

Committee: JUD
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 New Title? No
 Add Emergency? No

**Rep. Talbot Ross's Revised Proposed Amendment
 For Work Session 3/15/22**

*★ = identifies a change of note when compared to the
 proposed amendment from the 3/4/22 work session*

File Name: G:\COMMITTEES\JUD\BILL WORKING FILES\130th\LD 1626\amend. for 3.15.22 ws\Rep. Talbot Ross Proposed Amend. (3.15.22 WS).docx
 Date: 3/14/22

Rep. Talbot Ross's Proposed Amendment to LD 1626
 Amendments to the bill are shown highlighted

**An Act Implementing the Recommendations of the Task Force on Changes to
 the Maine Indian Claims Settlement Implementing Act**

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

Sec. 1. 12 MRSA §685-C, sub-§10, as enacted by PL 1997, c. 739, §1, is amended to read:

10. Operating a personal watercraft. Operating a personal watercraft is prohibited on the following categories of great ponds:

- A. Great ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission pursuant to subsection 1 as being not accessible within 1/4 mile by 2-wheel drive vehicles, with less than one development unit per mile, and at least one outstanding resource value;
- B. Great ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission as being accessible within 1/4 mile by 2-wheel drive vehicles, with less than one development unit per mile, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character;
- C. Great ponds and smaller ponds located entirely or partly within the jurisdiction of the commission that are identified in an official comprehensive land use plan adopted by the commission as being not accessible within 1/2 mile by 2-wheel drive vehicles, with no more than one noncommercial remote camp and with a cold water game fishery; and
- D. Great ponds with less than all but more than 2/3 of their surface area in or partly in the jurisdiction of the commission that are identified as being of statewide significance in the "Maine Wildlands Lake Assessment" dated June 1, 1987 prepared by the commission, with 2 or more outstanding resource values in fisheries, wildlife, scenic or shore character and with more than 1/2 of their shoreline in public and private conservation ownership with guaranteed public access for low-impact public recreation.

The commission shall implement this subsection by rule adopted in accordance with section 685-A. Rules adopted to implement this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

~~This section does not apply to any waters subject to regulation by the Maine Indian Tribal State Commission under Title 30, section 6207, subsection 3-A.~~

Sec. 2. 30 MRSA §6202, as enacted by PL 1979, c. 732, §§1 and 31, is amended to read:

§6202. Legislative findings and declaration of policy

The Legislature finds and declares the following.

The Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians ~~are asserting~~ asserted claims for possession of large areas of land in the State and for damages alleging that the lands in question originally were transferred by treaty or otherwise taken in violation of the Indian Trade and Intercourse Act of 1790, 1 Stat. 137, or subsequent reenactments or versions thereof.

~~Substantial~~ At the time, the prospect that these claims would not be promptly resolved threatened to create substantial economic and social hardship could be created for large numbers of landowners, citizens and communities in the State, and therefore to the State as a whole, if these claims are not resolved promptly.

The claims also ~~have~~ produced disagreement between the Indian claimants and the State over the extent of the ~~state's~~ State's jurisdiction in the claimed areas. This disagreement ~~has~~ resulted in litigation and, if the claims ~~are~~ had not been resolved, further litigation on jurisdictional issues would ~~be~~ have been likely.

~~The~~ In the late 1970s, the Indian claimants and the State, acting through the Attorney General, ~~have~~ reached certain agreements ~~which represent~~ that represented a good faith effort on the part of all parties to achieve a fair and just resolution of those claims ~~which that~~, in the absence of agreement, would ~~be~~ have been pursued through the courts for many years to the ultimate detriment of the State and all its citizens, including the Indians. The resolution reached among the Indian claimants and the State affirmed the land transfers and the reservations of rights embodied within the specific treaties that gave rise to the claims at issue, and sought to definitively eliminate any prospect that the claims brought by the Indian claimants would cloud private title to land in the State.

~~The foregoing agreement between the Indian claimants and the State also represents a good faith effort by the Indian claimants and the State to achieve a just and fair resolution of their disagreement over jurisdiction on the present Passamaquoddy and Penobscot Indian reservations and in the claimed areas. To that end, the Passamaquoddy Tribe and the Penobscot Nation have agreed to adopt the laws of the State as their own to the extent provided in this Act. The Houlton Band of Maliseet Indians and its lands will be wholly subject to the laws of the State.~~

It is the purpose of this Act to implement in part the foregoing agreement.

1. Rights, privileges, powers, duties and immunities. The purpose of the amendments to this Act enacted in 2021 is to establish that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians enjoy rights, privileges, powers, duties and immunities similar to those of other federally recognized Indian tribes within the United States.

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 and hereby 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~~ lands and other natural resources held in trust for Indians.

Sec. 3. 30 MRSA §6203, as amended by PL 2009, c. 636, Pt. B, §1 and affected by §2, is further amended to read:

§6203. Definitions

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

1. Commission. "Commission" means the Maine Indian Tribal-State Commission created by section 6212.

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

2. Houlton Band of Maliseet Indians. "Houlton Band of Maliseet Indians" means the Maliseet Tribe of Indians as constituted on March 4, 1789, and all its predecessors and successors in interest, ~~which that~~, as of ~~the~~

date of passage of this Act April 3, 1980, are represented, as to lands within the United States, by the Houlton Band Council of the Houlton Band of Maliseet Indians.

★ **2-A. Houlton Band Trust Land.** "Houlton Band Trust Land" means land or other natural resources acquired by the secretary in trust for the Houlton Band of Maliseet Indians, in compliance with the terms of this Act section 6205-A and the Maine Indian Claims Settlement Act of 1980, United States Public Law 96-420, with moneys money from the original \$900,000 congressional appropriation and interest thereon deposited in the Land Acquisition Fund established for the Houlton Band of Maliseet Indians pursuant to United States Public Law 96-420, Section 5, United States Code, Title 25, Section 1724, or with proceeds from a taking of Houlton Band Trust Land for public uses pursuant to the laws of this State or the United States or as otherwise authorized by section 6205-A.

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

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

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

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

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

3. Land or other natural resources. "Land or other natural resources" means any real property or other natural resources, or any interest in or right involving any real property or other natural resources, including, but without limitation, minerals and mineral rights, timber and timber rights, water and water rights and hunting and fishing rights.

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

4-A. Nontribal citizen or nonmember. "Nontribal citizen" or "nonmember" means a person or entity that is not a member of the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians and is not a tribal entity.

5. Passamaquoddy Indian Reservation. "Passamaquoddy Indian Reservation" means those lands reserved to the Passamaquoddy Tribe by agreement with the State Commonwealth of Massachusetts dated September 19, 1794, excepting any parcel within such lands transferred to a person or entity other than a member of the Passamaquoddy Tribe subsequent to such agreement and prior to the effective date of this Act October 10, 1980. If any lands reserved to the Passamaquoddy Tribe by the aforesaid agreement hereafter are acquired by the Passamaquoddy Tribe, or the secretary on its behalf, that land shall must be included within the Passamaquoddy Indian Reservation. For purposes of this subsection, the lands reserved to the Passamaquoddy Tribe by the aforesaid agreement shall be are limited to Indian Township in Washington County; Pine Island, sometimes referred to as Taylor's Island, located in Big Lake, in Washington County; 100 acres of land located on Nemcass Point, sometimes referred to as Governor's Point, located in Washington County and shown on a survey of John Gardner which that is filed in the Maine State Archives, Executive Council Records, Report Number 264 and dated June 5, 1855; 100 acres of land located at Pleasant Point in Washington County as described in a deed to Captain John Frost from Theodore Lincoln, Attorney for Benjamin Lincoln, Thomas Russell, and John Lowell dated July 14, 1792, and recorded in the Washington County Registry of Deeds on April 27, 1801, at Book 3, Page 73; and those 15 islands in the St. Croix River in existence on September 19, 1794 and located between the head of the tide of that river and the falls below the forks of that river, both of which points are shown on a 1794 plan of Samuel Titcomb which that is filed in the Maine State Archives in Maine Land Office Plan Book Number 1, page 33. The "Passamaquoddy Indian Reservation" includes those lands which that have been or may be

acquired by the Passamaquoddy Tribe within that portion of the Town of Perry ~~which that~~ lies south of Route 1 on the east side of Route 190 and south of lands now owned or formerly owned by William Follis on the west side of Route 190, ~~provided that no such lands may be included in the Passamaquoddy Indian Reservation until the Secretary of State receives certification from the treasurer of the Town of Perry that the Passamaquoddy Tribe has paid to the Town of Perry the amount of \$350,000, provided that the consent of the Town of Perry would be voided unless the payment of the \$350,000 is made within 120 days of the effective date of this section. Any commercial development of those lands must be by approval of the voters of the Town of Perry with the exception of land development currently in the building stages.~~

6. Passamaquoddy Indian territory. "Passamaquoddy Indian territory" means that territory defined by section 6205, subsection 1.

