

Committee: JUD
LA: JS
LR (item)#: 1184(OX)
New Title? No
Add Emergency? No
Date: Feb. 21, 2024

Sponsor's Proposed Amend. to LD 2007
For Public Hearing 2/26/24

File Name: G:\COMMITTEES\JUD\Bill amendments\131st 2nd\LD 2007 Sponsor's Proposed Amend. for PH 2.26.24.docx

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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 §6201, as enacted by PL 1979, c. 732, §§1 and 31, is amended to read:

§6201. Short title

This Act shall be known and may be cited as "AN ACT to Implement the Maine Indian Claims Settlement" or "the Maine Implementing Act."

Sec. 3. 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 2024 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 to recognize and adopt the application of federal Indian law with regard to the rights, privileges, powers, duties and immunities of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal members and land or other natural resources, including laws and regulations and common law of the United States enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and laws and regulations and common law that accord a special status or right to or that relate to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land or other natural resources held in trust for Indians.

Sec. 4. 30 MRSA §6203, as amended by PL 2023, c. 369, Pt. D, §§D-1 and D-2, is 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. Houlton Band Jurisdiction Land.** “Houlton Band Jurisdiction Land” means:~~

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

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

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

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” has the same meaning as “Houlton Band trust land” in Section 2(2) of the~~ means all land or natural resources acquired by the secretary in trust for the Houlton Band of Maliseet Indians pursuant to the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, 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-B. 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, 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 Nicatow 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 Mattagamon 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, 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” has the same meaning as in Title 36, section 111, subsection 8.

Sec. 5. 30 MRSA §6204, as enacted by PL 1979, c. 732, §§1 and 31, is repealed.

Sec. 6. 30 MRSA §6205, as amended by PL 2021, c. 139, §§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 not held in common with any other person or entity and are certified by the secretary 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;

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, Somerset County or Washington 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 and subject to the provisions of subparagraph (2), after the effective date of this subparagraph and the land is located within 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 not held in common with any other person or entity ~~and is certified by the secretary 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 not held in common with any other person or entity ~~and is certified by the secretary 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 not held in common with any other person or entity ~~and is certified by the secretary 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 not held in common with any other person or entity ~~and is certified by the secretary as held for the benefit of the Passamaquoddy Tribe;~~

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 not held in common with any other person or entity ~~and is certified by the secretary as held for the benefit of the Passamaquoddy Tribe; and~~

F. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in Perry consisting of:

(1) Land conveyed by Denise E. Plouffe to the Passamaquoddy Tribe by quitclaim deed dated October 5, 2017, recorded in the Washington County Registry of Deeds in Book 4403, Pages 18 and 19; and

(2) Land conveyed by Austin Humphries to the Passamaquoddy Tribe by deed dated November 18, 1983, recorded in the Washington County Registry of Deeds in Book 1252, Pages 93 to 95.

Notwithstanding ~~subsection 5 and~~ any other provision of this Act to the contrary, the addition of land 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 owned in fee simple by the Passamaquoddy Tribe on the effective date of this paragraph that the secretary acquires 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; and

H. 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 not held in common with any other person or entity and are certified by the secretary 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; any lands in Lakeville acquired by the Penobscot Nation; 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) Subject to the provisions of subparagraph (2), after the effective date of this subparagraph and the land is located within 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); and

C. Lands acquired in trust by the secretary for the benefit of the Penobscot Nation 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. 7. 30 MRSA §6205-A, as enacted by PL 1981, c. 675, §§2 and 8, is repealed.

Sec. 8. 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 acquired in accordance with this subsection are included within Houlton Band Trust Land.

Sec. 9. 30 MRSA §6206, as amended by PL 2021, c. 650, §§5 and 13, is further 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. 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 to recognize that the Passamaquoddy Tribe, the Penobscot Nation, 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, the use or disposition of settlement fund income and the exercise of power pursuant to section 6207, subsection 10, section 6207-A and section 6209-A, subsection 1, paragraph F 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.

