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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1210, L.D. 1626, “An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act”

Amend the bill in section 2 in §6202 in the 2nd indented paragraph in the 3rd line (page 1, line 39 in L.D.) by inserting after the following: "treaty" the following: 'or otherwise taken'

Amend the bill in section 2 in §6202 by striking out all of subsection 2 (page 2, lines 31 to 40 in L.D.) and inserting the following:

2. Federal Indian law applies. Except as otherwise specified in this Act, the State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 to recognize and adopt the application of federal Indian law with regard to the rights, privileges, powers, duties and immunities of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal members and land or other natural resources, including laws and regulations and common law of the United States enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and laws and regulations and common law that accord a special status or right to or that relate to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land or other natural resources held in trust for Indians.'

Amend the bill in section 3 in §6203 by striking out all of subsection 1-A (page 3, lines 5 to 9 in L.D.) and inserting the following:

1-A. Federal Indian law. "Federal Indian law" means the United States Constitution and all generally applicable federal statutes, regulations and common law and case law interpreting, implementing, applying or enforcing those laws and regulations, and subsequent amendments thereto, relating to the rights, status, privileges, powers, duties and immunities of federally recognized Indian tribes and their members and land or other natural resources within the United States.'

COMMITTEE AMENDMENT

1 Amend the bill in section 3 in §6203 by striking out all of subsection 2-A (page 3, lines
2 15 to 23 in L.D.) and inserting the following:

3 ~~'2-A. Houlton Band Trust Land. "Houlton Band Trust Land" means land or natural
4 resources acquired by the secretary in trust for the Houlton Band of Maliseet Indians, in
5 compliance with the terms of this Act and the Maine Indian Claims Settlement Act of 1980,
6 United States Public Law 96-420, with moneys from the original \$900,000 congressional
7 appropriation and interest thereon deposited in the Land Acquisition Fund established for
8 the Houlton Band of Maliseet Indians pursuant to United States Public Law 96-420, Section
9 5, United States Code, Title 25, Section 1724, or with proceeds from a taking of Houlton
10 Band Trust Land for public uses pursuant to the laws of this State or the United States.'~~

11 Amend the bill in section 3 in §6203 by inserting after subsection 2-A the following:

12 '2-B. Houlton Band Trust Land. "Houlton Band Trust Land" means land or other
13 natural resources acquired by the secretary in trust for the Houlton Band of Maliseet Indians
14 pursuant to the Houlton Band of Maliseet Indians Supplementary Claims Settlement Act
15 of 1986, United States Public Law 99-566 or pursuant to any other applicable federal Indian
16 law, including but not limited to the federal Indian Reorganization Act, Public Law 73-383
17 and its implementing regulations as described in section 6205-B, subsection 2.

18 2-C. Indian territory or trust land. "Indian territory or trust land" means:

19 A. With respect to the Passamaquoddy Tribe, the Passamaquoddy Indian territory;

20 B. With respect to the Penobscot Nation, the Penobscot Indian territory; and

21 C. With respect to the Houlton Band of Maliseet Indians, Houlton Band Trust Land.'

22 Amend the bill in section 3 in §6203 by striking out all of subsection 14 (page 5, lines
23 19 to 25 in L.D.) and inserting the following:

24 '14. Tribal entity. "Tribal entity" means an entity, including but not limited to a
25 corporation, partnership, limited liability company or other enterprise, that is owned by the
26 Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians or
27 the tribe's, nation's or band's members, or of which more than 50% of the ownership
28 interests are held in aggregate by the tribe, nation or band, the tribe's, nation's or band's
29 members, or any combination thereof. For the purpose of this subsection, "member"
30 includes a married couple, at least one of whom is an enrolled tribal member.'

31 Amend the bill by striking out all of section 5 and inserting the following:

32 **'Sec. 5. 30 MRSA §6205**, as amended by PL 2021, c. 139, §§1 and 2 and affected
33 by §3, is further amended to read:

34 **§6205. Indian territory**

35 **1. Passamaquoddy Indian territory.** Subject to subsections 3, 4 and 5, the following
36 lands within the State are known as the "Passamaquoddy Indian territory:"

37 A. The Passamaquoddy Indian Reservation;

38 B. ~~The first 150,000 acres of land acquired by the secretary for the benefit of the
39 Passamaquoddy Tribe from the following areas or lands to the extent that those lands
40 are not held in common with any other person or entity and are certified by the secretary
41 as held for the benefit of the Passamaquoddy Tribe:~~

1 The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.
2 (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.;
3 the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,
4 B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,
5 B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;
6 any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle
7 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram
8 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion
9 of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of
10 Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and
11 T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any
12 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion
13 of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International
14 Corporation, International Paper Company and Lincoln Pulp and Paper Company
15 located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9
16 N.W.P., T.3 R.3, N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond
17 Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P.
18 (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and any lands in
19 Albany Township acquired by the Passamaquoddy Tribe;

20 B-1. The first 150,000 acres of land acquired by the secretary for the benefit of the
21 Passamaquoddy Tribe, including:

22 (1) All land acquired by the secretary for the benefit of the tribe prior to the
23 effective date of this paragraph if those lands were acquired in accordance with the
24 requirements of this Act in effect on the date of acquisition; and

25 (2) Lands acquired by the secretary for the benefit of the tribe after the effective
26 date of this paragraph that are within the Penobscot River watershed and all lands
27 that are north and east of the Penobscot River watershed to the border with Canada,
28 within the following boundaries: land located east of the mouth of the Penobscot
29 River, land east of the Penobscot River and north to 44° 50' N, all land north of 44°
30 50' N westward to 69° 10' W, land east of 69° 10' W northward to 45° 55' N, land
31 north of 45° 55' N westward to 69° 55' W, land west of 69° 55' W southward until
32 45° 30' N and land north of 45° 30' N westward to the border with Canada, including
33 mainland territory from the eastern shore of Penobscot Bay southward to
34 Eggemoggin Reach and Naskeag Point, eastward to the border with Canada, and
35 all Maine islands east of 68° 33' W, excepting any land that is located within:

36 (a) Any portion of the Kennebec River watershed that is not described in this
37 paragraph;

38 (b) The headwaters of the Kennebec River watershed, including any lands that
39 have shoreline around or within Moosehead Lake;

40 (c) Any portion of the State that is west of the Penobscot River south of 44°
41 50' N from Penobscot Bay to the boundary with New Hampshire to the west
42 and land northwest to the border with Canada; or

43 (d) Any city or town.

