



# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1665

H.P. 1236

House of Representatives, May 5, 2021

**An Act To Amend AN ACT to Implement the Maine Indian Claims  
Settlement Concerning Land Acquisition and Criminal Jurisdiction**

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Received by the Clerk of the House on May 3, 2021. Referred to the Committee on  
Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative BABBIDGE of Kennebunk.

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

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

3 **1-A. Designated area for land acquisition.** "Designated area for land acquisition"  
4 means land located east of the mouth of the Penobscot River, land east of the Penobscot  
5 River and northward to 44° 50' N, land north of 44° 50' N westward to 69° 10' W, land east  
6 of 69° 10' W northward to 45° 55' N, land north of 45° 55' N westward to 69° 55' W, land  
7 west of 69° 55' W southward to 45° 30' N and land north of 45° 30' N westward to the border  
8 with Canada. "Designated area for land acquisition" includes mainland territory from the  
9 eastern shore of Penobscot Bay southward to Eggemoggin Reach and Naskeag Point and  
10 eastward to the border with Canada, including all Maine islands east of 68° 33' W.  
11 "Designated area for land acquisition" does not include the Kennebec River watershed,  
12 except within the boundaries specified in this subsection, does not include the headwaters  
13 of the Kennebec River watershed, including any lands that have shoreline around or within  
14 Moosehead Lake, and does not include any lands west of the Penobscot River south of 44°  
15 50' N or from Penobscot Bay to the boundary with New Hampshire to the west and the  
16 border with Canada to the northwest. The designated area for land acquisition defines a  
17 specified boundary that is an approximate representation of the Penobscot River watershed  
18 and all lands north and east of the Penobscot River watershed to the border with Canada,  
19 including the St. John River and St. Croix River watersheds located within the State.

20 **Sec. 2. 30 MRSA §6205, sub-§1,** as amended by PL 2013, c. 91, §§1 and 2 and  
21 affected by §3, is further amended to read:

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

24 A. The Passamaquoddy Indian Reservation;

25 B. The first 150,000 acres of land acquired by the secretary for the benefit of the  
26 Passamaquoddy Tribe from the following areas or lands, to include the following areas  
27 or lands acquired pursuant to the provisions of this Act prior to January 1, 2021 and  
28 subject to the limitations of subsection 2-A, as well as the following areas or lands and  
29 any areas or lands located within the designated area for land acquisition as defined in  
30 this chapter after January 1, 2021, to the extent that those lands are acquired by the  
31 secretary prior to January 31, 1991 December 31, 2040, are not held in common with  
32 any other person or entity and are certified by the secretary by January 31, 1991,  
33 December 31, 2040 as held for the benefit of the Passamaquoddy Tribe:

34 The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.  
35 (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.;  
36 ~~the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,~~  
37 ~~B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,~~  
38 ~~B.K.P.W.K.R.;~~ the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;  
39 any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle  
40 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram  
41 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion  
42 of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of  
43 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  
44 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

1 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion  
2 of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International  
3 Corporation, International Paper Company and Lincoln Pulp and Paper Company  
4 located in Argyle; ~~and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9~~  
5 ~~N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond~~  
6 ~~Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P.~~  
7 ~~(Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township); and any lands in~~  
8 ~~Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991; and~~  
9 ~~a plot of contiguous land in Calais that, when combined with land previously~~  
10 ~~purchased, does not exceed 100 acres in total, mutually agreed upon by the City of~~  
11 ~~Calais and the Passamaquoddy Tribal Government;~~

12 ~~C. Any land not exceeding 100 acres in the City of Calais acquired by the secretary~~  
13 ~~for the benefit of the Passamaquoddy Tribe as long as the land is acquired by the~~  
14 ~~secretary prior to January 1, 2001, is not held in common with any other person or~~  
15 ~~entity and is certified by the secretary by January 31, 2001, as held for the benefit of~~  
16 ~~the Passamaquoddy Tribe, if:~~

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

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

22 ~~D. All land acquired by the secretary for the benefit of the Passamaquoddy Tribe in T.~~  
23 ~~19, M.D. to the extent that the land is acquired by the secretary prior to ~~January 31,~~~~  
24 ~~2020 December 31, 2040, is not held in common with any other person or entity and is~~  
25 ~~certified by the secretary by ~~January 31, 2020~~ December 31, 2040 as held for the benefit~~  
26 ~~of the Passamaquoddy Tribe;~~

27 ~~D-1. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in~~  
28 ~~Centerville consisting of Parcels A, B and C conveyed by Bertram C. Tackeff to the~~  
29 ~~Passamaquoddy Tribe by quitclaim deed dated July 27, 1981, recorded in the~~  
30 ~~Washington County Registry of Deeds in Book 1147, Page 251, to the extent that the~~  
31 ~~land is acquired by the secretary prior to ~~January 31, 2017~~ December 31, 2040, is not~~  
32 ~~held in common with any other person or entity and is certified by the secretary by~~  
33 ~~~~January 31, 2017~~ December 31, 2040 as held for the benefit of the Passamaquoddy~~  
34 ~~Tribe;~~

