet Indians has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:~~

~~A. Criminal offenses for which the maximum potential term of imprisonment does not exceed one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Houlton Band Jurisdiction Land by a member of the Passamaquoddy Tribe against a member or property of a member of those federally recognized Indian tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet Indians under this subsection, and by a member of those federally recognized Indian tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet Indians under this subsection against a member or the property of a member of the Passamaquoddy Tribe;~~

~~B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Houlton Band of Maliseet Indians under paragraph A and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the Passamaquoddy Tribe on the Houlton Band Jurisdiction Land;~~

~~C. Civil actions between a member of those federally recognized Indian tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet Indians under this subsection and members of the Passamaquoddy Tribe arising on the Houlton Band Jurisdiction Land and cognizable as small claims under the laws of the State and civil actions against a member of the Passamaquoddy Tribe under Title 22, section~~

~~2383 involving conduct on the Houlton Band Jurisdiction Land by a member of the Passamaquoddy Tribe;~~

~~D. Indian child custody proceedings to the extent authorized by applicable federal law; and~~

~~E. Other domestic relations matters, including marriage, divorce and support, between members of either those federally recognized Indian tribes otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet Indians under this subsection or the Passamaquoddy Tribe, both of whom reside on the Houlton Band Jurisdiction Land.~~

~~The Houlton Band of Maliseet Indians may assert, terminate or reassert exclusive jurisdiction over these areas as described in subsection 1.~~

2. Definitions of crimes; tribal procedures. In exercising its exclusive jurisdiction under subsection 1, paragraphs A and B, the Houlton Band of Maliseet Indians is deemed to be enforcing tribal law of the Houlton Band of Maliseet Indians. The definitions of the criminal offenses and juvenile crimes and the punishments applicable to those criminal offenses and juvenile crimes over which the Houlton Band of Maliseet Indians has exclusive jurisdiction under this section are governed by the laws of the State. Issuance and execution of criminal process are also governed by the laws of the State. The procedures for the establishment and operation of tribal forums created to effectuate the purposes of this section are governed by federal statute, including, without limitation, the provisions of 25 United States Code, Sections 1301 to 1303 and rules and regulations generally applicable to the exercise of criminal jurisdiction by Indian tribes on federal Indian reservations.

2-A. Criminal records, juvenile records and fingerprinting. At the arraignment of a criminal defendant, the Houlton Band of Maliseet Indians Tribal Court shall inquire whether fingerprints have been taken or whether arrangements have been made for fingerprinting. If neither has occurred, the Houlton Band of Maliseet Indians Tribal Court shall instruct both the responsible law enforcement agency and the person charged as to their respective obligations in this regard, consistent with Title 25, section 1542-A.

At the conclusion of a criminal or juvenile proceeding within the Houlton Band of Maliseet Indians' exclusive or concurrent jurisdiction, except for a violation of Title 12 or Title 29-A that is a Class D or Class E crime other than a Class D crime that involves hunting while under the influence of intoxicating liquor or drugs or with an excessive alcohol level or the operation or attempted operation of a watercraft, all-terrain vehicle, snowmobile or motor vehicle while under the influence of intoxicating liquor or drugs or with an excessive alcohol level, the Houlton Band of Maliseet Indians Tribal Court shall transmit to the Department of Public Safety, State Bureau of Identification an abstract duly authorized on forms provided by the bureau.

3. Lesser included offenses in state courts. In any criminal proceeding in the courts of the State in which a criminal offense under the exclusive jurisdiction of the Houlton Band of Maliseet Indians constitutes a lesser included offense of the criminal offense charged, the defendant may be convicted in the courts of the State of the lesser included offense. A lesser included offense is as defined under the laws of the State.

4. Double jeopardy; collateral estoppel. A prosecution for a criminal offense or juvenile crime over which the Houlton Band of Maliseet Indians has exclusive jurisdiction

under this section does not bar a prosecution for a criminal offense or juvenile crime arising out of the same conduct over which the State has exclusive jurisdiction. A prosecution for a criminal offense or juvenile crime over which the State has exclusive jurisdiction does not bar a prosecution for a criminal offense or juvenile crime arising out of the same conduct over which the Houlton Band of Maliseet Indians has exclusive jurisdiction under this section. The determination of an issue of fact in a criminal or juvenile proceeding conducted in a tribal forum does not constitute collateral estoppel in a criminal or juvenile proceeding conducted in a state court. The determination of an issue of fact in a criminal or juvenile proceeding conducted in a state court does not constitute collateral estoppel in a criminal or juvenile proceeding conducted in a tribal forum.