1 ~~C. Any land not exceeding 100 acres in the City of Calais acquired by the secretary~~
2 ~~for the benefit of the Passamaquoddy Tribe as long as the land is not held in common~~
3 ~~with any other person or entity and is certified by the secretary as held for the benefit~~
4 ~~of the Passamaquoddy Tribe, if:~~

5 ~~(1) The acquisition of the land by the tribe is approved by the legislative body of~~
6 ~~that city; and~~

7 ~~(2) A tribal-state compact under the federal Indian Gaming Regulatory Act is~~
8 ~~agreed to by the State and the Passamaquoddy Tribe or the State is ordered by a~~
9 ~~court to negotiate such a compact;~~

10 ~~D. All land acquired by the secretary for the benefit of the Passamaquoddy Tribe in T.~~
11 ~~19, M.D. to the extent that the land is not held in common with any other person or~~
12 ~~entity and is certified by the secretary as held for the benefit of the Passamaquoddy~~
13 ~~Tribe;~~

14 ~~D-1. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in~~
15 ~~Centerville consisting of Parcels A, B and C conveyed by Bertram C. Tackeff to the~~
16 ~~Passamaquoddy Tribe by quitclaim deed dated July 27, 1981, recorded in the~~
17 ~~Washington County Registry of Deeds in Book 1147, Page 251, to the extent that the~~
18 ~~land is not held in common with any other person or entity and is certified by the~~
19 ~~secretary as held for the benefit of the Passamaquoddy Tribe;~~

20 ~~D-2. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in~~
21 ~~Centerville conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by quitclaim~~
22 ~~deed dated May 4, 1982, recorded in the Washington County Registry of Deeds in~~
23 ~~Book 1178, Page 35, to the extent that the land is not held in common with any other~~
24 ~~person or entity and is certified by the secretary as held for the benefit of the~~
25 ~~Passamaquoddy Tribe; and~~

26 ~~E. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in~~
27 ~~Township 21 consisting of Gordon Island in Big Lake, conveyed by Domtar Maine~~
28 ~~Corporation to the Passamaquoddy Tribe by corporate quitclaim deed dated April 30,~~
29 ~~2002, recorded in the Washington County Registry of Deeds in Book 2624, Page 301,~~
30 ~~to the extent that the land is not held in common with any other person or entity and is~~
31 ~~certified by the secretary as held for the benefit of the Passamaquoddy Tribe.~~

32 **2. Penobscot Indian territory.** Subject to subsections 3, 4 and 5, the following lands
33 within the State shall be are known as the "Penobscot Indian territory:":

34 A. The Penobscot Indian Reservation; and

35 ~~B. The first 150,000 acres of land acquired by the secretary for the benefit of the~~
36 ~~Penobscot Nation from the following areas or lands to the extent that those lands are~~
37 ~~not held in common with any other person or entity and are certified by the secretary~~
38 ~~as held for the Penobscot Nation:~~

39 ~~The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.~~
40 ~~(Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.;~~
41 ~~the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,~~
42 ~~B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,~~
43 ~~B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;~~
44 ~~any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle~~

1 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram
2 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion
3 of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of
4 Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and
5 T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any
6 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion
7 of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International
8 Corporation, International Paper Company and Lincoln Pulp and Paper Company
9 located in Argyle; any land acquired in Williamsburg T.6, R.8, N.W.P.; any 300 acres
10 in Old Town mutually agreed upon by the City of Old Town and the Penobscot Nation
11 Tribal Government; any lands in Lakeville acquired by the Penobscot Nation; and all
12 the property acquired by the Penobscot Indian Nation from Herbert C. Haynes, Jr.,
13 Herbert C. Haynes, Inc. and Five Islands Land Corporation located in Township 1,
14 Range 6 W.E.L.S.

15 B-1. The first 150,000 acres of land acquired by the secretary for the benefit of the
16 Penobscot Nation, including:

17 (1) All land acquired by the secretary for the benefit of the nation prior to the
18 effective date of this paragraph if those lands were acquired in accordance with the
19 requirements of this Act in effect on the date of acquisition; and

20 (2) Lands acquired by the secretary for the benefit of the nation after the effective
21 date of this paragraph that are within the Penobscot River watershed and all lands
22 that are north and east of the Penobscot River watershed to the border with Canada,
23 within the following boundaries: land located east of the mouth of the Penobscot
24 River, land east of the Penobscot River and north to 44° 50' N, land north of 44°
25 50' N westward to 69° 10' W, land east of 69° 10' W northward to 45° 55' N, all
26 land north of 45° 55' N westward to 69° 55' W, land west of 69° 55' W southward
27 until 45° 30' N and land north of 45° 30' N westward to the border with Canada,
28 including mainland territory from the eastern shore of Penobscot Bay southward
29 to Eggemoggin Reach and Naskeag Point, eastward to the border with Canada, and
30 all Maine islands east of 68° 33' W, excepting any land that is located within:

31 (a) Any portion of the Kennebec River watershed that is not described in this
32 paragraph;

33 (b) The headwaters of the Kennebec River watershed, including any lands that
34 have shoreline around or within Moosehead Lake;

35 (c) Any portion of the State that is west of the Penobscot River south of 44°
36 50' N from Penobscot Bay to the boundary with New Hampshire to the west
37 and land northwest to the border with Canada; or

38 (d) Any city or town.

39 **3. Takings under the laws of the State.**

40 A. Prior to any taking of land for public uses within either the Passamaquoddy Indian
41 Reservation or the Penobscot Indian Reservation, the public entity proposing the
42 taking, or, in the event of a taking proposed by a public utility, the Public Utilities
43 Commission, ~~shall be~~ is required to find that there is no reasonably feasible alternative
44 to the proposed taking. In making this finding, the public entity or the Public Utilities

1 Commission shall compare the cost, technical feasibility, and environmental and social
 2 impact of the available alternatives, if any, with the cost, technical feasibility and
 3 environmental and social impact of the proposed taking. Prior to making this finding,
 4 the public entity or Public Utilities Commission, after notice to the affected tribe or
 5 nation, shall conduct a public hearing in the manner provided by the Maine
 6 Administrative Procedure Act, on the affected Indian reservation. The finding of the
 7 public entity or Public Utilities Commission may be appealed to the Maine Superior
 8 Court.