35 ~~D-2. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in~~  
36 ~~Centerville conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by quitclaim~~  
37 ~~deed dated May 4, 1982, recorded in the Washington County Registry of Deeds in~~  
38 ~~Book 1178, Page 35, to the extent that the land is acquired by the secretary prior to~~  
39 ~~~~January 31, 2023~~ December 31, 2040, is not held in common with any other person or~~  
40 ~~entity and is certified by the secretary by ~~January 31, 2023~~ December 31, 2040 as held~~  
41 ~~for the benefit of the Passamaquoddy Tribe; and~~

42 ~~E. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in~~  
43 ~~Township 21 consisting of Gordon Island in Big Lake, conveyed by Domtar Maine~~  
44 ~~Corporation to the Passamaquoddy Tribe by corporate quitclaim deed dated April 30,~~  
45 ~~2002, recorded in the Washington County Registry of Deeds in Book 2624, Page 301,~~

1 to the extent that the land is acquired by the secretary prior to ~~January 31, 2017~~  
2 December 31, 2040, is not held in common with any other person or entity and is  
3 certified by the secretary by ~~January 31, 2017~~ December 31, 2040 as held for the benefit  
4 of the Passamaquoddy Tribe.

5 **Sec. 3. 30 MRSA §6205, sub-§2, ¶B**, as amended by PL 1999, c. 625, §1, is further  
6 amended to read:

7 B. The first 150,000 acres of land acquired by the secretary for the benefit of the  
8 Penobscot Nation ~~from the following areas or lands, to include the following areas or~~  
9 lands acquired pursuant to the provisions of this Act prior to January 1, 2021 and  
10 subject to the limitations of subsection 2-A, as well as the following areas or lands and  
11 any areas or lands located within the designated area for land acquisition after January  
12 1, 2021, to the extent that those lands are acquired by the secretary prior to ~~January 31,~~  
13 2021 December 31, 2040, are not held in common with any other person or entity and  
14 are certified by the secretary by ~~January 31, 2021,~~ December 31, 2040 as held for the  
15 benefit of the Penobscot Nation:

16 The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.  
17 (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.;  
18 ~~the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,~~  
19 ~~B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,~~  
20 ~~B.K.P.W.K.R.;~~ the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;  
21 ~~any portion of Sugar Island in Moosehead Lake;~~ the lands of Prentiss and Carlisle  
22 Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram  
23 C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion  
24 of T.2, R.8, N.W.P.; ~~any portion of T.2, R.5, W.B.K.P. (Alder Stream);~~ the lands of  
25 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  
26 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  
27 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion  
28 of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International  
29 Corporation, International Paper Company and Lincoln Pulp and Paper Company  
30 located in Argyle; any land acquired in Williamsburg T.6, R.8, N.W.P.; ~~any 300 acres~~  
31 ~~in Old Town~~ a plot of contiguous land in Old Town that, when combined with any land  
32 previously purchased, does not exceed 100 acres in total, not to include Indian Island,  
33 mutually agreed upon by the City of Old Town and the Penobscot Nation Tribal  
34 Government, provided that the mutual agreement must be finalized prior to August 31,  
35 1994; any lands in Lakeville acquired by the Penobscot Nation before January 1, 1994;  
36 and all the property acquired by the Penobscot Indian Nation from Herbert C. Haynes,  
37 Jr., Herbert C. Haynes, Inc. and Five Islands Land Corporation located in Township 1,  
38 Range 6 W.E.L.S.

39 **Sec. 4. 30 MRSA §6205, sub-§2-A** is enacted to read:

40 **2-A. Acquisitions within the designated area for land acquisition.** For the purposes  
41 of meeting the threshold of 150,000 acres described in subsection 1, paragraph B and  
42 subsection 2, paragraph B, additional lands within the designated area for land acquisition  
43 that are contiguous to existing tribal lands, and are located in unorganized townships, may  
44 be purchased, consistent with the provisions of subsection 5, and certified by the secretary  
45 by December 31, 2030 for the benefit of the Passamaquoddy Tribe or the Penobscot Nation.

1 The timeline in this subsection as it pertains to the acquisition of land described in  
2 subsection 1, paragraph B is subject to extension upon the agreement of the  
3 Passamaquoddy Tribe and the State. The timeline in this subsection as it pertains to the  
4 acquisition of land described in subsection 2, paragraph B is subject to extension upon the  
5 agreement of the Penobscot Nation and the State.