7. Passamaquoddy Tribe. "Passamaquoddy Tribe" means the Passamaquoddy Indian Tribe as constituted on March 4, 1789, and all its predecessors and successors in interest, ~~which that~~, as of ~~the date of passage of this Act~~ April 3, 1980, are represented by the Joint Tribal Council of the Passamaquoddy Tribe, with separate councils at the Indian Township and Pleasant Point Reservations.

8. Penobscot Indian Reservation. "Penobscot Indian Reservation" means the islands in the Penobscot River reserved to the Penobscot Nation by agreement with the States Commonwealth of Massachusetts and the State of Maine consisting solely of Indian Island, also known as Old Town Island, and all islands in that river northward thereof that existed on June 29, 1818; excepting any island transferred to a person or entity other than a member of the Penobscot Nation subsequent to June 29, 1818; and prior to ~~the effective date of this Act~~ October 10, 1980. If any land within Niatow Island is hereafter acquired by the Penobscot Nation, or the secretary on its behalf, that land must be included within the Penobscot Indian Reservation.

The "Penobscot Indian Reservation" includes the following parcels of land that have been or may be acquired by the Penobscot Nation from Bangor Pacific Hydro Associates as compensation for flowage of reservation lands by the West Enfield dam: A parcel located on the Mattagamom Gate Road and on the East Branch of the Penobscot River in T.6 R.8 ~~WELS W.E.L.S.~~, which is a portion of the "Mattagamom Lake Dam Lot" and has an area of approximately 24.3 acres, and Smith Island in the Penobscot River, which has an area of approximately one acre.

The "Penobscot Indian Reservation" also includes a certain parcel of land located in Argyle, Penobscot County consisting of approximately 714 acres known as the Argyle East Parcel and more particularly described as Parcel One in a deed from the Penobscot Indian Nation to the United States of America dated November 22, 2005 and recorded at the Penobscot County Registry of Deeds in Book 10267, Page 265.

9. Penobscot Indian territory. "Penobscot Indian territory" means that territory defined by section 6205, subsection 2.

10. Penobscot Nation. "Penobscot Nation" means the Penobscot Indian Nation as constituted on March 4, 1789, and all its predecessors and successors in interest, ~~which that~~, as of ~~the date of passage of this Act~~ April 3, 1980, are represented by the Penobscot Reservation Tribal Council.

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

12. Settlement Fund. "Settlement Fund" means the trust fund established for the Passamaquoddy Tribe and Penobscot Nation by the United States pursuant to congressional legislation ~~extinguishing~~ extinguishing aboriginal land claims in Maine.

13. Transfer. "Transfer" includes, but is not necessarily limited to, any voluntary or involuntary sale, grant, lease, allotment, partition or other conveyance; any transaction the purpose of which was to effect a sale, grant, lease, allotment, partition or other conveyance; and any act, event or circumstance that resulted in a change in title to, possession of, dominion over, or control of land or other natural resources.

14. Tribal entity. "Tribal entity" means an entity, including but not limited to a corporation, partnership, limited liability company or other enterprise, that is owned by the Passamaquoddy Tribe, the Penobscot Nation or

the Houlton Band of Maliseet Indians or the tribe's, nation's or band's members, or of which more than 50% of the ownership interests are held in aggregate by the tribe, nation or band, the tribe's, nation's or band's members, or any combination thereof when more than 50% of ownership interests are held by any combination of the tribe, nation or band and the tribe's, nation's or band's members. For the purpose of this Title subsection, "member" includes a married couple, at least one of whom is an enrolled tribal member.

Sec. 4. 30 MRSA §6204, as enacted by PL 1979, c. 732, §§1 and 31, is repealed.

Sec. 5. 30 MRSA §6205, as amended by PL 2013, c. 91, §§1 and 2 and affected by §3, is further amended to read:

§6205. Indian territory

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

A. The Passamaquoddy Indian Reservation;

B. The first 150,000 acres of land acquired by the secretary for the benefit of the Passamaquoddy Tribe from the following areas or lands to the extent that those lands are acquired by the secretary prior to January 31, 1991, are not held in common with any other person or entity and are certified by the secretary by January 31, 1991, as held for the benefit of the Passamaquoddy Tribe:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (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.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.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.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of 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 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 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P. (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and any lands in Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991;

B-1. A total of 150,000 acres of land acquired by the secretary for the benefit of the Passamaquoddy Tribe within Aroostook County, Franklin County, Hancock County, Penobscot County, Piscataquis County, or Washington County or Somerset County that meets the following requirements:

(1) The secretary acquired the land for the benefit of the Passamaquoddy Tribe under this paragraph:

(a) On or before the effective date of this subparagraph;

(b) After the effective date of this subparagraph and the land is not located within a city, town, village or plantation; or

(c) Except as provided in paragraph F, after the effective date of this subparagraph and the land is located within the borders of a city, town, village or plantation;

(2) Before the secretary acquires land for the benefit of the Passamaquoddy Tribe under subparagraph (1), division (c), the Passamaquoddy Tribe and the relevant city, town, village or plantation must have entered into an agreement:

(a) Under which the Passamaquoddy Tribe is required:

(i) To make an annual payment in lieu of taxes on the land that equals the amount of taxes levied on that land by the relevant taxing authority for the benefit of the relevant city, town, village or plantation immediately prior to the date on which the Passamaquoddy Tribe acquired the land; or

(ii) To comply with an alternative to payment in lieu of taxes under subdivision (i) that is mutually agreeable to the Passamaquoddy Tribe and the relevant city, town, village or plantation within whose borders the land is located or that is established by an arbitration panel under this paragraph;

(b) Governing cooperation for mutual aid regarding which government will be responsible for local law enforcement over the land; and

(c) Regarding the use by the Passamaquoddy Tribe of the land in a manner that is:

(i) Not contrary to the local zoning ordinances in place prior to the date on which the Passamaquoddy Tribe acquires the land or is consistent with existing uses of land occurring within the city, town, village or plantation; or

(ii) Agreed to between the Passamaquoddy Tribe and the relevant city, town, village or plantation within whose borders the land is located or established by an arbitration panel under this paragraph; and

(3) If any of the agreements required by subparagraph (2) are not in place within 90 days from the date the Passamaquoddy Tribe provides written notice to the city, town, village or plantation of the need to develop agreements to meet the requirements of subparagraph (2), either party may submit any dispute, claim, question or disagreement regarding the requirements of subparagraph (2) to binding arbitration, which must be governed by the rules of the American Arbitration Association or its successor organization unless other rules are agreed to by both parties. The parties shall submit their last best offer regarding the matter to the arbitration panel, and the panel shall decide which last best offer on the matter best meets the applicable requirements of subparagraph (2);

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

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

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

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

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

D-2. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in Centerville conveyed by Bertram C. Tackeff to the Passamaquoddy Tribe by quitclaim deed dated May 4, 1982, recorded in the Washington County Registry of Deeds in Book 1178, Page 35, to the extent that the land ~~is acquired by the~~

secretary prior to January 31, 2023, is not held in common with any other person or entity and is certified by the secretary by January 31, 2023 as held for the benefit of the Passamaquoddy Tribe; and

E. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in Township 21 consisting of Gordon Island in Big Lake, conveyed by Domtar Maine Corporation to the Passamaquoddy Tribe by corporate quitclaim deed dated April 30, 2002, recorded in the Washington County Registry of Deeds in Book 2624, Page 301, to the extent that the land is acquired by the secretary prior to January 31, 2017, is not held in common with any other person or entity and is certified by the secretary by January 31, 2017 as held for the benefit of the Passamaquoddy Tribe; and

F. Lands owned in fee simple by the Passamaquoddy Tribe on the effective date of this paragraph that the Passamaquoddy Tribe requests to have acquired in trust status by the secretary for the benefit of the Passamaquoddy Tribe, as long as the lands are within the geographic area and acreage restrictions set forth in paragraph B-1. Notwithstanding any provision of this Act to the contrary, the addition of lands owned in fee simple by the Passamaquoddy Tribe to the Passamaquoddy Indian territory pursuant to this paragraph is not subject to approval by any city, town, village or plantation within the State.

★ G. Lands acquired in trust by the secretary for the benefit of the Passamaquoddy Tribe pursuant to any applicable federal Indian law, including but not limited to the federal Indian Reorganization Act, Public Law 73-383, and its implementing regulations as described in subsection 6.