9 In the event of a taking of land for public uses within the Passamaquoddy Indian
 10 Reservation or the Penobscot Indian Reservation, the public entity or public utility
 11 making the taking shall, at the election of the affected tribe or nation, and with respect
 12 to individually allotted lands, at the election of the affected allottee or allottees, acquire
 13 by purchase or otherwise for the respective tribe, nation, allottee or allottees a parcel
 14 or parcels of land equal in value to that taken; contiguous to the affected Indian
 15 reservation; and as nearly adjacent to the parcel taken as practicable. The land so
 16 ~~acquired shall taken~~ must, upon written certification to the Secretary of State by the
 17 public entity or public utility acquiring such land describing the location and
 18 boundaries thereof, be included within the Indian Reservation of the affected tribe or
 19 nation without further approval of the State. For purposes of this ~~section~~ subsection,
 20 land along and adjacent to the Penobscot River ~~shall be~~ is deemed to be contiguous to
 21 the Penobscot Indian Reservation. The acquisition of land for the Passamaquoddy
 22 Tribe or the Penobscot Nation or any allottee under this ~~subsection~~ paragraph
 23 is full compensation for any such taking. If the affected tribe, nation, allottee or
 24 allottees elect not to have a substitute parcel acquired in accordance with this
 25 ~~subsection~~ paragraph, the ~~moneys~~ money received for such taking ~~shall~~ must be
 26 reinvested in accordance with the provisions of paragraph B.

27 B. If land within either the Passamaquoddy Indian ~~Territory~~ territory or the Penobscot
 28 Indian ~~Territory~~ territory but not within either the Passamaquoddy Indian Reservation
 29 or the Penobscot Indian Reservation is taken for public uses in accordance with the
 30 laws of the State, the money received for ~~said that~~ land ~~shall~~ must be reinvested in other
 31 lands within 2 years of the date on which the money is received. To the extent that any
 32 ~~moneys~~ money received ~~are so~~ is reinvested in land with an area not greater than the
 33 area of the land taken and located within an unorganized or unincorporated area of the
 34 State, the lands so acquired by such reinvestment ~~shall~~ must be included within the
 35 respective Indian territory without further approval of the State. To the extent that any
 36 ~~moneys~~ money received ~~are so~~ is reinvested in land with an area greater than the area
 37 of the land taken and located within an unorganized or unincorporated area of the State,
 38 the respective tribe or nation shall designate, within 30 days of such reinvestment, that
 39 portion of the land acquired by such reinvestment, not to exceed the area taken, ~~which~~
 40 ~~shall~~ that is to be included within the respective Indian territory. No land acquired
 41 pursuant to this paragraph ~~shall~~ may be included within either Indian ~~Territory~~ territory
 42 until the Secretary of the Interior has certified, in writing, to the Secretary of State the
 43 location and boundaries of the land acquired.

44 **4. Taking under the laws of the United States.** In the event of a taking of land within
 45 the Passamaquoddy Indian territory or the Penobscot Indian territory for public uses in
 46 accordance with the laws of the United States and the reinvestment of the ~~moneys~~ money

1 received from such taking within 2 years of the date on which the ~~moneys are~~ money is
2 received, the status of the lands acquired by such reinvestment ~~shall~~ must be determined in
3 accordance with subsection 3, paragraph B.

4 **5. Limitations.** No lands held or acquired by or in trust for the Passamaquoddy Tribe
5 or the Penobscot Nation, other than those described in subsections 1, 2, 3 and 4, ~~shall~~ may
6 be included within or added to the Passamaquoddy Indian territory or the Penobscot Indian
7 territory except upon recommendation of the commission and approval of the State to be
8 given in the manner required for the enactment of laws by the Legislature and Governor of
9 ~~Maine, provided, however, that~~ and no lands within any city, ~~or town, village or plantation~~
10 ~~shall~~ may be added to either the Passamaquoddy Indian territory or the Penobscot Indian
11 territory without approval of the legislative body of said city, ~~or town, village or plantation~~
12 in addition to the approval of the State.

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

17 Amend the bill by striking out all of section 6 and inserting the following:

18 '**Sec. 6. 30 MRSA §6205-A**, as enacted by PL 1981, c. 675, §§2 and 8, is repealed.

19 **Sec. 7. 30 MRSA §6205-B** is enacted to read:

20 **§6205-B. Acquisition of Houlton Band Trust Land**

21 **1. Acquisition.** Houlton Band Trust Land consists of land acquired by the secretary
22 in trust for the Houlton Band of Maliseet Indians with money from the original \$900,000
23 congressional appropriation and interest thereon deposited in the Land Acquisition Fund
24 established for the Houlton Band of Maliseet Indians pursuant to United States Public Law
25 96-420, Section 5, or with proceeds from a taking of Houlton Band Trust Land for public
26 uses pursuant to the laws of the United States, including:

27 A. All land or other natural resources acquired by the secretary for the benefit of the
28 band prior to the effective date of this section if those lands were acquired in
29 accordance with the requirements of this Act in effect on the date of acquisition; and

30 B. Lands acquired by the secretary for the benefit of the band after the effective date
31 of this section that are within the Penobscot River watershed and all lands that are north
32 and east of the Penobscot River watershed to the border with Canada, within the
33 following boundaries: land located east of the mouth of the Penobscot River, land east
34 of the Penobscot River and north to 44° 50' N, land north of 44° 50' N westward to 69°
35 10' W, land east of 69° 10' W northward to 45° 55' N, all land north of 45° 55' N
36 westward to 69° 55' W, land west of 69° 55' W southward until 45° 30' N and land north
37 of 45° 30' N westward to the border with Canada, including mainland territory from
38 the eastern shore of Penobscot Bay southward to Eggemoggin Reach and Naskeag
39 Point, eastward to the border with Canada, and all Maine islands east of 68° 33' W,
40 excepting any land that is located within:

41 (1) Any portion of the Kennebec River watershed that is not described in this
42 paragraph;

1 (2) The headwaters of the Kennebec River watershed, including any lands that
2 have shoreline around or within Moosehead Lake;

3 (3) Any portion of the State that is west of the Penobscot River south of 44° 50' N
4 and north from Penobscot Bay to the boundary with New Hampshire to the west
5 and land northwest to the border with Canada; or

6 (4) Any city or town.

7 **2. Takings for public uses.** Houlton Band Trust Land may be taken for public uses
8 in accordance with the laws of the State to the same extent as privately owned land. The
9 proceeds from any such taking must be deposited in the Land Acquisition Fund as described
10 in subsection 1. The Federal Government is a necessary party to any such condemnation
11 proceeding. After exhausting all state administrative remedies, the Federal Government has
12 an absolute right to remove any action commenced in the courts of this State to a federal
13 court of competent jurisdiction.