6 **Sec. 5. 30 MRSA §6209-A, sub-§1**, as amended by PL 2019, c. 621, Pt. D, §1 and  
7 affected by §5, is further amended to read:

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

11 A. Criminal offenses for which the maximum potential term of imprisonment is less  
12 than one year and the maximum potential fine does not exceed \$5,000 and that are  
13 Class C, D and E crimes committed on the Indian reservation of the within  
14 Passamaquoddy Tribe Indian territory by a member of any federally recognized Indian  
15 tribe, nation, band or other group, except when committed against a person who is not  
16 a member of any federally recognized Indian tribe, nation, band or other group or  
17 against the property of a person who is not a member of any federally recognized Indian  
18 tribe, nation, band or other group. The Passamaquoddy Tribe may not deny to any  
19 criminal defendant prosecuted under this paragraph for a Class C crime the rights and  
20 protections enumerated in 25 United States Code, Section 1302(c);

21 B. Juvenile crimes against a person or property involving conduct that, if committed  
22 by an adult, would fall within the exclusive jurisdiction of the Passamaquoddy Tribe  
23 under paragraph A, and juvenile crimes, as defined in Title 15, section 3103, subsection  
24 1, paragraphs B and C, committed by a juvenile member of the Passamaquoddy Tribe,  
25 the Houlton Band of Maliseet Indians or the Penobscot Nation ~~on the reservation of the~~  
26 within Passamaquoddy Tribe Indian territory;

27 C. Civil actions between members of the Passamaquoddy Tribe, the Houlton Band of  
28 Maliseet Indians or the Penobscot Nation arising on the Indian reservation of the  
29 Passamaquoddy Tribe and cognizable as small claims under the laws of the State, and  
30 civil actions against a member of the Passamaquoddy Tribe, the Houlton Band of  
31 Maliseet Indians or the Penobscot Nation under Title 22, section 2383 involving  
32 conduct on the Indian reservation of the Passamaquoddy Tribe by a member of the  
33 Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation;

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

36 E. Other domestic relations matters, including marriage, divorce and support, between  
37 members of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the  
38 Penobscot Nation, both of whom reside within the Indian reservation of the  
39 Passamaquoddy Tribe.

40 The governing body of the Passamaquoddy Tribe shall decide whether to exercise or  
41 terminate the exercise of the exclusive jurisdiction authorized by this subsection. If the  
42 Passamaquoddy Tribe chooses not to exercise, or chooses to terminate its exercise of,  
43 jurisdiction over the criminal, juvenile, or civil and domestic matters described in this  
44 subsection, the State has exclusive jurisdiction over those matters. ~~Except as provided in~~

1 paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes  
2 apply within the Passamaquoddy Indian reservation and the State has exclusive jurisdiction  
3 over those offenses and crimes.

4 **Sec. 6. 30 MRSA §6209-A, sub-§1-A**, as enacted by PL 2019, c. 621, Pt. D, §2  
5 and affected by §5, is repealed and the following enacted in its place:

6 **1-A. Concurrent jurisdiction over certain criminal offenses.** The Passamaquoddy  
7 Tribe has the right to exercise jurisdiction, concurrently with the State, over the following  
8 crimes:

9 A. Class D crimes set out under Title 17-A, sections 207-A, 209-A, 210-B, 210-C and  
10 211-A and Title 19-A, section 4011 committed by a person who is not a member of  
11 any federally recognized Indian tribe, nation, band or other group on the  
12 Passamaquoddy Indian territory, against a person or property of a person who is a  
13 member of a federally recognized Indian tribe, nation, band or other group. The  
14 concurrent jurisdiction authorized by this paragraph does not include offenses  
15 committed by a juvenile; and

16 B. Class C, D and E crimes committed within Passamaquoddy Indian territory by a  
17 member of a federally recognized Indian tribe, nation, band or other group committed  
18 against a person who is not a member of any federally recognized Indian tribe, nation,  
19 band or other group or against the property of a person who is not a member of any  
20 federally recognized Indian tribe, nation, band or other group. The Passamaquoddy  
21 Tribe may not deny to any criminal defendant prosecuted under this paragraph for a  
22 Class C crime the rights and protections enumerated in 25 United States Code, Section  
23 1302(c).

24 The governing body of the Passamaquoddy Tribe shall decide whether to exercise or  
25 terminate the exercise of jurisdiction authorized by this subsection. Notwithstanding  
26 subsection 2, the Passamaquoddy Tribe may not deny to any criminal defendant prosecuted  
27 under this subsection the right to a jury of 12, the right to a unanimous jury verdict, the  
28 rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c),  
29 1303 and 1304(d) and all other rights whose protection is necessary under the United States  
30 Constitution in order for the State to authorize concurrent jurisdiction under this subsection.  
31 If a criminal defendant prosecuted under this subsection moves to suppress statements on  
32 the ground that they were made involuntarily, the prosecution has the burden to prove  
33 beyond a reasonable doubt that the statements were made voluntarily.

34 In exercising the concurrent jurisdiction authorized by this subsection, the Passamaquoddy  
35 Tribe is deemed to be enforcing Passamaquoddy tribal law. The definitions of the criminal  
36 offenses and the punishments applicable to those criminal offenses over which the  
37 Passamaquoddy Tribe has concurrent jurisdiction under this subsection are governed by  
38 the laws of the State. Issuance and execution of criminal process also are governed by the  
39 laws of the State.