1-B. Drinking water regulation. Notwithstanding any other provision of this Act, the State does not have authority to regulate the exercise of authority by:

A. The Passamaquoddy Tribe pursuant to section 6207, subsection 10, section 6207-A and section 6209-A, subsection 1 paragraph F;

B. The Penobscot Nation pursuant to section 6207, subsection 11, section 6207-B and section 6209-B, subsection 1, paragraph F; and

C. The Houlton Band of Maliseet Indians pursuant to section 6207, subsection 12, section 6207-D and section 6209-C, subsection 1, paragraph F.

2. Power to sue and be sued; sovereign immunity. The Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and their respective 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, however, that the respective tribe or nation.~~ The Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians 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 any municipality or like officers or employees thereof within the State~~ are other federally recognized Indian tribes and their officers and employees under federal Indian law.

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. 10. 30 MRSA §6206-A, as enacted by PL 1981, c. 675, §§3 and 8, is repealed.

Sec. 11. 30 MRSA §6206-B, as amended by PL 2023, c. 369, Pt. D, §3, is repealed.

Sec. 12. 30 MRSA §6207, as amended by PL 2023, c. 369, Pt. B, §1, is further amended to read:

§6207. Regulation of natural resources

1. Adoption of hunting, trapping and fishing ordinances by the tribe or nation. ~~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 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 for which 50% or more of the linear shoreline 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 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 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 ~~reservations, for their individual sustenance subject to the limitations of subsection 6~~ territory or trust land.

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 and wildlife. 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 or the Houlton Band of Maliseet Indians, may be transported within the State.

8. Fish Protection of 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.

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

- A. The Passamaquoddy Tribe has exclusive authority to enact ordinances regulating drinking water within Passamaquoddy Indian territory;
- B. The State may not exercise primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within the Passamaquoddy Indian territory; and
- C. The Passamaquoddy Tribe may seek to be treated as a state and to obtain primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within the Passamaquoddy Indian territory.

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

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

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

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

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

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

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

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

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

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

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

Sec. 13. 30 MRSA §6207-B is enacted to read:

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

Notwithstanding any provision of state law to the contrary, pursuant to the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420, Section 6(e)(1), the State and the Penobscot Nation agree and establish that:

1. Jurisdiction of Penobscot Nation to administer drinking water-related programs. The Penobscot Nation may seek to be treated as a state pursuant to the federal Safe Drinking Water Act, 42 United States Code, Section 300j-11, and its implementing regulations, as amended, within the Penobscot Indian territory and may otherwise benefit from and exercise jurisdiction under any other federal law enacted after October 10, 1980 that permits a federally recognized Indian tribe to administer drinking water-related programs; and

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

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

Sec. 14. 30 MRSA §6207-C, as enacted by PL 2023, c.369, Pt. D, §4, is repealed.

Sec. 15. 30 MRSA §6207-E is enacted to read:

§6207-E. 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 to 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. 16. 30 MRSA §6208-A, as enacted by PL 1981, c. 675, §§7 and 8, is repealed.

Sec. 17. 30 MRSA §6209-A, as amended by PL 2023, c. 369, Pt. B, §§2 and 3 is 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 within Passamaquoddy 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, the Mi'kmaq Nation or the Penobscot Nation within Passamaquoddy Indian territory;

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

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

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

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

The governing body of the Passamaquoddy Tribe shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. If the Passamaquoddy Tribe chooses not to exercise, or chooses to terminate its exercise of, jurisdiction over the criminal, juvenile, 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 Passamaquoddy Indian territory 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 4113 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 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, 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 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 to 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.

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

Sec. 18. 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, the Mi'kmaq Nation or the Penobscot Nation on the Indian reservation of the within Penobscot Nation Indian territory;~~

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

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

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

F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section 6207, subsection 11, except that the Penobscot Nation may not exercise jurisdiction over a nonprofit public municipal corporation.