14 **3. Restraints on alienation.** Any transfer of Houlton Band Trust Land is void ab
15 initio and without any validity in law or equity, except:

16 A. Takings for public uses pursuant to the laws of this State;

17 B. Takings for public uses pursuant to the laws of the United States;

18 C. Transfers of individual use assignments from one member of the Houlton Band of
19 Maliseet Indians to another band member;

20 D. Transfers authorized by United States Public Law 96-420, Section 5(g)(3); and

21 E. Transfers made pursuant to a special act of Congress.

22 If the fee to the Houlton Band Trust Land is lawfully transferred to any person or entity,
23 the land so transferred ceases to have the status of Houlton Band Trust Land.'

24 Amend the bill by striking out all of section 7 and inserting the following:

25 '**Sec. 7. 30 MRSA §6206**, as corrected by RR 2019, c. 2, Pt. A, §30, is further
26 amended to read:

27 **§6206. Powers and duties Rights, privileges, powers, duties and immunities of the**
28 **Indian tribes within their respective Indian territories and the State**

29 **1. General Powers powers.** Except as otherwise provided specified in this Act, the
30 State, the Passamaquoddy Tribe and, the Penobscot Nation, within their respective Indian
31 territories, shall and the Houlton Band of Maliseet Indians agree and intend pursuant to
32 United States Public Law 96-420 to recognize that the Passamaquoddy Tribe, the
33 Penobscot Nation, the Houlton Band of Maliseet Indians and their respective members
34 have, and may exercise and enjoy all the rights, privileges, powers, duties and immunities,
35 including, but without limitation, the power to enact ordinances and collect taxes, and shall
36 be subject to all the duties, obligations, liabilities and limitations of a municipality of and
37 subject to the laws of the State, provided, however, that internal tribal matters, including
38 membership in the respective tribe or nation, the right to reside within the respective Indian
39 territories, tribal organization, tribal government, tribal elections and the use or disposition
40 of settlement fund income shall not be subject to regulation by the State. The
41 Passamaquoddy Tribe and the Penobscot Nation shall designate such officers and officials
42 as are necessary to implement and administer those laws of the State applicable to the

1 ~~respective Indian territories and the residents thereof. Any resident of the Passamaquoddy~~
2 ~~Indian territory or the Penobscot Indian territory who is not a member of the respective~~
3 ~~tribe or nation nonetheless shall be equally entitled to receive any municipal or~~
4 ~~governmental services provided by the respective tribe or nation or by the State, except~~
5 ~~those services which are provided exclusively to members of the respective tribe or nation~~
6 ~~pursuant to state or federal law, and shall be entitled to vote in national, state and county~~
7 ~~elections in the same manner as any tribal member residing within Indian territory that~~
8 ~~federally recognized Indian tribes and their members generally have or exercise under~~
9 ~~federal Indian law, including laws and regulations of the United States enacted for the~~
10 ~~benefit of Indians, Indian nations or tribes or bands of Indians and laws and regulations that~~
11 ~~accord a special status or right to or that relate to a special status or right of any Indian,~~
12 ~~Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country,~~
13 ~~Indian territory or land held in trust for Indians.~~

14 **2. Power to sue and be sued sovereign immunity.** The Passamaquoddy Tribe, the
15 Penobscot Nation, the Houlton Band of Maliseet Indians and their respective members may
16 sue ~~and be sued~~ in the courts of the State to the same extent as any other entity or person
17 in the State ~~provided, however, that the respective tribe or nation.~~ The Passamaquoddy
18 Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and its their respective
19 officers and employees ~~shall be~~ are immune from suit ~~when the respective tribe or nation~~
20 ~~is acting in its governmental capacity to the same extent as any municipality or like officers~~
21 ~~or employees thereof within the State are other federally recognized Indian tribes and their~~
22 ~~officers and employees under federal Indian law.~~

23 **3. ~~Ordinances.~~** The Passamaquoddy Tribe and the Penobscot Nation each has the
24 right to exercise exclusive jurisdiction within its respective Indian territory over violations
25 by members of either tribe or nation of tribal ordinances adopted pursuant to this section
26 or section 6207. The decision to exercise or terminate the jurisdiction authorized by this
27 section must be made by each tribal governing body. If either tribe or nation chooses not
28 to exercise, or to terminate its exercise of, jurisdiction as authorized by this section or
29 section 6207, the State has exclusive jurisdiction over violations of tribal ordinances by
30 members of either tribe or nation within the Indian territory of that tribe or nation. The
31 State has exclusive jurisdiction over violations of tribal ordinances by persons not members
32 of either tribe or nation except as provided in the section or sections referenced in the
33 following:

34 A. ~~Section 6209-A.~~

35 B. ~~Section 6209-B.~~

36 Amend the bill in section 10 in §6207 in subsection 1-A in the 4th line (page 14, line
37 22 in L.D.) by inserting after the following: "their" the following: 'respective'

38 Amend the bill in section 10 in §6207 by striking out all of subsection 4 (page 15, lines
39 40 to 43 and page 16, lines 1 and 2 in L.D.) and inserting the following:

40 **'4. ~~Sustenance fishing~~ Fishing and taking of wildlife within the Indian**
41 **reservations territory or trust land.** Notwithstanding any rule or regulation promulgated
42 ~~adopted by the commission or any other law of the State, the members of the~~
43 ~~Passamaquoddy Tribe and, the Penobscot Nation and the Houlton Band of Maliseet Indians~~
44 ~~may take fish, and wildlife within the boundaries of their respective Indian reservations,~~

1 ~~for their individual sustenance subject to the limitations of subsection 6~~ territory or trust
2 land.'