40 **Sec. 7. 30 MRSA §6209-A, sub-§1-B** is enacted to read:

41 **1-B. Exclusive jurisdiction of the State.** Except as provided in subsection 1,  
42 paragraphs A and B and subsection 1-A, all laws of the State relating to crimes and juvenile  
43 crimes apply within Passamaquoddy Indian territory and the State has exclusive  
44 jurisdiction over those offenses and crimes. Nothing in subsection 1 or 1-A affects, alters

1 or preempts the ability or authority of the Attorney General to investigate or prosecute any  
2 conduct occurring in the State, including on Passamaquoddy Indian territory.

3 **Sec. 8. 30 MRSA §6209-A, sub-§3**, as enacted by PL 1995, c. 388, §6 and affected  
4 by §8, is amended to read:

5 **3. Lesser included criminal offenses in state courts.** In any criminal proceeding in  
6 the courts of the State in which a ~~eriminal-offense~~ crime or juvenile crime under the  
7 exclusive jurisdiction of the Passamaquoddy Tribe constitutes a lesser included criminal  
8 offense of the ~~eriminal-offense~~ crime or juvenile crime charged, the defendant may be  
9 convicted or the juvenile adjudicated in the courts of the State of the lesser included  
10 criminal offense. A lesser included criminal offense is as defined under the laws of the  
11 State.

12 **Sec. 9. 30 MRSA §6209-A, sub-§4**, as amended by PL 2019, c. 621, Pt. D, §4 and  
13 affected by §5, is further amended to read:

14 **4. Double jeopardy, collateral estoppel.** A prosecution for a ~~eriminal-offense~~ crime  
15 or juvenile crime over which the Passamaquoddy Tribe has exclusive jurisdiction under  
16 this section does not bar a prosecution for a ~~eriminal-offense~~ crime or juvenile crime, arising  
17 out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for  
18 a ~~eriminal-offense~~ crime over which the Passamaquoddy Tribe has concurrent jurisdiction  
19 under this section does not bar a prosecution for a ~~eriminal-offense~~ crime, arising out of the  
20 same conduct, over which the State has exclusive jurisdiction. A prosecution for a ~~eriminal~~  
21 ~~offense~~ crime over which the State has concurrent jurisdiction under this section does not  
22 bar a prosecution for a ~~eriminal-offense~~ crime, arising out of the same conduct, over which  
23 the Passamaquoddy Tribe has exclusive jurisdiction. A prosecution for a ~~eriminal-offense~~  
24 crime or juvenile crime over which the State has exclusive jurisdiction does not bar a  
25 prosecution for a ~~eriminal-offense~~ crime or juvenile crime, arising out of the same conduct,  
26 over which the Passamaquoddy Tribe has exclusive jurisdiction under this section. The  
27 determination of an issue of fact in a criminal or juvenile proceeding conducted in a  
28 Passamaquoddy tribal forum does not constitute collateral estoppel in a criminal or juvenile  
29 proceeding conducted in a state court. The determination of an issue of fact in a criminal  
30 or juvenile proceeding conducted in a state court does not constitute collateral estoppel in  
31 a criminal or juvenile proceeding conducted in a Passamaquoddy tribal forum.

32 **Sec. 10. 30 MRSA §6209-B, sub-§1**, as corrected by RR 2009, c. 1, §19, is  
33 amended to read:

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

37 A. ~~Criminal offenses for which the maximum potential term of imprisonment does not~~  
38 ~~exceed one year and the maximum potential fine does not exceed \$5,000 and that are~~  
39 Class C, D and E crimes committed ~~on the Indian reservation of the~~ within Penobscot  
40 ~~Nation~~ Indian territory by a member of any federally recognized Indian tribe, nation,  
41 band or other group, except when committed against a person who is not a member of  
42 any federally recognized Indian tribe, nation, band or other group or against the  
43 property of a person who is not a member of any federally recognized Indian tribe,  
44 nation, band or other group. The Penobscot Nation may not deny to any criminal

1 defendant prosecuted under this paragraph for a Class C crime the rights and  
2 protections enumerated in 25 United States Code, Section 1302(c);

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

9 C. Civil actions between members of either the Passamaquoddy Tribe, the Houlton  
10 Band of Maliseet Indians or the Penobscot Nation arising on the Indian reservation of  
11 the Penobscot Nation and cognizable as small claims under the laws of the State, and  
12 civil actions against a member of ~~either~~ the Passamaquoddy Tribe, the Houlton Band  
13 of Maliseet Indians or the Penobscot Nation under Title 22, section 2383 involving  
14 conduct on the Indian reservation of the Penobscot Nation by a member of ~~either~~ the  
15 Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation;

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

18 E. Other domestic relations matters, including marriage, divorce and support, between  
19 members of ~~either~~ the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or  
20 the Penobscot Nation, both of whom reside on the Indian reservation of the Penobscot  
21 Nation.