The governing body of the Penobscot Nation shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. If the Penobscot Nation chooses not to exercise, or chooses to terminate its exercise of, jurisdiction over the criminal, juvenile, 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 4113 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 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 a ~~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 to 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.

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

Sec. 19. 30 MRSA §6209-C, as amended by PL 2023, c. 369, Pt. D, §6, is further 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 Houlton Band Jurisdiction Trust Land by a member of any federally recognized Indian tribe, nation, band or other group, except when committed against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group.~~ 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 Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation within Houlton Band ~~Jurisdiction~~ Trust Land;

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

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

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

F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section ~~6207-C~~ 6207, subsection ~~40~~ 12, except that the Houlton Band of Maliseet Indians may not exercise jurisdiction over a nonprofit public municipal corporation.

The governing body of the Houlton Band of Maliseet Indians shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. The decision to exercise, to terminate the exercise of or to reassert the exercise of jurisdiction under each of the subject areas described by paragraphs A to E 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 paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes apply within the Houlton Band Trust Land and the State has exclusive jurisdiction over those offenses and crimes.~~

1-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 4113 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 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. 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 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 of the ~~criminal offense~~ crime or juvenile crime charged, the defendant may be convicted 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 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-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 to 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. Full faith and credit. The State shall give full faith and credit to the judicial proceedings of the Houlton Band of Maliseet Indians. The Houlton Band of Maliseet Indians shall give full faith and credit to the judicial proceedings the Passamaquoddy Tribe, the Penobscot Nation, the Mi'kmaq Nation and the State.

Sec. 20. 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 Indian territory and trust land

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 or trust land, ~~ordinances adopted under section 6206 and section 6207, subsection 1, and to enforce, on their respective Indian reservations, the criminal, juvenile, civil and domestic relations laws over which the Passamaquoddy Tribe or the Penobscot Nation have jurisdiction under section 6209-A, subsection 1 and section 6209-B, subsection 1, respectively.~~ :

A. Tribal laws and ordinances adopted under section 6206 and section 6207, subsections 1-A, 10, 11 and 12;

B. The criminal and juvenile laws over which the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation have exclusive jurisdiction, respectively, under section 6209-C, subsection 1; section 6209-A, subsection 1; or section 6209-B, subsection 1; and

C. The civil and domestic relations laws over which the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation have exclusive jurisdiction, respectively, under section 6209-C, subsection 1, paragraphs C to F; 6209-A, subsection 1, paragraphs C to F; or section 6209-B, subsection 1, paragraphs C to F.

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 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 has exclusive jurisdiction under section 6209-A, subsection 1 and section 6209-B, subsection 1, respectively.~~ :

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

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

3. Agreements for cooperation and mutual aid. This section does not ~~prevent~~ impact existing agreements for cooperation and mutual aid between the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation and any state, county or local law enforcement agency or prevent the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation from entering into future 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. 21. 30 MRSA §6211, as amended by PL 2009, c. 384, Pt. A, §3 and affected by §4, is further amended to read:

§6211. Eligibility of Indian tribes ~~and~~ for state funding

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.

2. Limitation on eligibility. In computing the extent to which the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians is entitled to receive state funds under subsection 1, other than funds in support of education, any money received by the respective tribe, nation or band from the United States within substantially the same period for which state funds are provided, for a program or purpose substantially similar to that funded by the State, and in excess of any local share ordinarily required by state law as a condition of state funding, must be deducted in computing any payment to be made to the respective tribe, nation or band by the State. Unless otherwise provided by federal law, in computing the extent to which the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians is entitled to receive state funds for education under subsection 1, the state payment must be reduced by 15% of the amount of federal funds for school operations received by the respective tribe, nation or band within substantially the same period for which state funds are provided, and in excess of any local share ordinarily required by state law as a condition of state funding. A reduction in state funding for secondary education may not be made under this section except as a result of federal funds received within substantially the same period and allocated or allocable to secondary education.