3 Amend the bill in section 11 in §6207-A in the first indented paragraph in the 2nd line
4 (page 17, line 16 in L.D.) by striking out the following: "and hereby" and inserting the
5 following: 'to'

6 Amend the bill in section 12 in §6208 in subsection 4 in the 3rd line (page 18, line 20
7 in L.D.) by striking out the following: "and hereby" and inserting the following: 'to'

8 Amend the bill in section 12 in §6208 in subsection 4 in the last line (page 18, line 24
9 in L.D.) by striking out the following: ", including entities owned by a tribe or tribal
10 member"

11 Amend the bill in section 12 in §6208 in subsection 5 in the 3rd line (page 18, line 27
12 in L.D.) by striking out the following: "and hereby" and inserting the following: 'to'

13 Amend the bill in section 12 in §6208 in subsection 5 in the last line (page 18, line 30
14 in L.D.) by inserting after the following: "on" the following: 'their respective'

15 Amend the bill in section 12 in §6208 by striking out all of subsection 6 (page 18, lines
16 31 to 37 in L.D.) and inserting the following:

17 **'6. Not subject to state income tax.** For taxable years beginning January 1, 2023, the
18 State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet
19 Indians agree and intend pursuant to United States Public Law 96-420 to recognize and
20 adopt the application of federal Indian law with regard to the right of the Passamaquoddy
21 Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal
22 members and tribal entities who reside on Indian territory or trust land of their respective
23 tribe, nation or band to not be subject to state tax for income earned on their respective
24 Indian territory or trust land.'

25 Amend the bill in section 12 in §6208 in subsection 7 in the 3rd line (page 18, line 40
26 in L.D.) by striking out the following: "and hereby" and inserting the following: 'to'

27 Amend the bill in section 12 in §6208 in subsection 7 in the 5th line (page 18, line 42
28 in L.D.) by inserting after the following: "Indians" the following: 'and their tribal members
29 and tribal entities'

30 Amend the bill in section 12 in §6208 in subsection 8 in the 3rd line (page 19, line 1 in
31 L.D.) by striking out the following: "and hereby" and inserting the following: 'to'

32 Amend the bill in section 12 in §6208 in subsection 9 in the first line (page 19, line 9
33 in L.D.) by inserting after the following: "income tax" the following: ';'

34 Amend the bill in section 12 in §6208 in subsection 9 in the 3rd line (page 19, line 11
35 in L.D.) by striking out the following: "owned by" and inserting the following: 'of'

36 Amend the bill in section 12 in §6208 in subsection 9 in paragraph A in subparagraph
37 (1) in the first line (page 19, line 16 in L.D.) by striking out the following: "from sales" and
38 inserting the following: 'from state sales'

39 Amend the bill in section 12 in §6208 in subsection 9 in paragraph A in subparagraph
40 (2) in the first line (page 19, line 18 in L.D.) by striking out the following: "from income"
41 and inserting the following: 'from state income'

1 Amend the bill in section 12 in §6208 in subsection 9 in paragraph A in subparagraph
2 (2) in the last line (page 19, line 20 in L.D.) by inserting after the following: "on" the
3 following: 'that'

4 Amend the bill in section 12 in §6208 in subsection 9 in paragraph B in the 3rd line
5 (page 19, line 23 in L.D.) by striking out the following: "collected" and inserting the
6 following: 'on nonmembers collected for sales'

7 Amend the bill in section 12 in §6208 in subsection 9 in paragraph C in the 4th line
8 (page 19, line 29 in L.D.) by striking out the following: "Indian territory or trust land" and
9 inserting the following: 'fee lands wholly'

10 Amend the bill in section 14 in §6209-A in subsection 1-A in paragraph B in the last 4
11 lines (page 21, lines 14 to 17 in L.D.) by striking out the following: "The Passamaquoddy
12 Tribe may not deny to any criminal defendant prosecuted under this paragraph for a Class
13 C crime the rights and protections enumerated in 25 United States Code, Section 1302(c)."

14 Amend the bill in section 14 in §6209-A in subsection 1-A in the 2nd blocked
15 paragraph in the 5th line (page 21, line 32 in L.D.) by inserting after the following: "State"
16 the following: ', except that the punishments imposed may not exceed the maximum
17 punishments set forth in 25 United States Code, Section 1302(a)(7)'

18 Amend the bill in section 14 in §6209-A by striking out all of subsection 2 (page 21,
19 lines 40 to 45 and page 22, lines 1 to 5 in L.D.) and inserting the following:

20 **'2. Definitions of crimes; tribal procedures.** In exercising its exclusive jurisdiction
21 under subsection 1, paragraphs A and B, the Passamaquoddy Tribe is deemed to be
22 enforcing Passamaquoddy tribal law. The definitions of the ~~eriminal offenses~~ crimes and
23 juvenile crimes and the punishments applicable to those ~~eriminal offenses~~ crimes and
24 juvenile crimes over which the Passamaquoddy Tribe has exclusive jurisdiction under this
25 section are governed by the laws of the State. Issuance and execution of criminal process
26 are also governed by the laws of the State, except that the punishments imposed may not
27 exceed the maximum punishments set forth in 25 United States Code, Section 1302(a)(7).
28 The procedures for the establishment and operation of tribal forums created to effectuate
29 the purposes of this section are governed by federal statute, including, without limitation,
30 the provisions of 25 United States Code, Sections 1301 to 1303 and rules or regulations
31 generally applicable to the exercise of criminal jurisdiction by Indian tribes on federal
32 Indian reservations.'

33 Amend the bill in section 14 in §6209-A in subsection 4-A in the 3rd line (page 23,
34 line 3 in L.D.) by striking out the following: "and hereby" and inserting the following: 'to'

35 Amend the bill in section 15 in §6209-B in subsection 1-A in paragraph B in the last 3
36 lines (page 24, lines 38 to 40 in L.D.) by striking out the following: "The Penobscot Nation
37 may not deny to any criminal defendant prosecuted under this paragraph for a Class C
38 crime the rights and protections enumerated in 25 United States Code, Section 1302(c)."

39 Amend the bill in section 15 in §6209-B in subsection 1-A in the 2nd blocked paragraph
40 in the 5th line (page 25, line 10 in L.D.) by inserting after the following: "State" the
41 following: ', except that the punishments imposed may not exceed the maximum
42 punishments set forth in 25 United States Code, Section 1302(a)(7)'

43 Amend the bill in section 15 in §6209-B in subsection 2 in the 7th line (page 25, line
44 24 in L.D.) by inserting after the following: "State" the following: ', except that the

1 punishments imposed may not exceed the maximum punishments set forth in 25 United
2 States Code, Section 1302(a)(7)'

3 Amend the bill in section 15 in §6209-B in subsection 4-A in the 3rd line (page 26, line
4 25 in L.D.) by striking out the following: "and hereby" and inserting the following: 'to'

5 Amend the bill in section 16 in §6209-C in subsection 1-C in paragraph B in the last 4
6 lines (page 29, lines 34 to 37 in L.D.) by striking out the following: "The Houlton Band of
7 Maliseet Indians may not deny to any criminal defendant prosecuted under this paragraph
8 for a Class C crime the rights and protections enumerated in 25 United States Code, Section
9 1302(c)."