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

A. The Penobscot Indian Reservation; and

B. ~~The first 150,000 acres of land acquired by the secretary for the benefit of the Penobscot Nation from the following areas or lands to the extent that those lands are acquired by the secretary prior to January 31, 2021, are not held in common with any other person or entity and are certified by the secretary by January 31, 2021, as held for the Penobscot Nation:~~

~~The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (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.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.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.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of 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 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 portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle; any land acquired in Williamsburg T.6, R.8, N.W.P.; any 300 acres in Old Town mutually agreed upon by the City of Old Town and the Penobscot Nation Tribal Government, provided that the mutual agreement must be finalized prior to August 31, 1991; any lands in Lakeville acquired by the Penobscot Nation before January 1, 1991; and all the property acquired by the Penobscot Indian Nation from Herbert C. Haynes, Jr., Herbert C. Haynes, Inc. and Five Islands Land Corporation located in Township 1, Range 6 W.E.L.S.~~

B-1. A total of 150,000 acres of land acquired by the secretary for the benefit of the Penobscot Nation within Aroostook County, Franklin County, Hancock County, Penobscot County, Piscataquis County or Somerset County that meets the following requirements:

(1) The secretary acquired the land for the benefit of the Penobscot Nation under this paragraph:

(a) On or before the effective date of this subparagraph;

(b) After the effective date of this subparagraph and the land is not located within a city, town, village or plantation; or

(c) After the effective date of this subparagraph and the land is located within the borders of a city, town, village or plantation;

(2) Before the secretary acquires land for the benefit of the Penobscot Nation under subparagraph (1), division (c), the Penobscot Nation and the relevant city, town, village or plantation must have entered into an agreement:

(a) Under which the Penobscot Nation is required:

(i) To make an annual payment in lieu of taxes on the land that equals the amount of taxes levied on that land by the relevant taxing authority for the benefit of the relevant city, town, village or plantation immediately prior to the date on which the Penobscot Nation acquires the land; or

(ii) To comply with an alternative to payment in lieu of taxes under subdivision (i) that is mutually agreeable to the Penobscot Nation and the relevant city, town, village or plantation within whose borders the land is located or that is established by an arbitration panel under this paragraph;

(b) Governing cooperation for mutual aid regarding which government will be responsible for local law enforcement over the land; and

(c) Regarding the use by the Penobscot Nation of the land in a manner that is:

(i) Not contrary to the local zoning ordinances in place prior to the date on which the Penobscot Nation acquires the land or is consistent with existing uses of land occurring within the city, town, village or plantation; or

(ii) Agreed to between the Penobscot Nation and the relevant city, town, village or plantation within whose borders the land is located or established by an arbitration panel under this paragraph; and

(3) If any of the agreements required by subparagraph (2) are not in place within 90 days from the date the Penobscot Nation provides written notice to the city, town, village or plantation of the need to develop agreements to meet the requirements of subparagraph (2), either party may submit any dispute, claim, question or disagreement regarding the requirements of subparagraph (2) to binding arbitration, which must be governed by the rules of the American Arbitration Association or its successor organization unless other rules are agreed to by both parties. The parties shall submit their last best offer regarding the matter to the arbitration panel, and the panel shall decide which last best offer on the matter best meets the applicable requirements of subparagraph (2).

★ C. Lands acquired in trust by the secretary for the benefit of the Penobscot pursuant to any applicable federal Indian law, including but not limited to the federal Indian Reorganization Act, Public Law 73-383, and its implementing regulations as described in subsection 6.

3. Takings under the laws of the State.

~~A. Prior to any taking of land for public uses within either the Passamaquoddy Indian Reservation or the Penobscot Indian Reservation, the public entity proposing the taking, or, in the event of a taking proposed by a public utility, the Public Utilities Commission, shall be required to find that there is no reasonably feasible alternative to the proposed taking. In making this finding, the public entity or the Public Utilities Commission shall compare the cost, technical feasibility, and environmental and social impact of the available alternatives, if any, with the cost, technical feasibility and environmental and social impact of the proposed taking. Prior to making this finding, the public entity or Public Utilities Commission, after notice to the affected tribe or nation, shall conduct a public hearing in the manner provided by the Maine Administrative Procedure Act, on~~

~~the affected Indian reservation. The finding of the public entity or Public Utilities Commission may be appealed to the Maine Superior Court.~~

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

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

~~**4. Taking under the laws of the United States.** In the event of a taking of land within the Passamaquoddy Indian territory or the Penobscot Indian territory for public uses in accordance with the laws of the United States and the reinvestment of the moneys received from such taking within 2 years of the date on which the moneys are received, the status of the lands acquired by such reinvestment shall be determined in accordance with subsection 3, paragraph B.~~

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

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

~~**6. Acquisition of additional trust land.** Nothing in this Act limits the ability of the Passamaquoddy Tribe and the Penobscot Nation to acquire trust land or other natural resources in accordance with applicable settlement acts and federal Indian law, including but not limited to the federal Indian Reorganization Act, Public Law 73-383, and their implementing regulations. Except as required by federal Indian law or as required in subsection 1,~~

paragraph B-1 and subsection 2, paragraph B-1, acquisition of trust land or natural resources is not subject to approval by the State or any local government within the State.

★ **Sec. 6. 30 MRSA §6205-A is repealed.** [*The bill amended this section, but now it is repealed/replaced*]

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

§6205-B. Acquisition of Houlton Band Trust Land

1. Acquisition. Lands or other natural resources acquired by the secretary for the benefit of the Houlton Band of Maliseet Indians in accordance with the requirements of the Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, United States Public Law 99-566 are included within Houlton Band Trust Land.

2. Acquisition of additional trust land. Nothing in this Act limits the ability of the Houlton Band of Maliseet Indians to acquire trust land or other natural resources in accordance with applicable settlement acts and federal Indian law, including but not limited to the federal Indian Reorganization Act, Public Law 73-383, and their implementing regulations. Except as required by federal Indian law, acquisition of trust land or natural resources is not subject to approval by the State or any local government within the State. Such lands or natural resources are included within Houlton Band Trust Land.

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

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

1. General Powers powers. Except as otherwise provided specified in this Act, the State, the Passamaquoddy Tribe and, the Penobscot Nation, within their respective Indian territories, shall and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 and hereby recognize that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their respective members have; and may exercise and enjoy all the rights, privileges, powers, duties and immunities, including, but without limitation, the power to enact ordinances and collect taxes, and shall be subject to all the duties, obligations, liabilities and limitations of a municipality of and subject to the laws of the State, provided, however, that internal tribal matters, including membership in the respective tribe or nation, the right to reside within the respective Indian territories, tribal organization, tribal government, tribal elections and the use or disposition of settlement fund income shall not be subject to regulation by the State. The Passamaquoddy Tribe and the Penobscot Nation shall designate such officers and officials as are necessary to implement and administer those laws of the State applicable to the respective Indian territories and the residents thereof. Any resident of the Passamaquoddy Indian territory or the Penobscot Indian territory who is not a member of the respective tribe or nation nonetheless shall be equally entitled to receive any municipal or governmental services provided by the respective tribe or nation or by the State, except those services which are provided exclusively to members of the respective tribe or nation pursuant to state or federal law, and shall be entitled to vote in national, state and county elections in the same manner as any tribal member residing within Indian territory that federally recognized Indian tribes and their members generally have or exercise under federal Indian law, including laws and regulations of the United States enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and laws and regulations 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 held in trust for Indians.

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

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

~~A. Section 6209-A.~~

~~B. Section 6209-B.~~

Sec. 8. 30 MRSA §6206-A, as enacted by PL 1981, c. 675, §§3 and 8, is repealed.

Sec. 9. 30 MRSA §6206-B, as amended by PL 2009, c. 384, Pt. A, §1 and affected by §4, is repealed.

Sec. 10. 30 MRSA §6207, as amended by PL 1997, c. 739, §12 and affected by §§13 and 14, is further amended to read:

§6207. Regulation of fish fishing, hunting, trapping and other taking of wildlife resources

~~1. **Adoption of ordinances by tribe.** Subject to the limitations of subsection 6, the Passamaquoddy Tribe and the Penobscot Nation each shall have exclusive authority within their respective Indian territories to promulgate and enact ordinances regulating:~~

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

~~B. Taking of fish on any pond in which all the shoreline and all submerged lands are wholly within Indian territory and which is less than 10 acres in surface area.~~

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

1-A. **Jurisdiction of tribes.** Except as otherwise specified in subsections 2-A and 3, the State recognizes the exclusive jurisdiction that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians have under federal Indian law to regulate fishing, hunting, trapping and other taking of wildlife within the boundaries of their respective Indian territory or trust land by:

A. Tribal members of any federally recognized Indian tribes; and

B. Nontribal citizens.

~~2. **Registration stations.** The Passamaquoddy Tribe and the Penobscot Nation shall establish and maintain registration stations for the purpose of registering bear, moose, deer and other wildlife killed within their respective Indian territories and shall adopt ordinances requiring registration of such wildlife to the extent and in substantially the same manner as such wildlife are required to be registered under the laws of the State. These ordinances requiring registration shall be equally applicable to all persons without distinction based on tribal membership. The Passamaquoddy Tribe and the Penobscot Nation shall report the deer, moose, bear and other wildlife killed and registered within their respective Indian territories to the Commissioner of Inland Fisheries and Wildlife of the State at such times as the commissioner deems appropriate. The records of registration of the Passamaquoddy Tribe and the Penobscot Nation shall be available, at all times, for inspection and examination by the commissioner.~~

2-A. **Regulation by State solely for conservation purposes.** Solely for conservation purposes, the State has jurisdiction with respect to the regulation of fishing, hunting, trapping and other taking of wildlife by Indians

off Indian territory or trust land to the extent permitted under federal Indian law and in a manner consistent with reserved tribal treaty rights.