3. Eligibility for discretionary funds. The Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians are eligible to apply for any discretionary state grants or loans to the same extent and subject to the same eligibility requirements, including availability of funds, applicable to municipalities in the State.

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

Sec. 22. 30 MRSA §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~~ which 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~~ 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. 23. 30 MRSA §6214, 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. 24. 30 MRSA §6215 is enacted to read:

§6215. Civil jurisdiction

1. Nonmembers subject to state laws on 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 to 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, except as otherwise provided in this Act.

2. Members and entities not subject to state laws on 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 to 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 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 to 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 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 to 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, 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.

Sec. 25. 30 MRSA §6216 is enacted to read:

§6216. Application of statutes and regulations of the United States to the Passamaquoddy Tribe

1. Further legislative findings regarding the application of statutes and regulations of the United States to the Passamaquoddy tribe. Sections 6(h) and 16(b) of United States Public Law 96-420 provide that the laws and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians are applicable within this State unless such law or regulation affects or preempts the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters.

A. The amendments to this Act enacted in 2024 modify the application of the laws of this State with respect to the Passamaquoddy Tribe and Passamaquoddy Indian territory to the limited extent that such laws, in the absence of these amendments, would be affected or preempted by the application of the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by these amendments.

B. The amendments to this Act enacted in 2024 confirm, establish and enable, with respect to the Passamaquoddy Tribe and Passamaquoddy Indian territory, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, including such statutes and regulations enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and statutes 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 or other natural resources held in trust for Indians, except as otherwise provided by these amendments.

C. The amendments to this Act enacted in 2024 do not adjust the jurisdictional relationship set forth in this Act and in United States Public Law 96-420 between this State and the Passamaquoddy Tribe, except as provided by these amendments.

2. Federal statutes and regulations apply to the Passamaquoddy Tribe. Notwithstanding any provision of this Act to the contrary:

A. The State and the Passamaquoddy Tribe agree and intend pursuant to United States Public Law 96-420 that any law of this State that would be affected or preempted by the operation, application or implementation of any statute 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 apply to the Passamaquoddy Tribe, except as provided in subsection 4;

B. The State and the Passamaquoddy Tribe agree and intend pursuant to United States Public Law 96-420 that any statute or regulation of the United States enacted before, on 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 is applicable to the Passamaquoddy Tribe within this State, without regard to any effect on the application of the laws of this State, except as provided in subsection 4; and

C. Modification of the application of the laws of this State to the Passamaquoddy Tribe under this section is limited to those particular circumstances in which the application of the laws of this State to the Passamaquoddy Tribe would conflict or interfere with the actual operation, application or implementation of a statute 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. If the operation, application or implementation of any statute or regulation of the United States to the Passamaquoddy Tribe would result in the absence of any law or regulation applicable to the Passamaquoddy Tribe relating to a matter of public health or safety, including without limitation laws relating to land use or environmental matters, the corresponding laws of the State with respect to that health or safety matter must apply to the Passamaquoddy Tribe to fill any regulatory gap. For the purposes of this paragraph, "corresponding laws of the State" means laws of the State that apply to similar

activities outside of Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians.

3. Notice regarding applicability of federal and state law to the Passamaquoddy Tribe. Whenever the Passamaquoddy Tribe believes that a law of this State does not apply to the Passamaquoddy Tribe, its citizens or Passamaquoddy Indian territory as a result of subsection 2 and the application of a statute or regulation of the United States, the Passamaquoddy Tribe shall provide written notice to the Attorney General. The Attorney General shall use reasonable efforts to respond in writing to the Passamaquoddy Tribe within 30 days if the State disagrees with the Passamaquoddy Tribe's position regarding the application of the laws of the State. The failure of the Passamaquoddy Tribe to provide notice under this subsection does not limit the application to the Passamaquoddy Tribe of any statute or regulation of the United States. The failure of the Attorney General to respond under this subsection does not limit the authority of the State to dispute the application of any statute or regulation of the United States or the application of any law of this State to the Passamaquoddy Tribe.