10 Amend the bill in section 16 in §6209-C in subsection 1-C in the last blocked paragraph
11 in the 5th line (page 30, line 9 in L.D.) by inserting after the following: "State" the
12 following: ', except that the punishments imposed may not exceed the maximum
13 punishments set forth in 25 United States Code, Section 1302(a)(7)'

14 Amend the bill in section 16 in §6209-C in subsection 2 in the 6th line (page 30, line
15 22 in L.D.) by inserting after the following: "State" the following: ', except that the
16 punishments imposed may not exceed the maximum punishments set forth in 25 United
17 States Code, Section 1302(a)(7)'

18 Amend the bill in section 16 in §6209-C in subsection 5-A in the 3rd line (page 31, line
19 40 in L.D.) by striking out the following: "and hereby" and inserting the following: 'to'

20 Amend the bill in section 18 in §6210 in subsection 2 in the 4th and 5th lines (page 32,
21 lines 40 and 41 in L.D.) by striking out the following: "both Indian territories and" and
22 inserting the following: 'both Indian territories territory or'

23 Amend the bill by striking out all of section 22 and inserting the following:

24 'Sec. 22. 30 MRSA §6215 is enacted to read:

25 **§6215. Civil jurisdiction**

26 **1. Nonmembers subject to state laws on Indian territory or trust land.** The State,
27 the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians
28 agree and intend pursuant to United States Public Law 96-420 to recognize and adopt the
29 application of federal Indian law with regard to the applicability of the laws of the State to
30 nonmembers on the Indian territory or trust land of the Passamaquoddy Tribe, the
31 Penobscot Nation and the Houlton Band of Maliseet Indians, except as otherwise provided
32 in this Act.

33 **2. Members and entities not subject to state laws on Indian territory or trust land.**
34 The State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of
35 Maliseet Indians agree and intend pursuant to United States Public Law 96-420 to
36 recognize that, except as otherwise provided in this Act or by federal Indian law, the
37 Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and
38 their respective tribal members and tribal entities are not subject to the laws of the State,
39 including state and local civil regulatory jurisdiction, on their respective Indian territory or
40 trust land.

41 **3. Exclusive civil regulatory authority over tribal members and tribal entities on**
42 **Indian territory or trust land.** The State, the Passamaquoddy Tribe, the Penobscot
43 Nation and the Houlton Band of Maliseet Indians agree and intend pursuant to United States

1 Public Law 96-420 to recognize that, except as otherwise provided in this Act or by federal
2 Indian law, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of
3 Maliseet Indians have exclusive civil regulatory jurisdiction over their respective tribal
4 members and tribal entities on their respective Indian territory or trust land.

5 **4. Concurrent civil regulatory authority over nonmembers on Indian territory or**
6 **trust land.** The State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton
7 Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 to
8 recognize that, except as otherwise provided in this Act or by federal Indian law, the
9 Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, the
10 State and local governments have concurrent civil regulatory jurisdiction over nonmembers
11 on the Indian territory or trust land of the Passamaquoddy Tribe, the Penobscot Nation and
12 the Houlton Band of Maliseet Indians.'

13 Amend the bill by striking out all of section 23 and inserting the following:

14 'Sec. 23. 30 MRSA §6216 is enacted to read:

15 **§6216. Federal laws apply; do not affect or preempt the laws of this State**

16 The State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of
17 Maliseet Indians agree and intend pursuant to United States Public Law 96-420 that any
18 law of this State, including, without limitation, laws of this State relating to land use or
19 environmental matters, that is contrary to any law or regulation of the United States that
20 accords a special status or right to or relates to a special status or right of any Indian, Indian
21 nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian
22 territory or land held in trust for Indians, or that would be affected or preempted by such
23 law or regulation of the United States, does not apply to the Passamaquoddy Tribe, the
24 Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal members and
25 lands, except as otherwise provided by this Act or federal Indian law. Except for laws that
26 conflict with the jurisdiction over crimes and juvenile crimes described in this Act, the
27 State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet
28 Indians further agree and intend pursuant to United States Public Law 96-420 that any law
29 or regulation of the United States enacted before or after October 10, 1980 that accords a
30 special status or right to or relates to a special status or right of any Indian, Indian nation,
31 tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory
32 or land held in trust for Indians applies to the Passamaquoddy Tribe, the Penobscot Nation,
33 the Houlton Band of Maliseet Indians and their tribal members and lands.'

34 Amend the bill in section 24 in §6217 in subsection 1 in the 5th line (page 36, line 14
35 in L.D.) by striking out the following: "or legislation and" and inserting the following: ',
36 legislation or'

37 Amend the bill in section 24 in §6217 in subsection 1 in the 8th line (page 36, line 17
38 in L.D.) by striking out the following: "tribes and" and inserting the following: 'tribes or'

39 Amend the bill in section 24 in §6217 in subsection 2 in paragraph A in the 3rd line
40 (page 36, line 24 in L.D.) by striking out the following: "25" and inserting the following:
41 '35'

42 Amend the bill in section 24 in §6217 in subsection 4 in the first line (page 37, line 16
43 in L.D.) by striking out the following: "2021" and inserting the following: '2022'

1 Amend the bill in section 24 in §6217 in subsection 5 in the first line (page 37, line 31
2 in L.D.) by striking out the following: "2021" and inserting the following: '2022'

3 Amend the bill in section 24 in §6217 in subsection 8 in the first line (page 38, line 5
4 in L.D.) by striking out the following: "2022" and inserting the following: '2023'

5 Amend the bill in section 26 in §6219 in the first indented paragraph in the first line
6 (page 38, line 25 in L.D.) by striking out the following: "2021" and inserting the following:
7 '2022'

8 Amend the bill by striking out all of section 28 and inserting the following:

9 '**Sec. 28. 30-A MRSA §5681, sub-§7**, as enacted by PL 1989, c. 871, §1 and
10 affected by §22, is amended to read:

11 **7. Indian territory.** For purposes of state-municipal revenue sharing, the
12 Passamaquoddy ~~Tribe~~ Indian territory and the Penobscot ~~Nation~~ Indian Territories shall
13 territory must be treated as if they were municipalities. In the absence of a levy of real and
14 personal property taxes in ~~either or both~~ such an Indian territories territory, the property tax
15 assessment is computed by multiplying the state valuation for the Indian territory for the
16 period for which revenue sharing is being determined by the most current average equalized
17 property tax rate of all municipalities in the State at that time as determined by the State
18 Tax Assessor.'