3. Adoption of regulations rules by the commission. ~~Subject to the limitations of subsection 6~~ Except as provided in subsection 4 with respect to sustenance fishing by tribal members within the boundaries of their respective Indian territory or trust land that is subject to the exclusive jurisdiction of the respective tribe, nation or band, the commission ~~shall have~~ has exclusive authority to ~~promulgate~~ adopt fishing rules ~~or regulations on for:~~

- A. Any pond 50% or more of the linear shoreline of which is within Indian territory or trust land, other than ~~those specified in subsection 1, paragraph B,~~ 50% or more of the linear shoreline of which is ponds in which all the shoreline and all submerged lands are wholly within Indian territory or trust land and that are less than 10 acres in surface area;
- B. Any section of a river or stream both sides of which are within Indian territory or trust land; and
- C. Any section of a river or stream one side of which is within Indian territory or trust land for a continuous length of 1/2 mile or more.

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

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

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

~~**3-A. Horsepower and use of motors.** Subject to the limitations of subsection 6, the commission has exclusive authority to adopt rules to regulate the horsepower and use of motors on waters less than 200 acres in surface area and entirely within Indian territory.~~

★ **4. Sustenance fishing and taking of wildlife within the Indian reservations territory or trust land.** Notwithstanding any rule ~~or regulation promulgated~~ adopted by the commission ~~or any other law of the State,~~ the members of the Passamaquoddy Tribe ~~and,~~ the Penobscot Nation and the Houlton Band of Maliseet Indians may take fish, and wildlife within the boundaries of their respective Indian territory, or trust land and Indian reservations, for their individual sustenance subject to the limitations of subsection 6.

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

~~**6. Supervision by Commissioner of Inland Fisheries and Wildlife.** The Commissioner of Inland Fisheries and Wildlife, or his successor, shall be entitled to conduct fish and wildlife surveys within the Indian territories and on waters subject to the jurisdiction of the commission to the same extent as he is authorized to do~~

~~so in other areas of the State. Before conducting any such survey the commissioner shall provide reasonable advance notice to the respective tribe or nation and afford it a reasonable opportunity to participate in such survey. If the commissioner, at any time, has reasonable grounds to believe that a tribal ordinance or commission regulation adopted under this section, or the absence of such a tribal ordinance or commission regulation, is adversely affecting or is likely to adversely affect the stock of any fish or wildlife on lands or waters outside the boundaries of land or waters subject to regulation by the commission, the Passamaquoddy Tribe or the Penobscot Nation, he shall inform the governing body of the tribe or nation or the commission, as is appropriate, of his opinion and attempt to develop appropriate remedial standards in consultation with the tribe or nation or the commission. If such efforts fail, he may call a public hearing to investigate the matter further. Any such hearing shall be conducted in a manner consistent with the laws of the State applicable to adjudicative hearings. If, after hearing, the commissioner determines that any such ordinance, rule or regulation, or the absence of an ordinance, rule or regulation, is causing, or there is a reasonable likelihood that it will cause, a significant depletion of fish or wildlife stocks on lands or waters outside the boundaries of lands or waters subject to regulation by the Passamaquoddy Tribe, the Penobscot Nation or the commission, he may adopt appropriate remedial measures including rescission of any such ordinance, rule or regulation and, in lieu thereof, order the enforcement of the generally applicable laws or regulations of the State. In adopting any remedial measures the commission shall utilize the least restrictive means possible to prevent a substantial diminution of the stocks in question and shall take into consideration the effect that non-Indian practices on non-Indian lands or waters are having on such stocks. In no event shall such remedial measure be more restrictive than those which the commissioner could impose if the area in question was not within Indian territory or waters subject to commission regulation. In any administrative proceeding under this section the burden of proof shall be on the commissioner. The decision of the commissioner may be appealed in the manner provided by the laws of the State for judicial review of administrative action and shall be sustained only if supported by substantial evidence.~~

7. Transportation of game. Fish lawfully taken within Indian territory or trust land or in waters subject to commission regulation and wildlife lawfully taken ~~within on~~ Indian territory or trust land and registered pursuant to ordinances adopted by the Passamaquoddy Tribe ~~and~~, the Penobscot Nation, and the Houlton Band of Maliseet Indians may be transported within the State.

8. Fish and wildlife on ~~non-Indian lands~~ Indian territory or trust land. The commission shall undertake appropriate studies, consult with the Passamaquoddy Tribe ~~and~~, the Penobscot Nation and the Houlton Band of Maliseet Indians and landowners and state officials, and make recommendations to the ~~commissioner~~ Commissioner of Inland Fisheries and Wildlife and the Legislature with respect to implementation of fish and wildlife management policies on ~~non-Indian nontribal~~ lands in order to protect fish and wildlife stocks on lands and water subject to regulation by the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the commission.

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

Sec. 11. 30 MRSA §6207-A is enacted to read:

§6207-A. Land use and natural resources

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 and hereby recognize that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians have the authority to regulate natural resources and land use within the boundaries of their respective Indian territory or trust land to the extent provided in federal Indian law.

Sec. 12. 30 MRSA §6208, as amended by PL 2009, c. 384, Pt. A, §2 and affected by §4, is further amended to read:

§6208. Taxation

1. Settlement Fund income. The Settlement Fund and any portion of such funds or income therefrom distributed to the Passamaquoddy Tribe or the Penobscot Nation or the members thereof ~~shall be~~ are exempt from taxation under the laws of the State.

2. Property taxes. ~~The Passamaquoddy Tribe and the Penobscot Nation shall make payments in lieu of taxes on all real and personal property within their respective Indian territory in an amount equal to that which would otherwise be imposed by a county, a district, the State, or other taxing authority on such real and personal property provided, however, that any real or personal property within Indian territory used by either tribe or nation predominantly for governmental purposes shall be exempt from taxation to the same extent that such real or personal property owned by a municipality is exempt under the laws of the State. The Houlton Band of Maliseet Indians shall make payments in lieu of taxes on Houlton Band Trust Land in an amount equal to that which would otherwise be imposed by a municipality, county, district, the State or other taxing authority on that land or natural resource. Any other real or personal property owned by or held in trust for any Indian, Indian Nation or tribe or band of Indians and not within Indian territory, shall be subject to levy and collection of real and personal property taxes by any and all taxing authorities, including but without limitation municipalities, except that such real and personal property owned by or held for the benefit of and used by the Passamaquoddy Tribe or the Penobscot Nation predominantly for governmental purposes shall be exempt from property taxation to the same extent that such real and personal property owned by a municipality is exempt under the laws of the State.~~

2-A. Payments in lieu of taxes; authority. ~~Any municipality in which Houlton Band Trust Land is located has the authority, at its sole discretion, to enter into agreements with the Houlton Band of Maliseet Indians to accept other funds or other things of value that are obtained by or for the Houlton Band of Maliseet Indians by reason of the trust status of the trust land as replacement for payments in lieu of taxes.~~

~~Any agreement between the Houlton Band of Maliseet Indians and the municipality must be jointly executed by persons duly authorized by the Houlton Band of Maliseet Indians and the municipality and must set forth the jointly agreed value of the funds or other things identified serving as replacement of payments in lieu of taxes and the time period over which such funds or other things may serve in lieu of the obligations of the Houlton Band of Maliseet Indians provided in this section.~~

3. Other taxes. ~~The Passamaquoddy Tribe, the Penobscot Nation, the members thereof, and any other Indian, Indian Nation, or tribe or band of Indians shall be liable for payment of all other taxes and fees to the same extent as any other person or entity in the State. For purposes of this section either tribe or nation, when acting in its business capacity as distinguished from its governmental capacity, shall be deemed to be a business corporation organized under the laws of the State and shall be taxed as such.~~

4. Exclusive jurisdiction; tribal members, tribal entities. 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 and hereby recognize and adopt the application of federal Indian law with regard to the authority of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to exercise exclusive jurisdiction to tax tribal members and tribal entities on their respective Indian territory or trust land, including entities owned by a tribe or tribal member.

5. Not subject to state and local sales taxation. 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 and hereby recognize and adopt the application of federal Indian law with regard to the right of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal members and tribal entities to not be subject to state or local sales taxation on their respective Indian territory or trust land.

★ **6. Not subject to state income tax.** The For taxable years beginning January 1, 2023, 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 and hereby recognize and adopt the application of federal Indian law with regard to the right of the members of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal members and tribal entities who reside who live on Indian territory or trust land

of their respective tribe, nation or band to not be subject to state tax for income earned on their respective Indian territory and or trust land.

7. Not subject to state and local real property tax. 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 and hereby recognize and adopt the application of federal Indian law with regard to the right of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal members and tribal entities to not have their respective Indian territory or trust land be subject to state or local real property tax.