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

30 **Sec. 11. 30 MRSA §6209-B, sub-§1-A**, as enacted by PL 2019, c. 621, Pt. C, §1  
31 and affected by §4, is repealed and the following enacted in its place:

32 **1-A. Concurrent jurisdiction over certain criminal offenses.** The Penobscot Nation  
33 has the right to exercise jurisdiction, concurrently with the State, over the following crimes:

34 A. Class D crimes set out under Title 17-A, sections 207-A, 209-A, 210-B, 210-C and  
35 211-A and Title 19-A, section 4011 committed by a person who is not a member of  
36 any federally recognized Indian tribe, nation, band or other group on the Penobscot  
37 Indian territory against a person or property of a person who is a member of a federally  
38 recognized Indian tribe, nation, band or other group. The concurrent jurisdiction  
39 authorized by this paragraph does not include offenses committed by a juvenile; and

40 B. Class C, D and E crimes committed within Penobscot Indian territory by a member  
41 of a federally recognized Indian tribe, nation, band or other group committed against a  
42 person who is not a member of any federally recognized Indian tribe, nation, band or  
43 other group or against the property of a person who is not a member of any federally  
44 recognized Indian tribe, nation, band or other group. The Penobscot Nation may not



1 deny to any criminal defendant prosecuted under this paragraph for a Class C crime the  
2 rights and protections enumerated in 25 United States Code, Section 1302(c).

3 The governing body of the Penobscot Nation shall decide whether to exercise or terminate  
4 the exercise of jurisdiction authorized by this subsection. Notwithstanding subsection 2,  
5 the Penobscot Nation may not deny to any criminal defendant prosecuted under this  
6 subsection the right to a jury of 12, the right to a unanimous jury verdict, the rights and  
7 protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and  
8 1304(d) and all other rights whose protection is necessary under the United States  
9 Constitution in order for the State to authorize concurrent jurisdiction under this subsection.  
10 If a criminal defendant prosecuted under this subsection moves to suppress statements on  
11 the ground that they were made involuntarily, the prosecution has the burden to prove  
12 beyond a reasonable doubt that the statements were made voluntarily.

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

19 **Sec. 12. 30 MRSA §6209-B, sub-§1-B** is enacted to read:

20 **1-B. Exclusive jurisdiction of the State.** Except as provided in subsection 1,  
21 paragraphs A and B and subsection 1-A, all laws of the State relating to crimes and juvenile  
22 crimes apply within Penobscot Indian territory and the State has exclusive jurisdiction over  
23 those offenses and crimes. Nothing in subsection 1 or 1-A affects, alters or preempts the  
24 ability or authority of the Attorney General to investigate or prosecute any conduct  
25 occurring in the State, including on Penobscot Indian territory.

26 **Sec. 13. 30 MRSA §6209-B, sub-§2,** as enacted by PL 1995, c. 388, §6 and  
27 affected by §8, is amended to read:

28 **2. Definitions of crimes; tribal procedures.** In exercising its exclusive jurisdiction  
29 under subsection 1, paragraphs A and B, the Penobscot Nation is deemed to be enforcing  
30 Penobscot tribal law. The definitions of the ~~eriminal-offenses~~ crimes and juvenile crimes  
31 and the punishments applicable to those ~~eriminal-offenses~~ crimes and juvenile crimes over  
32 which the Penobscot Nation has exclusive jurisdiction under this section are governed by  
33 the laws of the State. Issuance and execution of criminal process are also governed by the  
34 laws of the State. The procedures for the establishment and operation of tribal forums  
35 created to effectuate the purposes of this section are governed by federal statute, including,  
36 without limitation, the provisions of 25 United States Code, Sections 1301 to 1303 and  
37 rules or regulations generally applicable to the exercise of criminal jurisdiction by Indian  
38 tribes on federal Indian reservations.

39 **Sec. 14. 30 MRSA §6209-B, sub-§3,** as enacted by PL 1995, c. 388, §6 and  
40 affected by §8, is amended to read:

41 **3. Lesser included criminal offenses in state courts.** In any criminal proceeding in  
42 the courts of the State in which a ~~eriminal-offense~~ crime or juvenile crime under the  
43 exclusive jurisdiction of the Penobscot Nation constitutes a lesser included criminal offense  
44 of the ~~eriminal-offense~~ crime or juvenile crime charged, the defendant may be convicted or

1 the juvenile adjudicated in the courts of the State of the lesser included criminal offense. A  
2 lesser included criminal offense is as defined under the laws of the State.

3 **Sec. 15. 30 MRSA §6209-B, sub-§4**, as amended by PL 2019, c. 621, Pt. C, §3  
4 and affected by §4, is further amended to read:

5 **4. Double jeopardy, collateral estoppel.** A prosecution for a eriminal-offense crime  
6 or juvenile crime over which the Penobscot Nation has exclusive jurisdiction under this  
7 section does not bar a prosecution for a eriminal-offense crime or juvenile crime, arising  
8 out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for  
9 a eriminal-offense crime over which the Penobscot Nation has concurrent jurisdiction under  
10 this section does not bar a prosecution for a eriminal-offense crime, arising out of the same  
11 conduct, over which the State has exclusive jurisdiction. A prosecution for a eriminal  
12 offense crime over which the State has concurrent jurisdiction under this section does not  
13 bar a prosecution for a eriminal-offense crime, arising out of the same conduct, over which  
14 the Penobscot Nation has exclusive jurisdiction. A prosecution for a eriminal-offense crime  
15 or juvenile crime over which the State has exclusive jurisdiction does not bar a prosecution  
16 for a eriminal-offense crime or juvenile crime, arising out of the same conduct, over which  
17 the Penobscot Nation has exclusive jurisdiction under this section. The determination of  
18 an issue of fact in a criminal or juvenile proceeding conducted in a tribal forum does not  
19 constitute collateral estoppel in a criminal or juvenile proceeding conducted in a state court.  
20 The determination of an issue of fact in a criminal or juvenile proceeding conducted in a  
21 state court does not constitute collateral estoppel in a criminal or juvenile proceeding  
22 conducted in a tribal forum.