19 Amend the bill in section 30 in subsection 1-E in the last line (page 40, line 5 in L.D.)
20 by striking out the following: "2-A" and inserting the following: '2-B'

21 Amend the bill by striking out all of section 31 and inserting the following:

22 '**Sec. 31. 36 MRSA §111, sub-§1-F** is enacted to read:

23 **1-F. Indian territory or trust land.** "Indian territory or trust land" has the same
24 meaning as in Title 30, section 6203, subsection 2-C.'

25 Amend the bill by striking out all of section 32 and inserting the following:

26 '**Sec. 32. 36 MRSA §111, sub-§2-A** is enacted to read:

27 **2-A. Passamaquoddy Indian territory.** "Passamaquoddy Indian territory" has the
28 same meaning as in Title 30, section 6203, subsection 6.'

29 Amend the bill by striking out all of section 33 and inserting the following:

30 '**Sec. 33. 36 MRSA §111, sub-§2-B** is enacted to read:

31 **2-B. Passamaquoddy Tribe.** "Passamaquoddy Tribe" has the same meaning as in
32 Title 30, section 6203, subsection 7.'

33 Amend the bill by striking out all of section 34.

34 Amend the bill by striking out all of section 35 and inserting the following:

35 '**Sec. 35. 36 MRSA §111, sub-§2-C** is enacted to read:

36 **2-C. Penobscot Indian territory.** "Penobscot Indian territory" has the same meaning
37 as in Title 30, section 6203, subsection 9.'

38 Amend the bill by striking out all of section 36 and inserting the following:

39 '**Sec. 36. 36 MRSA §111, sub-§2-D** is enacted to read:

1 **2-D. Penobscot Nation.** "Penobscot Nation" has the same meaning as in Title 30,
2 section 6203, subsection 10.'

3 Amend the bill by striking out all of section 39 and inserting the following:

4 '**Sec. 39. 36 MRSA §1760, sub-§112** is enacted to read:

5 **112. Certain sales to Passamaquoddy Tribe, Penobscot Nation and Houlton Band**
6 **of Maliseet Indians and their tribal members.** Sales in, into, on, from or otherwise
7 sourced to:

8 A. Passamaquoddy Indian territory that are made by or to the Passamaquoddy Tribe,
9 by or to any tribal member of the Passamaquoddy Tribe or by or to any tribal entity of
10 the Passamaquoddy Tribe;

11 B. Penobscot Indian territory that are made by or to the Penobscot Nation, by or to any
12 tribal member of the Penobscot Nation or by or to any tribal entity of the Penobscot
13 Nation; and

14 C. Houlton Band Trust Land that are made by or to the Houlton Band of Maliseet
15 Indians, by or to any tribal member of the Houlton Band of Maliseet Indians or by or
16 to any tribal entity of the Houlton Band of Maliseet Indians.

17 If the property or service is used by the purchaser, including any lessee, primarily outside
18 of the Indian territory or trust land identified in this subsection, the purchaser is liable for
19 use tax based on the original sale price, unless otherwise exempt under this Part. For
20 purposes of this subsection, "primarily" when used in relation to property or service means
21 more than 50% of that period of time that begins on the date on which the property or
22 service is first placed in service by the purchaser and ends one year from that date or at the
23 time that the property or service is sold, scrapped, destroyed or otherwise permanently
24 removed from service, whichever occurs first.'

25 Amend the bill in section 40 in §1815 in subsection 2 in the 3rd line (page 41, line 32
26 in L.D.) by striking out the following: "occurring on" the following: '~~occurring on, in, into,~~
27 ~~from or otherwise sourced to~~'

28 Amend the bill by striking out all of section 41 and inserting the following:

29 '**Sec. 41. 36 MRSA §5122, sub-§2, ¶XX** is enacted to read:

30 **XX. For taxable years beginning on or after January 1, 2023:**

31 (1) Income of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton
32 Band of Maliseet Indians that is earned on or from activities occurring on or
33 otherwise sourced to the tribe's, nation's or band's Indian territory or trust land; and

34 (2) Income of the tribal members and tribal entities of the Penobscot Nation, the
35 Passamaquoddy Tribe and the Houlton Band of Maliseet Indians, as long as:

36 (a) The income is earned on or from activities occurring on or otherwise
37 sourced to the Indian territory or trust land of the tribal member's or tribal
38 entity's tribe, nation or band; and

39 (b) The tribal member or tribal entity resides on the Indian territory or trust
40 land of that tribal member's or tribal entity's tribe, nation or band. For purposes

1 of this paragraph, a tribal entity "resides" where its principal place of business
 2 is located.'

3 Amend the bill in section 42 in the 11th line (page 42, line 19 in L.D.) by striking out
 4 the following: "2021" and inserting the following: '2022'

5 Amend the bill in section 42 in the 11th and 12th lines (page 42, lines 19 and 20 in
 6 L.D.) by striking out the following: "Joint Standing Committee on Judiciary" and inserting
 7 the following: 'joint standing committee of the Legislature having jurisdiction over
 8 judiciary matters'

9 Amend the bill in section 42 in the next to the last line (page 42, line 22 in L.D.) by
 10 striking out the following: "Second Regular Session of the 130th" and inserting the
 11 following: 'First Regular Session of the 131st'

12 Amend the bill by striking out all of section 43 and inserting the following:

13 **'Sec. 43. Appropriations and allocations.** The following appropriations and
 14 allocations are made.

15 **TREASURER OF STATE, OFFICE OF**

16 **Maliseet Sales Tax Fund N952**

17 Initiative: Establishes the Maliseet Sales Tax Fund to collect and remit sales tax collected
 18 on Houlton Band Trust Land.

19	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
20	All Other	\$0	\$500
21			
22	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

23 **Penobscot Sales Tax Fund N951**

24 Initiative: Establishes the Penobscot Sales Tax Fund to collect and remit sales tax collected
 25 on Penobscot Indian territory or trust lands.