8. Concurrent jurisdiction to tax nontribal citizens. 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 and hereby recognize and adopt the application of federal Indian law with regard to the authority of:

A. The Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to exercise concurrent jurisdiction to tax nontribal citizens on their respective Indian territory or trust land; and

B. State and local governments to exercise concurrent jurisdiction to tax nontribal citizens on Indian territory or trust land unless the State's or local government's jurisdiction is preempted.

9. Sales tax; income tax rule-making authority. This subsection applies to sales tax and income tax based on sales on, in, into, from or otherwise sourced to or income earned on or from activities on or otherwise sourced to Indian territory or trust land owned by of the tribe, nation or band.

A. Notwithstanding any other provision of this Act, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their respective tribal members and tribal entities:

★ (1) Are exempt from state sales tax for sales on, in, into, from or otherwise sourced to their respective Indian territory or trust land; and

(2) Are exempt from state income tax on income earned on or from activities on or otherwise sourced to their respective Indian territory or trust land, as long as the tribal member or tribal entity resides on that Indian territory or trust land.

B. The State shall make payments to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians of the amounts of revenue attributable to the sales tax on nonmembers collected for sales on, in, into, from or otherwise sourced to their respective Indian territory or trust land, reduced by the transfer to the Local Government Fund provided for by Title 30-A, section 5681.

C. The Department of Administrative and Financial Services, Maine Revenue Services may enter into sales tax revenue-sharing agreements with the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians with respect to tax collected on sales on, in, into, from or otherwise sourced to fee lands Indian territory or trust land wholly owned by the tribe, nation or band.

D. The Department of Administrative and Financial Services, Maine Revenue Services may adopt rules to implement this section and shall confer with the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians regarding any proposed rules. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 13. 30 MRSA §6208-A, as enacted by PL 1981, c. 675, §§7 and 8, is repealed.

Sec. 14. 30 MRSA §6209-A, as amended by PL 2019, c. 621, Pt. D, §§1 to 4 and affected by §5, is further amended to read:

§6209-A. Jurisdiction of the Passamaquoddy Tribal Court

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

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

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

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

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

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

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

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

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

B. Class C, D and E crimes committed within Passamaquoddy Indian territory by a member of a federally recognized Indian tribe, nation, band or other group committed against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group. ~~The Passamaquoddy Tribe may~~



~~not deny to any criminal defendant prosecuted under this paragraph for a Class C crime the rights and protections enumerated in 25 United States Code, Section 1302(c).~~

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

In exercising the concurrent jurisdiction authorized by this subsection, the Passamaquoddy Tribe is deemed to be enforcing Passamaquoddy tribal law. The definitions of the criminal offenses and the punishments applicable to those criminal offenses over which the Passamaquoddy Tribe has concurrent jurisdiction under this subsection are governed by the laws of the State, except that the punishments imposed may not exceed the maximum punishments set forth in 25 United States Code Section 1302(a)(7). Issuance and execution of criminal process also are governed by the laws of the State.

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

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

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

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

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

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

4-A. Civil adjudicatory jurisdiction over matters arising on Passamaquoddy Indian territory. The State and the Passamaquoddy Tribe agree and intend pursuant to United States Public Law 96-420 and hereby recognize and adopt the application of federal Indian law with regard to the authority of the Passamaquoddy Tribe to exercise adjudicatory jurisdiction over civil actions arising on Passamaquoddy Indian territory. The courts of the State have adjudicatory jurisdiction over civil actions arising on Passamaquoddy Indian territory to the extent provided by federal Indian law or as otherwise provided in this Act.

5. Future Indian communities. Any 25 or more adult members of the Passamaquoddy Tribe residing within their Indian territory and in reasonable proximity to each other may petition the commission for designation as an extended reservation. If the commission determines, after investigation, that the petitioning Passamaquoddy tribal members constitute an extended reservation, the commission shall establish the boundaries of the extended reservation and recommend to the Legislature that, subject to the approval of the governing body of the Passamaquoddy Tribe, it amend this Act to extend the jurisdiction of the Passamaquoddy Tribe to the extended reservation. The boundaries of an extended reservation may not exceed those reasonably necessary to encompass the petitioning Passamaquoddy tribal members.

Sec. 15. 30 MRSA §6209-B, as amended by PL 2019, c. 621, Pt. C, §§1 to 3 and affected by §4, is further amended to read:

§6209-B. Jurisdiction of the Penobscot Nation Tribal Court

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

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

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

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

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

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

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

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

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

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

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

In exercising the concurrent jurisdiction authorized by this subsection, the Penobscot Nation is deemed to be enforcing Penobscot tribal law. The definitions of the criminal offenses and the punishments applicable to those criminal offenses over which the Penobscot Nation has concurrent jurisdiction under this subsection are governed by the laws of the State, except that the punishments imposed may not exceed the maximum punishments set forth

in 25 United States Code Section 1302(a)(7). Issuance and execution of criminal process also are governed by the laws of the State.

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

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

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

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

3. Lesser included criminal offenses in state courts. In any criminal proceeding in the courts of the State in which a ~~criminal offense~~ crime or juvenile crime under the exclusive jurisdiction of the Penobscot Nation constitutes a lesser included criminal offense of the ~~criminal offense~~ crime or juvenile crime charged, the defendant may be convicted or the juvenile adjudicated in the courts of the State of the lesser included criminal offense. A lesser included criminal offense is as defined under the laws of the State.

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

4-A. Civil adjudicatory jurisdiction over matters arising on Penobscot Indian territory. The State and the Penobscot Nation agree and intend pursuant to United States Public Law 96-420 and hereby recognize and adopt the application of federal Indian law with regard to the authority of the Penobscot Nation to exercise adjudicatory jurisdiction over civil actions arising on Penobscot Indian territory. The courts of the State have adjudicatory jurisdiction over civil actions arising on Penobscot Indian territory to the extent provided by federal Indian law or as otherwise provided in this Act.

5. Future Indian communities. Any 25 or more adult members of the Penobscot Nation residing within their Indian territory and in reasonable proximity to each other may petition the commission for designation as an extended reservation. If the commission determines, after investigation, that the petitioning tribal members constitute an extended reservation, the commission shall establish the boundaries of the extended reservation and recommend to the Legislature that, subject to the approval of the governing body of the Penobscot Nation, it amend this Act to extend the jurisdiction of the Penobscot Nation to the extended reservation. The boundaries of an extended reservation may not exceed those reasonably necessary to encompass the petitioning tribal members.

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

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

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

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

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

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

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

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

The governing body of the Houlton Band of Maliseet Indians shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. The decision to exercise, to terminate the exercise of or to reassert the exercise of jurisdiction under each of the subject areas described by paragraphs A to E may be made separately. Until the Houlton Band of Maliseet Indians notifies the Attorney General that the band has decided to exercise exclusive jurisdiction set forth in any or all of the paragraphs in this subsection, the State has exclusive jurisdiction over those matters. If the Houlton Band of Maliseet Indians chooses not to

exercise or chooses to terminate its exercise of exclusive jurisdiction set forth in any or all of the paragraphs in this subsection, the State has exclusive jurisdiction over those matters until the Houlton Band of Maliseet Indians chooses to exercise its exclusive jurisdiction. When the Houlton Band of Maliseet Indians chooses to reassert the exercise of exclusive jurisdiction over any or all of the areas of the exclusive jurisdiction authorized by this subsection it must first provide 30 days' notice to the Attorney General. ~~Except as provided in subsections 2 and 3, all laws of the State relating to criminal offenses and juvenile crimes apply within the Houlton Band Trust Land and the State has exclusive jurisdiction over those offenses and crimes.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In exercising the concurrent jurisdiction authorized by this subsection, the Houlton Band of Maliseet Indians is deemed to be enforcing Houlton Band tribal law. The definitions of the criminal offenses and the punishments applicable to those criminal offenses over which the Houlton Band of Maliseet Indians has concurrent jurisdiction under this subsection are governed by the laws of the State, except that the punishments imposed may not exceed the maximum punishments set forth in 25 United States Code Section 1302(a)(7). Issuance and execution of criminal process also are governed by the laws of the State.

1-D. Exclusive jurisdiction of the State. Except as provided in subsection 1, paragraphs A and B and subsection 1-C, all laws of the State relating to crimes and juvenile crimes apply within Houlton Band Trust Land and the State has exclusive jurisdiction over those offenses and crimes. Nothing in subsection 1 or 1-C affects, alters or preempts the ability or authority of the Attorney General to investigate or prosecute any conduct occurring in the State, including on Houlton Band Trust Land.

2. Definitions of crimes; tribal procedures. In exercising its exclusive jurisdiction under subsection 1, paragraphs A and B, the Houlton Band of Maliseet Indians is deemed to be enforcing tribal law of the Houlton

Band of Maliseet Indians. The definitions of the ~~criminal offenses crimes~~ and juvenile crimes and the punishments applicable to those ~~criminal offenses crimes~~ and juvenile crimes over which the Houlton Band of Maliseet Indians has exclusive jurisdiction under this section are governed by the laws of the State, except that the punishments imposed may not exceed the maximum punishments set forth in 25 United States Code Section 1302(a)(7). Issuance and execution of criminal process are also governed by the laws of the State. The procedures for the establishment and operation of tribal forums created to effectuate the purposes of this section are governed by federal statute, including, without limitation, the provisions of 25 United States Code, Sections 1301 to 1303 and rules and regulations generally applicable to the exercise of criminal jurisdiction by Indian tribes on federal Indian reservations.