5. Houlton Band Jurisdiction Land. For the purposes of this section, “Houlton Band Jurisdiction Land” means only the Houlton Band Trust Land described as follows:

~~A. Lands transferred from Ralph E. Longstaff and Justina Longstaff to the United States of America in trust for the Houlton Band of Maliseet Indians, located in Houlton, Aroostook County and recorded in the Aroostook County South Registry of Deeds in Book 2144, Page 198; and~~

~~B. Lands transferred from F. Douglas Lowrey to the United States of America in trust for the Houlton Band of Maliseet Indians, located in Houlton and Littleton, Aroostook County and recorded in the Aroostook County South Registry of Deeds in Book 2847, Page 114.~~

~~The designation of Houlton Band Jurisdiction Land in this subsection in no way affects the acquisition of additional Houlton Band Trust Land pursuant to applicable federal and state law, nor limits the Houlton Band of Maliseet Indians from making additional requests that portions of the trust land be included in this subsection.~~

~~**6. Effective date; full Full faith and credit.** This section takes effect only if the The State, the Passamaquoddy Tribe and the Penobscot Nation agree to shall give full faith and credit to the judicial proceedings of the Houlton Band of Maliseet Indians and the The Houlton Band of Maliseet Indians agrees to shall give full faith and credit to the judicial proceedings of the State, the Passamaquoddy Tribe and, the Penobscot Nation, the Mi'kmaq Nation and the State.~~

~~**Sec. D-7. 30 MRSA §6209-D**, as enacted by PL 2009, c. 384, Pt. C, §1 and affected by §2, is repealed.~~

~~**Sec. D-8. Contingent effective date.** This Part takes effect 120 days after adjournment of the First Special Session of the 131st Legislature only if, within 90 days after adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Houlton Band Council of the Houlton Band of Maliseet Indians that the Houlton Band of Maliseet Indians has agreed to the provisions of this Part, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes. Upon such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians, each section of this Part regarding or affecting the Houlton Band of Maliseet Indians and its tribal members and lands constitutes a jurisdictional agreement for purposes of the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420, Section 6(e)(2). Such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians~~

does not constitute an agreement that the contingencies in Public Law 1981, chapter 675 were met or that the provisions of Public Law 1981, chapter 675 ever took effect.

PART E

Sec. E-1. 30 MRSA §6206, sub-§3, as amended by RR 2019, c. 2, Pt. A, §30, is further amended to read:

3. Ordinances. The Passamaquoddy Tribe and the Penobscot Nation each has the right to exercise exclusive jurisdiction within its respective Indian territory over violations by members of ~~either tribe or nation~~ any federally recognized Indian tribe, nation, band or other group of tribal ordinances adopted pursuant to this section or section 6207. The decision to exercise or terminate the jurisdiction authorized by this section must be made by each tribal governing body. If either tribe or nation chooses not to exercise, or to terminate its exercise of, jurisdiction as authorized by this section or section 6207, the State has exclusive jurisdiction over violations of tribal ordinances by members of ~~either tribe or nation~~ any federally recognized Indian tribe, nation, band or other group within the Indian territory of that tribe or nation. The State has exclusive jurisdiction over violations of tribal ordinances by persons not members of ~~either tribe or nation~~ any federally recognized Indian tribe, nation, band or other group except as provided in the section or sections referenced in the following:

- A. Section 6209-A.
- B. Section 6209-B.

Sec. E-2. 30 MRSA §6210, sub-§1, as amended by PL 1995, c. 388, §7 and affected by §8, is repealed and the following enacted in its place:

1. Exclusive authority of tribal law enforcement officers. Law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation have exclusive authority to enforce:

- A. Within their respective Indian territories, ordinances adopted under section 6206 and section 6207, subsections 1, 10 and 11;
- B. On their respective Indian reservations, the criminal, juvenile, civil and domestic relations laws over which the Passamaquoddy Tribe or the Penobscot Nation have jurisdiction under section 6209-A, subsection 1 and section 6209-B, subsection 1, respectively; and
- C. Within their respective Indian territories, the civil and domestic relations laws over which the Passamaquoddy Tribe or the Penobscot Nation have jurisdiction under section 6209-A, subsection 1, paragraphs C to F and section 6209-B, subsection 1, paragraphs C to F, respectively.

Sec. E-3. 30 MRSA §6210, sub-§2, as amended by PL 1995, c. 388, §7 and affected by §8, is repealed and the following enacted in its place:

2. Joint authority of tribal and state law enforcement officers. Law enforcement officers appointed by the Passamaquoddy Tribe or the Penobscot Nation have the authority within their respective Indian territories and state and county law enforcement officers have the authority within both Indian territories to enforce:

A. Rules or regulations adopted by the commission under section 6207, subsection 3; and

B. All laws of the State other than those over which law enforcement officers appointed by the Passamaquoddy Tribe or the Penobscot Nation have exclusive jurisdiction under subsection 1.

Sec. E-4. 30 MRSA §6210, sub-§3, as amended by PL 1995, c. 388, §7 and affected by §8, is further amended to read:

3. Agreements for cooperation and mutual aid. This section does not ~~prevent~~ impact existing agreements for cooperation and mutual aid between the Passamaquoddy Tribe or the Penobscot Nation and any state, county or local law enforcement agency or prevent the Passamaquoddy Tribe or the Penobscot Nation and any state, county or local law enforcement agency from entering into future agreements for cooperation and mutual aid.

Sec. E-5. Contingent effective date. This Part takes effect 120 days after adjournment of the First Special Session of the 131st Legislature only if, within 90 days after adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Part and from the Governor and the Council of the Penobscot Nation that the nation has agreed to the provisions of this Part, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.