4. Gaming activities; criminal jurisdiction; environmental laws; application to the Passamaquoddy Tribe. Notwithstanding any provision of this Act to the contrary:

A. The Passamaquoddy Tribe may conduct gaming activities only in accordance with the laws of this State and may not conduct gaming activities under the authority of the federal Indian Gaming Regulatory Act or under any regulations promulgated under the federal Indian Gaming Regulatory Act by the chair of the National Indian Gaming Commission or its successor organization;

B. The laws of this State applicable to the crimes and juvenile crimes described in this Act apply to the Passamaquoddy Tribe as provided in this Act. The statutes and regulations of the United States that conflict with or affect or preempt the jurisdiction of this State over crimes and juvenile crimes described in this Act do not apply to the Passamaquoddy Tribe, unless such provisions are specifically applicable within the State of Maine. The federal laws identified in Section 6(c) of United States Public Law 96-420 do not apply to the Passamaquoddy Tribe; and

C. The provisions of the federal Clean Water Act, the federal Water Quality Act of 1987, the federal Clean Air Act and the federal Indian Mineral Development Act of 1982, including all future amendments and reauthorizations of those Acts, do not apply with respect to the Passamaquoddy Tribe and Passamaquoddy Indian territory to the extent the provisions affect or preempt the application of the laws of this State and directly or indirectly extend the jurisdiction of the Passamaquoddy Tribe beyond Passamaquoddy Indian territory, unless such provisions are specifically made applicable within the State of Maine.

5. Powers of Passamaquoddy Tribe relating to federal statutes and regulations. Notwithstanding any provision of law to the contrary, the State and the Passamaquoddy Tribe agree and intend pursuant to United States Public Law 96-420 that the Passamaquoddy Tribe has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on 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, except as otherwise provided in subsection 4.

6. Contingent repeal. Notwithstanding Title 1, section 71, subsection 8, this section is repealed if a court of competent jurisdiction enters a final judgment concluding that no part of this section is effective in causing the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians to apply to the Passamaquoddy Tribe and Passamaquoddy Indian territory. For purposes of this subsection, "final judgment" does not include a judgment that is the subject of a pending appeal or for which the time period for taking an appeal has not yet expired. If this

contingency is met, the Attorney General or the Joint Tribal Council of the Passamaquoddy Tribe shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

Sec. 26. 30 MRSA §6217 is enacted to read:

§6217. Application of statutes and regulations of the United States to the Penobscot Nation

1. Further legislative findings regarding the application of statutes and regulations of the United States to the Penobscot Nation. Sections 6(h) and 16(b) of United States Public Law 96-420 provide that the laws and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians are applicable within this State unless such law or regulation affects or preempts the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters.

A. The amendments to this Act enacted in 2024 modify the application of the laws of this State with respect to the Penobscot Nation and Penobscot Indian territory to the limited extent that such laws, in the absence of these amendments, would be affected or preempted by the application of the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by these amendments.

B. The amendments to this Act enacted in 2024 confirm, establish and enable, with respect to the Penobscot Nation and Penobscot Indian territory, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, including such statutes and regulations enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and statutes 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 or other natural resources held in trust for Indians, except as otherwise provided by these amendments.

C. The amendments to this Act enacted in 2024 do not adjust the jurisdictional relationship set forth in this Act and in United States Public Law 96-420 between this State and the Penobscot Nation, except as provided by these amendments.