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

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

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

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

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

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

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

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

5-A. Civil adjudicatory jurisdiction over matters arising on Houlton Band Trust Land. The State and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 and hereby recognize and adopt the application of federal Indian law with regard to the authority of the Houlton Band of Maliseet Indians to exercise adjudicatory jurisdiction over civil actions arising on Houlton Band Trust Land. The courts of the State have adjudicatory jurisdiction over civil actions arising on Houlton Band Trust Land to the extent provided by federal Indian law or as otherwise provided in this Act.

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

Sec. 17. 30 MRSA §6209-D, as enacted by PL 2009, c. 384, Pt. C, §1 and affected by §2, is amended to read:

§6209-D. Full faith and credit

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

~~The Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians shall give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Penobscot Nation and the State.~~

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

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

Sec. 18. 30 MRSA §6210, as amended by PL 2019, c. 621, Pt. A, §2 and affected by §3 and amended by Pt. B, §2 and affected by §3, is further amended to read:

§6210. Law enforcement on ~~Indian reservations and within~~ Houlton Band Trust Land, Passamaquoddy Indian territory and Penobscot Indian territory

1. Exclusive authority of tribal law enforcement officers. Law enforcement officers appointed by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation have exclusive authority to enforce, ~~within their respective Indian territories, ordinances adopted under section 6206 and section 6207, subsection 1, and to enforce, on their respective Indian reservations, territory or trust land~~ the criminal, juvenile, civil and domestic relations laws over which the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation have jurisdiction under section 6209-A, subsection 1 ~~and~~, section 6209-B, subsection 1; ~~respectively and section 6209-C, subsection 1.~~

1-A. Appointment of tribal law enforcement officers. The Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation may appoint law enforcement officers who have the authority to enforce the laws of the State that are applicable within Indian territory or trust land. This subsection does not limit the appointment or authority of tribal officers under tribal law or affect the performance of federal duties by tribal officers.

2. Joint authority of tribal and state law enforcement officers. Law enforcement officers appointed by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation have the authority within their respective Indian territories or trust land and state and county law enforcement officers have the authority within ~~both~~ Indian territories territory or and trust land to enforce rules ~~or regulations~~ adopted by the commission under section 6207, subsection 3 and to enforce all laws of the State ~~other than those~~ over which the ~~Passamaquoddy Tribe or the Penobscot Nation~~ State has exclusive or concurrent jurisdiction under section

6209-A, ~~subsection 1 and subsections 1-A and 1-B~~, section 6209-B, ~~subsection 1~~, respectively subsections 1-A and 1-B and section 6209-C, subsections 1-C and 1-D.

3. Agreements for cooperation and mutual aid. This section does not prevent the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation and any state, county or local law enforcement agency from entering into agreements for cooperation and mutual aid.

4. Powers and training requirements. ~~Law~~ When enforcing applicable state law, law enforcement officers appointed by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation possess the same powers and are subject to the same duties, limitations and training requirements as other corresponding law enforcement officers under the laws of the State.

4-A. Reports to the State Bureau of Identification by Passamaquoddy Tribe. Passamaquoddy Tribe law enforcement agencies shall submit to the Department of Public Safety, State Bureau of Identification uniform crime reports and other information required by Title 25, section 1544.

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

6. Reports to the State Bureau of Identification by Houlton Band of Maliseet Indians. Houlton Band of Maliseet Indians law enforcement agencies shall submit to the Department of Public Safety, State Bureau of Identification uniform crime reports and other information required by Title 25, section 1544.

Sec. 19. 30 MRS §6211, sub-§1, as amended by PL 2009, c. 384, Pt. A, §3 and affected by §4, is further amended to read:

1. Eligibility generally. The Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians are eligible for participation and entitled to receive benefits from the State under any state program that provides financial assistance to all municipalities as a matter of right. Such entitlement must be determined using statutory criteria and formulas generally applicable to municipalities in the State. To the extent that any such program requires municipal financial participation as a condition of state funding, the share for the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians may be raised through any source of revenue available to the respective tribe, nation or band, including ~~but~~ without limitation taxation to the extent authorized within its respective Indian territory or trust land. In the event that any applicable formula regarding distribution of money employs a factor for the municipal real property tax rate, and in the absence of such tax within the Indian territory or trust land, the formula applicable to such Indian territory or trust land must be computed using the most current average equalized real property tax rate of all municipalities in the State as determined by the State Tax Assessor. In the event any such formula regarding distribution of money employs a factor representing municipal valuation, the valuation applicable to such Indian territory or trust land must be determined by the State Tax Assessor in the manner generally provided by the laws of the State as long as property owned by or held in trust for a tribe, nation or band and used for governmental purposes is treated for purposes of valuation as like property owned by a municipality.

Sec. 20. 30 MRS §6213, as enacted by PL 1979, c. 732, §§1 and 31, is amended to read:

§6213. Approval of prior transfers

1. Approval of tribal transfers. Any transfer of land or other natural resources located anywhere within the State, from, by, or on behalf of any Indian nation, or tribe or band of Indians, including ~~but~~ without limitation any transfer pursuant to any treaty, compact or statute of any state, ~~which transfer that~~ occurred prior to ~~the effective date of this Act~~ October 10, 1980, ~~shall be~~ is deemed to have been made in accordance with the laws of the State.

2. Approval of certain individual transfers. Any transfer of land or other natural resources located anywhere within the State, from, by or on behalf of any individual Indian, ~~which that~~ occurred prior to December 1, 1873, including ~~but~~ without limitation any transfer pursuant to any treaty, compact or statute of any state, ~~shall be~~ is deemed to have been made in accordance with the laws of the State.

Sec. 21. 30 MRSA §6214, as enacted by PL 1979, c. 732, §§1 and 31, is amended to read:

§6214. Tribal school committees

The Passamaquoddy Tribe ~~and~~ the Penobscot Nation ~~and the Houlton Band of Maliseet Indians~~ are authorized to create respective tribal school committees, in substitution for the committees heretofore provided for under the laws of the State. Such tribal school committees shall operate under the laws of the State applicable to school administrative units. ~~The presently constituted tribal school committee of the respective tribe or nation shall continue~~ Passamaquoddy Tribe or Penobscot Nation constituted on October 10, 1980 continues in existence and shall exercise all the authority heretofore vested by law in it until such time as the respective tribe or nation creates the tribal school committee authorized by this section.

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

★ **§6215. Civil jurisdiction**

1. Nonmembers subject to state laws on ~~tribal~~ Indian territory or trust land. 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 and hereby recognize and adopt the application of federal Indian law with regard to the applicability of the laws of the State to nonmembers on ~~the Indian territory or trust land of the~~ Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians ~~respective Indian territory or trust land~~, except as otherwise provided in this Act.

2. Members and entities not subject to state laws on ~~tribal~~ Indian territory or trust land. 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 and hereby recognize that, except as otherwise provided in this Act or by federal Indian law, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their respective tribal members and tribal entities are not subject to the laws of the State, including state and local civil regulatory jurisdiction, on their respective Indian territory or trust land.

3. Exclusive civil regulatory authority over tribal members and tribal entities on ~~tribal~~ Indian territory or trust land. 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 and hereby recognize that, except as otherwise provided in this Act or by federal Indian law, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians have exclusive civil regulatory jurisdiction over their respective tribal members and tribal entities on their respective Indian territory or trust land.

4. Concurrent civil regulatory authority over nonmembers on ~~tribal~~ Indian territory or trust land. 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 and hereby recognize that, except as otherwise provided in this Act or by federal Indian law, the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the State and local governments have concurrent civil regulatory jurisdiction over nonmembers on ~~the Indian territory or trust land of the~~ Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians ~~respective Indian territory or trust land~~.

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

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

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 and hereby recognize that any law of this State, including, without limitation, laws of this State relating to land use or environmental matters, that is contrary to any law or regulation of the United States that accords a special status or right to or relates 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 held in trust for Indians, or that would be affected or preempted by such law or regulation of the United States, does not apply to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal members and lands, except as otherwise provided by this Act or federal Indian

law. Except for laws that conflict with the jurisdiction over crimes and juvenile crimes described in this Act, the State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians further agree and intend pursuant to United States Public Law 96-420 and hereby recognize that any law or regulation of the United States enacted before or after October 10, 1980 that accords a special status or right to or relates 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 held in trust for Indians applies to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal members and lands.

