

Recommendations from the 4 federally recognized Indian tribes regarding the amendment to LD 554:

**To add to the revised proposed amendment presented on 5/20/21:**

- A provision to ensure that the Aroostook Band of MicMac Indians is able to conduct Class I, Class II and Class III gaming activities to the same extent as the other tribes;
- Language confirming that the Tribes have authority and jurisdiction over gaming operations on their respective territory and trust land and prevent any other potential inconsistencies with the MIA;
- A provision indicating that if a court of competent jurisdiction finds the Act ineffective as to one tribe, nation or band, that the provisions of the Act remain effective as to the other tribes, nations, or bands;
- A provision outside of the Maine Implementing Act indicating that IGRA does not affect or preempt and is not inconsistent with State law (similar to the language of the proposed amendment to LD 554—including the provisions about applicability of state and tribal laws and confirming tribal authority and jurisdiction over gaming operations on their respective territory and trust land). In other words, the belt and suspenders approach: this provision would also be subject to contingent repeal if a court of competent jurisdiction finds the Act ineffective, as is explained in bullet point three above.

**In addition:**

- A provision indicating that if a court of competent jurisdiction finds that the federal Indian Gaming Regulatory Act cannot be made applicable to one or more tribe, nation, or band, that the affected tribe(s), nation(s), or band(s), be able to conduct Class I and Class II gaming pursuant to tribal law and ordinances so long as tribal gaming laws and ordinances are at least as stringent as federal law governing Class I and Class II gaming, and so long as tribal health and safety laws at the gaming operations are at least as stringent as State health and safety laws.