23 **Sec. 16. 30 MRSA §6209-C**, as corrected by RR 2011, c. 1, §45, is amended to  
24 read:

25 **§6209-C. Jurisdiction of the Houlton Band of Maliseet Indians Tribal Court**

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

29 A. ~~Criminal offenses for which the maximum potential term of imprisonment does not~~  
30 ~~exceed one year and the maximum potential fine does not exceed \$5,000 and that are~~  
31 Class C, D and E crimes committed on the Houlton Band Jurisdiction Trust Land by a  
32 member of ~~the Houlton Band of Maliseet Indians~~ a federally recognized Indian tribe,  
33 nation, band or other group, except when committed against a person who is not a  
34 member of ~~the Houlton Band of Maliseet Indians~~ any federally recognized Indian tribe,  
35 nation, band or other group or against the property of a person who is not a member of  
36 ~~the Houlton Band of Maliseet Indians~~ any federally recognized Indian tribe, nation,  
37 band or other group. The Houlton Band of Maliseet Indians may not deny to any  
38 criminal defendant prosecuted under this paragraph for a Class C crime the rights and  
39 protections enumerated in 25 United States Code, Section 1302(c);

40 B. Juvenile crimes against a person or property involving conduct that, if committed  
41 by an adult, would fall within the exclusive jurisdiction of the Houlton Band of  
42 Maliseet Indians under paragraph A and juvenile crimes, as defined in Title 15, section  
43 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the  
44 Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation  
45 on the Houlton Band Jurisdiction Trust Land;

1 C. Civil actions between members of the Passamaquoddy Tribe, the Houlton Band of  
2 Maliseet Indians or the Penobscot Nation arising on the Houlton Band Jurisdiction  
3 Trust Land and cognizable as small claims under the laws of the State and civil actions  
4 against a member of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians  
5 or the Penobscot Nation under Title 22, section 2383 involving conduct on the Houlton  
6 Band Jurisdiction Trust Land by a member of the Passamaquoddy Tribe, the Houlton  
7 Band of Maliseet Indians or the Penobscot Nation;

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

10 E. Other domestic relations matters, including marriage, divorce and support, between  
11 members of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the  
12 Penobscot Nation, both of whom reside within the Houlton Band Jurisdiction Trust  
13 Land.

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

30 ~~**1-A. Exclusive jurisdiction over Penobscot Nation members.** The Houlton Band~~  
31 ~~of Maliseet Indians has the right to exercise exclusive jurisdiction, separate and distinct~~  
32 ~~from the State, over:~~

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

42 ~~B. Juvenile crimes against a person or property involving conduct that, if committed~~  
43 ~~by an adult, would fall within the exclusive jurisdiction of the Houlton Band of~~  
44 ~~Maliseet Indians under paragraph A and juvenile crimes, as defined in Title 15, section~~

1 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the  
2 Penobscot Nation on the Houlton Band Jurisdiction Land;

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

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

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

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

18 **1-B. Exclusive jurisdiction over Passamaquoddy Tribe members.** The Houlton  
19 Band of Maliseet Indians has the right to exercise exclusive jurisdiction, separate and  
20 distinct from the State, over:

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

30 B. Juvenile crimes against a person or property involving conduct that, if committed  
31 by an adult, would fall within the exclusive jurisdiction of the Houlton Band of  
32 Maliseet Indians under paragraph A and juvenile crimes, as defined in Title 15, section  
33 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the  
34 Passamaquoddy Tribe on the Houlton Band Jurisdiction Land;

35 C. Civil actions between a member of those federally recognized Indian tribes  
36 otherwise subject to the exclusive jurisdiction of the Houlton Band of Maliseet Indians  
37 under this subsection and members of the Passamaquoddy Tribe arising on the Houlton  
38 Band Jurisdiction Land and cognizable as small claims under the laws of the State and  
39 civil actions against a member of the Passamaquoddy Tribe under Title 22, section  
40 2383 involving conduct on the Houlton Band Jurisdiction Land by a member of the  
41 Passamaquoddy Tribe;

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

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

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

7 **1-C. Concurrent jurisdiction over certain criminal offenses.** The Houlton Band of  
8 Maliseet Indians has the right to exercise jurisdiction, concurrently with the State, over the  
9 following crimes:

10 A. Class D crimes set out under Title 17-A, sections 207-A, 209-A, 210-B, 210-C and  
11 211-A and Title 19-A, section 4011 committed by a person who is not a member of  
12 any federally recognized Indian tribe, nation, band or other group on the Houlton Band  
13 Trust Land against a person or property of a person who is a member of a federally  
14 recognized Indian tribe, nation, band or other group. The concurrent jurisdiction  
15 authorized by this paragraph does not include offenses committed by a juvenile; and

16 B. Class C, D and E crimes committed within Houlton Band Trust Land by a member  
17 of a federally recognized Indian tribe, nation, band or other group committed against a  
18 person who is not a member of any federally recognized Indian tribe, nation, band or  
19 other group or against the property of a person who is not a member of any federally  
20 recognized Indian tribe, nation, band or other group. The Houlton Band of Maliseet  
21 Indians may not deny to any criminal defendant prosecuted under this paragraph for a  
22 Class C crime the rights and protections enumerated in 25 United States Code, Section  
23 1302(c).

24 The governing body of the Houlton Band of Maliseet Indians shall decide whether to  
25 exercise or terminate the exercise of jurisdiction authorized by this subsection.  
26 Notwithstanding subsection 2, the Houlton Band of Maliseet Indians may not deny to any  
27 criminal defendant prosecuted under this subsection the right to a jury of 12, the right to a  
28 unanimous jury verdict, the rights and protections enumerated in 25 United States Code,  
29 Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is  
30 necessary under the United States Constitution in order for the State to authorize concurrent  
31 jurisdiction under this subsection. If a criminal defendant prosecuted under this subsection  
32 moves to suppress statements on the ground that they were made involuntarily, the  
33 prosecution has the burden to prove beyond a reasonable doubt that the statements were  
34 made voluntarily.

35 In exercising the concurrent jurisdiction authorized by this subsection, the Houlton Band  
36 of Maliseet Indians is deemed to be enforcing Houlton Band tribal law. The definitions of  
37 the criminal offenses and the punishments applicable to those criminal offenses over which  
38 the Houlton Band of Maliseet Indians has concurrent jurisdiction under this subsection are  
39 governed by the laws of the State. Issuance and execution of criminal process also are  
40 governed by the laws of the State.

41 **1-D. Exclusive jurisdiction of the State.** Except as provided in subsection 1,  
42 paragraphs A and B and subsection 1-C, all laws of the State relating to crimes and juvenile  
43 crimes apply within Houlton Band Trust Land and the State has exclusive jurisdiction over  
44 those offenses and crimes. Nothing in subsection 1 or 1-C affects, alters or preempts the

1 ability or authority of the Attorney General to investigate or prosecute any conduct  
2 occurring in the State, including on Houlton Band Trust Land.

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

15 **2-A. Criminal records, juvenile records and fingerprinting.** At the arraignment of  
16 a criminal defendant, the Houlton Band of Maliseet Indians Tribal Court shall inquire  
17 whether fingerprints have been taken or whether arrangements have been made for  
18 fingerprinting. If neither has occurred, the Houlton Band of Maliseet Indians Tribal Court  
19 shall instruct both the responsible law enforcement agency and the person charged as to  
20 their respective obligations in this regard, consistent with Title 25, section 1542-A.

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

30 **3. Lesser included criminal offenses in state courts.** In any criminal proceeding in  
31 the courts of the State in which a ~~eriminal offense~~ crime or juvenile crime under the  
32 exclusive jurisdiction of the Houlton Band of Maliseet Indians constitutes a lesser included  
33 criminal offense of the ~~eriminal offense~~ crime or juvenile crime charged, the defendant  
34 may be convicted or the juvenile adjudicated in the courts of the State of the lesser criminal  
35 included offense. A lesser included criminal offense is as defined under the laws of the  
36 State.

37 **4. Double jeopardy; collateral estoppel.** A prosecution for a ~~eriminal offense~~ crime  
38 or juvenile crime over which the Houlton Band of Maliseet Indians has exclusive  
39 jurisdiction under this section does not bar a prosecution for a ~~eriminal offense~~ crime or  
40 juvenile crime arising out of the same conduct over which the State has exclusive  
41 jurisdiction. A prosecution for a crime over which the Houlton Band of Maliseet Indians  
42 has concurrent jurisdiction under this section does not bar a prosecution for a crime, arising  
43 out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for  
44 a crime over which the State has concurrent jurisdiction under this section does not bar a  
45 prosecution for a crime, arising out of the same conduct, over which the Houlton Band of  
46 Maliseet Indians has exclusive jurisdiction. A prosecution for a ~~eriminal offense~~ crime or

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

9 **5. Houlton Band Jurisdiction Land.** For the purposes of this section, "~~Houlton Band~~  
10 ~~Jurisdiction Land~~" means only the Houlton Band Trust Land described as follows:

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

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

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

23 **6. Effective date; full faith and credit.** ~~This section takes effect only if the State, the~~  
24 ~~Passamaquoddy Tribe and the Penobscot Nation agree to give full faith and credit to the~~  
25 ~~judicial proceedings of the Houlton Band of Maliseet Indians and the Houlton Band of~~  
26 ~~Maliseet Indians agrees to give full faith and credit to the judicial proceedings of the State,~~  
27 ~~the Passamaquoddy Tribe and the Penobscot Nation.~~