Acting pursuant to United States Public Law 96-420, the State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians agree and recognize that laws of the State do not apply to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their members and lands, except as otherwise provided by this Act or federal Indian law. Except for laws that conflict with the jurisdiction over crimes and juvenile crimes described in this Act, the State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians, acting pursuant to United States Public Law 96-420, further agree and recognize:

1. Federal laws; special status or right. Because state law does not apply, for the purposes of United States Public Law 96-420, Section 6(h), that any law or regulation of the United States that accords a special status or right to or relates 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 held in trust for Indians does not affect or preempt, and may not be construed to affect or preempt, the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters, and any such law or regulation of the United States applies to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their members and lands; and

2. Federal laws enacted after October 10, 1980. Because state law does not apply, for the purposes of United States Public Law 96-420, Section 16(b), that the application of the provisions of any federal law enacted after October 10, 1980 for the benefit of Indians, Indian nations or tribes or bands of Indians does not affect or preempt, and may not be deemed or construed to affect or preempt, the application of the laws of this State, including application of the laws of this State to lands owned by or held in trust for Indians or Indian nations, tribes or bands of Indians, and any such federal law applies to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their members and lands regardless of whether such federal law is specifically made applicable within this State other than through this Act.

Notwithstanding any provision of this Act to the contrary, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians may ~~not~~ only conduct gaming activities in accordance with state law and may not conduct gaming activities under the authority of the federal Indian Gaming Regulatory Act or under any regulations thereunder promulgated by the chair of the National Indian Gaming Commission or its successor organization.

★ **Sec. 24. 30 MRSA §6217** is enacted to read:

§6217. Consultation with tribes prior to state agency action

1. Consultation required. A state agency shall consult with the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians, referred to collectively in this section as "the tribes" and individually as "tribe," in connection with a proposed action. For the purposes of this section, "proposed action" means a proposal by a state agency to develop rules, or legislation and or other policy statements or actions by a state agency, including but not limited to guidance documents and directives, that may directly and substantially affect one or more of the tribes, including tribal rights in land or other natural resources, the relationship between the State and the tribes and or the jurisdiction and responsibilities of the State and the tribes with respect to one another.

2. Request for consultation. To promote effective communication and positive government-to-government relationships, a state agency shall request a government-to-government consultation with each tribe that may be affected by a proposed action.

A. A request for consultation must be sent by certified mail and e-mail to the chief of each tribe and to a person designated by each tribe to receive consultation requests. The request must provide no less than 30 days from the date of the actual receipt or ~~25~~ 35 days after the date of mailing, whichever is earlier, for the tribe to either elect to engage in or decline consultation. The request must provide clear information about the proposed action, clearly state the deadline and preferred method for response and provide contact information for the tribal liaison under subsection 5.

B. If a statute of limitations, court rule or other law or rule requires a proposed action to be resolved in less than 30 days, the request for consultation must clearly state the deadline and identify the source of the deadline. The state agency shall make every reasonable effort to consult with the tribe within the time available.

C. If a tribe does not respond by the deadline established in the request for consultation, the state agency may conclude that the tribe has declined consultation on the relevant proposed action.

3. Consultation procedures. If a tribe elects to engage in consultation with a state agency in accordance with subsection 2, paragraph A, the state agency shall use its best efforts to complete consultation prior to taking a proposed action. Consultation must include, at a minimum, the following:

A. The state agency shall provide the tribe with a preliminary draft or explanation of the proposed action as soon as possible following receipt of the tribe's acceptance to engage in consultation;

B. The state agency and the tribe or tribes determine an appropriate mechanism for the consultation, such as in person, telephonic or by video. When practicable, the consultation must be held in person, either on the tribe's Indian territory or trust land or at a mutually agreeable location;

C. A meaningful and timely discourse and involve employees of the state agency who have a direct role in the proposed action and decision-making process; and

D. A process that ensures the ability of the tribe to provide detailed feedback on the proposed action.

An agency and a tribe or tribes may agree to different or other procedures than those listed in paragraphs A to E if they believe the other procedures will enhance the effectiveness of the consultation process.

After consultation, the state agency shall carefully consider the input of the tribe and, upon reaching a decision regarding the proposed action, shall notify the tribe in writing of its decision and the rationale in support of its decision.

The consultation must be separate from public comment and public hearing processes.

4. Consultation rules. By October 15, ~~2021~~ 2022 and thereafter as necessary, each state agency shall adopt or amend rules or policies that:

A. Promote effective communication, collaboration and consultation between the state agency and the tribes;

B. Promote robust government-to-government relationships between the State and the tribes;

C. Promote culturally competent practices;

D. Establish methods for notifying state agency employees of their responsibilities under this section; and

E. Require that all relevant state agency employees be provided with a copy of any rule or policy that the state agency adopts pursuant to this subsection.

State agencies shall consult with the chief of each tribe or the chief's designee throughout the process of developing the tribal consultation rules or policies.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Tribal liaisons. Beginning November 1, ~~2021~~ 2022, each state agency shall designate a tribal liaison, who reports directly to the head of the state agency, to assist the head of the state agency with developing procedures

for and ensuring the implementation of a consultation required by subsection 1 and to serve as a contact person. The tribal liaison shall maintain ongoing communication between the state agency and the tribes and shall ensure that the training required under subsection 6 is provided to the relevant state agency employees.

6. Training required. A state agency shall ensure that all state agency employees responsible for tribal consultation or communication receive training regarding employee responsibilities under this section. The training must, at a minimum, include instruction in effective communication, the development of positive tribal-state government-to-government relations and cultural competency.

7. Tribal contact information. The Office of the Governor and the commission shall maintain and update a list of names and contact information, including telephone numbers, mailing addresses and e-mail addresses, of the chief of each tribe and the chief's designee, as well as of the tribal liaisons under subsection 5.

8. Report required. Beginning in ~~2022~~ 2023, each state agency shall provide annually by February 1st a report on tribal consultation under this section to the Governor, the chief of each tribe and the commission. The report must include the following information:

A. The number of times the state agency requested consultation with each tribe, including information regarding the subject of each requested consultation;

B. The number of times each tribe accepted or declined consultation, including information regarding the subject of each accepted or declined request; and

C. A description of the outcome of each accepted request for consultation, including a description of the state agency decision regarding tribal input on a proposed action.

Sec. 25. 30 MRSA §6218 is enacted to read:

§6218. Tribal-state cooperative agreements

The State and its officers, departments, agencies and political subdivisions are authorized to enter into cooperative agreements with federally recognized Indian tribes within the State to facilitate cross-jurisdictional cooperation and the delivery of government services and to avoid disputes on issues of mutual interest, including but not limited to criminal jurisdiction and law enforcement, taxation, environmental regulation and natural resources. A tribal liaison designated under section 6217, subsection 5 may negotiate and enter into cooperative agreements with federally recognized Indian tribes within the State.

Sec. 26. 30 MRSA §6219 is enacted to read:

§6219. Assemblies

By December 15, ~~2021~~ 2022, and annually thereafter, the Governor shall convene an assembly of the Governor and chiefs of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to discuss issues relating to the relationship between the State and the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians.

On a biennial basis, during each first regular session of the Legislature, the commission shall organize a legislative assembly to discuss the relationship between the State and the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians. In consultation with the chiefs of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians, the commission shall invite state Legislators and tribal council members from each tribal government in the State to participate in the assembly.

Sec. 27. 30 MRSA §6220 is enacted to read:

§6220. Bicentennial Accord

1. Bicentennial Accord. The Governor shall collaborate with the chiefs of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians in establishing an agreement, to be known as the Bicentennial Accord, in order to institutionalize general principles governing tribal-state relations, including:

A. A framework for respect for the sovereignty of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the State;

B. A framework for the government-to-government relationship between the State, through the Governor and the State's departments and agencies, and the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians;

C. Delineation of the commitment by the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Governor to implement government-to-government relationships to enhance and improve communication and consultation and to facilitate the resolution of issues;

D. An outline of a process for implementation of the Bicentennial Accord;

E. A commitment to specific tasks to improve the government-to-government relationship to make it more efficient and mutually beneficial;

F. A commitment to strengthen the Maine Native American studies provisions of Title 20-A, section 4706;

G. Development of a comprehensive public education initiative to inform the citizens of the State about tribal history, tribal culture, contemporary tribal and state government institutions and relations and the contribution of the Wabanaki Confederacy to the State;

H. A commitment to work in collaboration to engender mutual understanding and respect and to recognize and address discrimination and racial prejudice;

I. A framework for coordination and cooperation to enhance economic and infrastructure opportunities, protect natural resources and provide educational opportunities and community social services that meet the needs of all citizens; and

J. Provisions for a review and update of the Bicentennial Accord at an annual assembly convened pursuant to section 6219.

2. Support by the Maine Indian Tribal-State Commission. The commission shall provide logistical support and technical assistance in developing, implementing and updating the Bicentennial Accord at the annual assembly of the Governor and chiefs of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and at the biennial legislative assembly, pursuant to section 6219.

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

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

Sec. 29. 36 MRSA §111, sub-§1-D is enacted to read:

1-D. Houlton Band of Maliseet Indians. "Houlton Band of Maliseet Indians" has the same meaning as in Title 30, section 6203, subsection 2.