26	OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
27	All Other	\$0	\$500
28			
29	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

31 **TREASURER OF STATE, OFFICE OF**
 32 **DEPARTMENT TOTALS**

33		2021-22	2022-23
34	OTHER SPECIAL REVENUE FUNDS	\$0	\$1,000
35			
36	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,000

37
 38 **Sec. 44. Contingent effective date.** This Act takes effect 120 days after
 39 adjournment of the Second Regular Session of the 130th Legislature only if, within 90 days
 40 after adjournment of the Second Regular Session of the 130th Legislature, the Secretary of
 41 State receives written certification from the Joint Tribal Council of the Passamaquoddy

1 Tribe that the tribe has agreed to the provisions of this Act; from the Governor and the
2 Council of the Penobscot Nation that the nation has agreed to the provisions of this Act;
3 and from the Houlton Band Council of the Houlton Band of Maliseet Indians that the band
4 has agreed to the provisions of this Act, copies of which must be submitted by the Secretary
5 of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.
6 Upon such written certification by the Houlton Band Council of the Houlton Band of
7 Maliseet Indians, each section of this Act regarding or affecting the Houlton Band of
8 Maliseet Indians and its tribal members and lands constitutes a jurisdictional agreement for
9 purposes of the Maine Indian Claims Settlement Act of 1980, United States Public Law
10 96-420, Section 6(e)(2). Such written certification by the Houlton Band Council of the
11 Houlton Band of Maliseet Indians does not constitute an agreement that the contingencies
12 in Public Law 1981, chapter 675 were met or that the provisions of Public Law 1981,
13 chapter 675 ever took effect.'

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
15 number to read consecutively.

16 SUMMARY

17 In this summary, the Maine Revised Statutes, Title 30, chapter 601, which is titled AN
18 ACT to Implement the Maine Indian Claims Settlement, enacted by Public Law 1979,
19 chapter 732, is referred to as "the Maine Implementing Act" and the federal Maine Indian
20 Claims Settlement Act of 1980, Public Law 96-420, formerly codified at 25 United States
21 Code, Sections 1721 to 1735, is referred to as "the federal Settlement Act."

22 This amendment, which is the minority report of the committee, makes the following
23 changes to the bill.

24 1. It amends the definition of "federal Indian law" to mean the United States
25 Constitution and all generally applicable federal statutes, regulations and common law and
26 case law interpreting, implementing, applying or enforcing those federal laws and
27 regulations, and subsequent amendments thereto, relating to the rights, status, privileges,
28 powers, duties and immunities of federally recognized Indian tribes and their members and
29 lands or other natural resources within the United States.

30 2. It amends the definition of "tribal entity" to include a limited liability company and
31 makes other technical changes to the language of the definition for purposes of clarity.

32 3. It defines "Indian territory or trust land" to include, with respect to the
33 Passamaquoddy Tribe and the Penobscot Nation, the tribe's or nation's Indian territory and,
34 with respect to the Houlton Band of Maliseet Indians, Houlton Band Trust Land. This
35 phrase is used throughout the bill and the amendment to describe the lands over which the
36 Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians
37 may exercise rights, powers, duties and immunities similar to those of other federally
38 recognized Indian tribes within the United States.

39 4. It repeals the provisions of the Maine Implementing Act that specify the geographic
40 areas within which the United States Secretary of the Interior may acquire up to 150,000
41 acres of trust land each for the benefit of the Passamaquoddy Tribe and the Penobscot
42 Nation, which trust lands are included within the tribe's or the nation's respective Indian
43 territories, and enacts new provisions authorizing the secretary to acquire up to 150,000
44 acres of trust land each for the benefit of the Passamaquoddy Tribe and the Penobscot

1 Nation within the Penobscot River watershed and points north and east, as long as such
2 land is not located within a city or town.

3 5. It repeals the provisions of the Maine Implementing Act governing the acquisition
4 of Houlton Band Trust Land and enacts a new provision authorizing the United States
5 Secretary of the Interior to acquire trust land for the benefit of the Houlton Band of Maliseet
6 Indians within the Penobscot River watershed and points north and east, as long as such
7 land is not located within a city or town.

8 6. It provides that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton
9 Band of Maliseet Indians, as well as their officers and employees, are immune from suit to
10 the same extent as other federally recognized Indian tribes and their officers and employees
11 under federal Indian law.

12 7. It clarifies that, when the tribal courts of the Passamaquoddy Tribe, the Penobscot
13 Nation and the Houlton Band of Maliseet Indians exercise exclusive or concurrent criminal
14 jurisdiction, the definitions of the criminal offenses and the punishments applicable to those
15 criminal offenses are governed by state law, except that the punishments imposed by a
16 tribal court may not exceed the maximum punishments that a tribal court may impose under
17 25 United States Code, Section 1302(a)(7).

18 8. It makes several technical changes to the tax provisions of the bill to align and ensure
19 consistency between the language of the provisions within the Maine Implementing Act
20 and the language of the provisions within the Maine Revised Statutes, Title 36.

21 9. It provides that the Department of Administrative and Financial Services, Maine
22 Revenue Services may enter into tax revenue-sharing agreements with the Passamaquoddy
23 Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians with respect to tax
24 collected on sales on, in, into, from or otherwise sourced to fee lands wholly owned by the
25 tribe, nation or band.

26 10. It removes the provision of the bill providing that the Passamaquoddy Tribe, the
27 Penobscot Nation and the Houlton Band of Maliseet Indians may not conduct gaming under
28 the authority of the federal Indian Gaming Regulatory Act.

29 11. It increases from 25 to 35 the number of days within which the Passamaquoddy
30 Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians may, after the date of
31 the mailing of a state agency’s proposal to develop a rule, legislation or other policy
32 statement or action that may directly and substantially affect that tribe, nation or band,
33 request that the state agency consult with the tribe, nation or band prior to taking the
34 proposed action.

35 12. It increases by a year the deadlines established by the bill for each state agency to
36 adopt tribal consultation policies; for each state agency to designate a tribal liaison; for
37 each state agency to provide its first annual report on tribal consultation; and for the
38 Governor to convene the first annual assembly of the Governor and the chiefs of the
39 Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians.

40 13. It repeals or repeals and replaces each provision of the Maine Implementing Act
41 that was enacted by Public Law 1981, chapter 675 and provides that, if the Houlton Band
42 Council of the Houlton Band of Maliseet Indians certifies its agreement to the provisions
43 of this legislation, that agreement constitutes a jurisdictional agreement between the State
44 and the Houlton Band of Maliseet Indians for purposes of Section 6(e)(2) of the federal

1 Settlement Act but does not constitute an agreement by the Houlton Band of Maliseet
2 Indians that the provisions of Public Law 1981, chapter 675 ever took effect.

3 The amendment also adds an appropriations and allocations section.

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**