28 **Sec. 17. Contingent effective date.** This Act takes effect 120 days after  
29 adjournment of the First Special Session of the 130th Legislature only if, within 90 days  
30 after adjournment of the First Special Session of the 130th Legislature, the Secretary of  
31 State receives written certification from the Joint Tribal Council of the Passamaquoddy  
32 Tribe that the tribe has agreed to the provisions of this Act; the Governor and the Council  
33 of the Penobscot Nation that the nation has agreed to the provisions of this Act; and the  
34 Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to  
35 the provisions of this Act, copies of which must be submitted by the Secretary of State to  
36 the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.

## 37 SUMMARY

38 In this summary, the Maine Revised Statutes, Title 30, chapter 601, which is titled AN  
39 ACT to Implement the Maine Indian Claims Settlement and was enacted by Public Law  
40 1979, chapter 732, is referred to as "the Maine Implementing Act" and the federal Maine  
41 Indian Claims Settlement Act of 1980, Public Law 96-420, formerly codified as 25 United  
42 States Code, Sections 1721 to 1735, is referred to as "the federal Settlement Act." The  
43 federal Settlement Act ratified the Maine Implementing Act, and both have an effective

1 date of October 10, 1980. This bill makes changes to the sections of the Maine  
2 Implementing Act describing land acquisition and criminal jurisdiction.

3 This bill extends the opportunity for tribal land acquisition to December 31, 2040 for  
4 both the Passamaquoddy Tribe and the Penobscot Nation to add to their respective trust  
5 lands under the Maine Implementing Act. It also establishes a new category of land, the  
6 designated area for land acquisition. It provides that for the purposes of meeting the initial  
7 threshold of 150,000 acres, additional lands within the designated area for land acquisition  
8 that are contiguous to existing tribal lands may be purchased and certified by the United  
9 States Secretary of the Interior by January 31, 2030, for the benefit of the Passamaquoddy  
10 Tribe or Penobscot Nation.

11 The Maine Implementing Act currently limits the criminal jurisdiction of the  
12 Passamaquoddy Tribal Court and the Penobscot Nation Tribal Court as well as the potential  
13 criminal jurisdiction of the Houlton Band of Maliseet Indians Tribal Court. Federal Indian  
14 law provides broader jurisdiction for tribal courts. This bill repeals most of the state  
15 limitations and recognizes and adopts most of federal Indian law, including the Indian Civil  
16 Rights Act of 1968, the Tribal Law and Order Act of 2010 and other federal laws addressing  
17 tribal court jurisdiction and the obligations of the tribal courts. This bill amends the Maine  
18 Implementing Act to make equal the exclusive criminal jurisdiction of the Passamaquoddy  
19 Tribal Court and the Houlton Band of Maliseet Indians Tribal Court with the exclusive  
20 criminal jurisdiction of the Penobscot Nation Tribal Court over offenses committed by  
21 Indian defendants against Indian victims or for which there is no victim. This bill further  
22 amends the Maine Implementing Act to recognize the criminal jurisdiction of the  
23 Passamaquoddy Tribal Court, the Penobscot Nation Tribal Court and the Houlton Band of  
24 Maliseet Indians Tribal Court to impose the maximum penalties other tribal courts are  
25 authorized to impose under the federal Tribal Law and Order Act of 2010, as long as the  
26 due process protections required by that Act are observed.

27 This bill amends state law to recognize tribal court jurisdiction, concurrent with the  
28 state courts, over offenses committed on tribal lands by Indian defendants against non-  
29 Indian victims, subject to the maximum penalty provisions and due process requirements  
30 of the federal Tribal Law and Order Act of 2010.

31 This bill retains current law providing that the exclusive authority of the  
32 Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to  
33 exercise criminal jurisdiction over Indians on tribal lands remains at the discretion of the  
34 tribe, nation and band. To the extent that the tribe, nation or band does not exercise, or  
35 terminates its exercise of, exclusive criminal jurisdiction, the State has exclusive  
36 jurisdiction over those matters.

37 Unlike current law, this bill recognizes each tribal government's authority to define all  
38 crimes and juvenile offenses committed on its tribal lands over which the tribal court has  
39 exclusive or concurrent criminal jurisdiction. This bill, however, retains the authority of  
40 the State to define all crimes and juvenile offenses committed on tribal lands over which  
41 state courts have exclusive or concurrent jurisdiction.

42 The bill takes effect 120 days after adjournment of the First Special Session of the  
43 130th Legislature only if, within 90 days after adjournment of the First Special Session of  
44 the 130th Legislature, the Secretary of State receives written certification from: the Joint  
45 Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to its provisions; the



1 Governor and the Council of the Penobscot Nation that the nation has agreed to its  
2 provisions; and the Houlton Band Council of the Houlton Band of Maliseet Indians that the  
3 band has agreed to its provisions.