Sec. 30. 36 MRSA §111, sub-§1-E is enacted to read:

1-E. Houlton Band Trust Land. "Houlton Band Trust Land" has the same meaning as in Title 30, section 6203, subsection ~~2-A~~ 2-B.

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

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



★ **Sec. 31.** ~~36 MRSA §111, sub-§2-A~~ is enacted to read:

~~**2-A. Passamaquoddy Indian Reservation.** "Passamaquoddy Indian Reservation" has the same meaning as in Title 30, section 6203, subsection 5.~~

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

~~**2-B; 2-A. Passamaquoddy Indian territory.** "Passamaquoddy Indian territory" has the same meaning as in Title 30, section 6203, subsection 6.~~

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

2-C. Passamaquoddy Tribe. "Passamaquoddy Tribe" has the same meaning as in Title 30, section 6203, subsection 7.

★ **Sec. 34.** ~~36 MRSA §111, sub-§2-D~~ is enacted to read:

~~**2-D. Penobscot Indian Reservation.** "Penobscot Indian Reservation" has the same meaning as in Title 30, section 6203, subsection 8.~~

Sec. 35. 36 MRSA §111, ~~sub-§2-E~~ **sub-§2-D** is enacted to read:

~~**2-E; 2-D. Penobscot Indian territory.** "Penobscot Indian territory" has the same meaning as in Title 30, section 6203, subsection 9.~~

Sec. 36. 36 MRSA §111, ~~sub-§2-F~~ **sub-§2-E** is enacted to read:

~~**2-F; 2-E. Penobscot Nation.** "Penobscot Nation" has the same meaning as in Title 30, section 6203, subsection 10.~~

Sec. 37. 36 MRSA §111, **sub-§8** is enacted to read:

8. Tribal entity. "Tribal entity" has the same meaning as in Title 30, section 6203, subsection 14.

Sec. 38. 36 MRSA §111, **sub-§9** is enacted to read:

9. Tribal member. "Tribal member" means a member of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation.

Sec. 39. 36 MRSA §1760, **sub-§107** is enacted to read:

107. Certain sales to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal members. Sales in, into, on, from or otherwise sourced to:

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

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

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

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

Sec. 40. 36 MRSA §1815, as enacted by PL 1999, c. 477, §1, is amended to read:

§1815. Tax from sales occurring on ~~Passamaquoddy reservation~~ Indian territory or trust land

1. Passamaquoddy Sales Tax Fund. The Passamaquoddy Sales Tax Fund, referred to in this section as "the Passamaquoddy fund," is established as a dedicated account to be administered by the Treasurer of State for the purpose of returning sales tax revenue to the Passamaquoddy Tribe pursuant to subsections 2 and 3.

1-A. Penobscot Sales Tax Fund. The Penobscot Sales Tax Fund, referred to in this section as "the Penobscot fund," is established as a dedicated account to be administered by the Treasurer of State for the purpose of returning sales tax revenue to the Penobscot Nation pursuant to subsections 2 and 3.

1-B. Maliseet Sales Tax Fund. The Maliseet Sales Tax Fund, referred to in this section as "the Maliseet fund," is established as a dedicated account to be administered by the Treasurer of State for the purpose of returning sales tax revenue to the Houlton Band of Maliseet Indians pursuant to subsections 2 and 3.

2. Monthly transfer. By the 20th day of each month, the assessor shall notify the State Controller and the Treasurer of State of the amount of revenue attributable to the tax collected under this Part in the previous month on sales on, in, into, from or otherwise sourced to ~~occurring on~~ the Passamaquoddy reservation ~~at either Pleasant Point or Indian Township~~ Indian territory, the Penobscot Indian territory and the Houlton Band Trust Land, respectively, reduced by the transfer to the Local Government Fund required by Title 30-A, section 5681. When notified by the assessor, the State Controller shall transfer ~~that amount~~ those amounts to the Passamaquoddy Sales Tax Fund fund, the Penobscot fund and the Maliseet fund, respectively.

3. Monthly payment. By the end of each month, the Treasurer of State shall make payments to the Passamaquoddy Tribe from the Passamaquoddy Sales Tax Fund fund, the Penobscot Nation from the Penobscot fund and the Houlton Band of Maliseet Indians from the Maliseet fund equal to the amounts transferred into the ~~fund~~ respective fund.

4. Quarterly reconciliation. The monthly payments due under this section must be adjusted by any credit or debit necessary for a quarterly reconciliation of payments and transfers made under this section for any erroneous payment or transfers, any erroneous collection and corresponding refund and by any subsequent assessment, remittance or refund of sales or use tax to or by the State.

Sec. 41. 36 MRS §5122, sub-§2, ¶UU is enacted to read:

UU. For taxable years beginning on or after January 1, 2022, income earned on or from activities occurring on or otherwise sourced to Indian territory or trust land by the Penobscot Nation, the Passamaquoddy Tribe or the Houlton Band of Maliseet Indians, as long as the tribal member or tribal entity resides on Indian territory or trust land.

★ UU. For taxable years beginning on or after January 1, 2022:

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

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

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

(b) The tribal member or tribal entity resides on the Indian territory or trust land of that tribal member's or tribal entity's tribe, nation or band. For purposes of this paragraph, a tribal entity "resides" where its principal place of business is located.

Sec. 42. Dispute resolution. The Governor, the Attorney General and the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians, through their respective designees, will collaborate on an alternative dispute resolution process to resolve tribal-state disputes, to be known as "the ADR work group." The Maine Indian Tribal-State Commission shall provide assistance to the ADR work group by providing input and answering questions regarding alternative dispute resolution options appropriate to tribal-state disputes, including identifying best practices, developing mutual respect, working on a government-to-government basis,

and respecting the sovereignty of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the State, and any existing culturally appropriate models. No later than November 15, 2021, the ADR work group shall provide a report to the Joint Standing Committee on Judiciary that includes its findings and recommendations, including suggested legislation, regarding a tribal-state alternative dispute resolution process. The joint standing committee may report out legislation to the Second Regular Session of the 130th Legislature based on the recommendations of the ADR work group.

Sec. 43. Contingent effective date. This Act takes effect 120 days after adjournment of the First Special Session of the 130th Legislature only if, within 90 days after adjournment of the ~~First Special~~ Second Regular Session of the 130th Legislature, the Secretary of State receives written certification from the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act; the Governor and the Council of the Penobscot Nation that the nation has agreed to the provisions of this Act; and the Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to the provisions of this Act, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes. Upon such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians, the provisions of this Act regarding or affecting the Houlton Band of Maliseet Indians and its tribal members and lands will independently constitute jurisdictional agreements for purposes of the Maine Indian Claims Settlement Act of 1980, United States Public Law 96-420, Section 6(e)(2). Such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians does not constitute an agreement that the contingencies in P.L. 1981, chapter 675 were met or that the provisions of P.L. 1981, chapter 675 ever took effect.

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

SUMMARY

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

This amendment makes the following changes to the bill.

1. It amends the definition of "federal Indian law" to mean the United States Constitution and all generally applicable federal statutes, regulations, common law and case law interpreting, implementing, applying or enforcing those federal 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 lands or other natural resources within the United States.
2. It incorporates within the Maine Implementing Act the definition of "Houlton Band Trust Land" from the Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, United States Public Law 99-566.
3. It amends the definition of "tribal entity" to include a limited liability company and makes other technical changes to the language of the definition for purposes of clarity.
4. It defines "Indian territory or trust land" to include, with respect to the Passamaquoddy Tribe and the Penobscot Nation, the tribe's or nation's Indian territory and, with respect to the Houlton Band of Maliseet Indians, the Houlton Band Trust Land. This phrase is used throughout the bill and the amendment to describe the lands over which the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians may exercise rights, powers, duties and immunities similar to those of other federally recognized Indian tribes within the United States.

5. It authorizes the U.S. Secretary of the Interior to acquire land for the benefit of the Passamaquoddy Tribe within Washington County to the same extent that the bill authorizes the secretary to acquire land for the benefit of the Passamaquoddy Tribe within Aroostook County, Franklin County, Hancock County, Penobscot County, Piscataquis County or Somerset County.

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

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

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

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

10. It increases from 25 to 35 the number of days within which the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians may, after receiving notification of a state agency's proposal to develop a rule, legislation or other policy state or action that may directly and substantially affect that tribe, nation or band, request that the state agency consult with the tribe, nation or band prior to taking the proposed action.

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

12. It repeals or repeals and replaces each provision of the Maine Implementing Act that was enacted by P.L. 1987, chapter 675 and provides that, if the Houlton Band Council of the Houlton Band of Maliseet Indians certifies its agreement to the provisions of this legislation, that agreement constitutes a jurisdiction agreement between the State and the Houlton Band of Maliseet Indians for purposes of Section 6(e)(2) of the federal Settlement Act but does not constitute an agreement by the Houlton Band of Maliseet Indians that the provisions of P.L. 1987, chapter 675 ever took effect.