2. Federal statutes and regulations apply to the Penobscot Nation. Notwithstanding any provision of this Act to the contrary:

A. The State and the Penobscot Nation agree and intend pursuant to United States Public Law 96-420 that any law of this State that would be affected or preempted by the operation, application or implementation of any statute 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 apply to the Penobscot Nation, except as provided in subsection 4;

B. The State and the Penobscot Nation agree and intend pursuant to United States Public Law 96-420 that any statute or regulation of the United States enacted before, on 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 is applicable

to the Penobscot Nation within this State, without regard to any effect on the application of the laws of this State, except as provided in subsection 4; and

C. Modification of the application of the laws of this State to the Penobscot Nation under this section is limited to those particular circumstances in which the application of the laws of this State to the Penobscot Nation would conflict or interfere with the actual operation, application or implementation of a statute 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. If the operation, application or implementation of any statute or regulation of the United States to the Penobscot Nation would result in the absence of any law or regulation applicable to the Penobscot Nation relating to a matter of public health or safety, including without limitation laws relating to land use or environmental matters, the corresponding laws of the State with respect to that health or safety matter must apply to the Penobscot Nation to fill any regulatory gap. For the purposes of this paragraph, "corresponding laws of the State" means laws of the State that apply to similar activities outside of Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians.

3. Notice regarding applicability of federal and state law to the Penobscot Nation. Whenever the Penobscot Nation believes that a law of this State does not apply to the Penobscot Nation, its citizens or Penobscot Indian territory as a result of subsection 2 and the application of a statute or regulation of the United States, the Penobscot Nation shall provide written notice to the Attorney General. The Attorney General shall use reasonable efforts to respond in writing to the Penobscot Nation within 30 days if the State disagrees with the Penobscot Nation's position regarding the application of the laws of the State. The failure of the Penobscot Nation to provide notice under this subsection does not limit the application to the Penobscot Nation of any statute or regulation of the United States. The failure of the Attorney General to respond under this subsection does not limit the authority of the State to dispute the application of any statute or regulation of the United States or the application of any law of this State to the Penobscot Nation.

4. Gaming activities; criminal jurisdiction; environmental laws; application to the Penobscot Nation. Notwithstanding any provision of this Act to the contrary:

A. The Penobscot Nation may conduct gaming activities only in accordance with the laws of this State and may not conduct gaming activities under the authority of the federal Indian Gaming Regulatory Act or under any regulations promulgated under the federal Indian Gaming Regulatory Act by the chair of the National Indian Gaming Commission or its successor organization;

B. The laws of this State applicable to the crimes and juvenile crimes described in this Act apply to the Penobscot Nation as provided in this Act. The statutes and regulations of the United States that conflict with or affect or preempt the jurisdiction of this State over crimes and juvenile crimes described in this Act do not apply to the Penobscot Nation, unless such provisions are specifically applicable within the State of Maine. The federal laws identified in Section 6(c) of United States Public Law 96-420 do not apply to the Penobscot Nation; and

C. The provisions of the federal Clean Water Act, the federal Water Quality Act of 1987, the federal Clean Air Act and the federal Indian Mineral Development Act of 1982, including all future amendments and reauthorizations of those Acts, do not apply with respect to the Penobscot Nation and Penobscot Indian territory to the extent the provisions affect or preempt the application of the laws of this State and directly or indirectly extend the jurisdiction of the Penobscot Nation beyond Penobscot Indian territory, unless such provisions are specifically made applicable within the State of Maine.

5. Powers of Penobscot Nation relating to federal statutes and regulations. Notwithstanding any provision of law to the contrary, the State and the Penobscot Nation agree and intend pursuant to United States

Public Law 96-420 that the Penobscot Nation has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on 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, except as otherwise provided in subsection 4.

6. Contingent repeal. Notwithstanding Title 1, section 71, subsection 8, this section is repealed if a court of competent jurisdiction enters a final judgment concluding that no part of this section is effective in causing the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians to apply to the Penobscot Nation and Penobscot Indian territory. For purposes of this subsection, "final judgment" does not include a judgment that is the subject of a pending appeal or for which the time period for taking an appeal has not yet expired. If this contingency is met, the Attorney General or the Joint Tribal Council of the Penobscot Nation shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

Sec. 27. 30 MRSA §6218 is enacted to read:

§6218. Application of statutes and regulations of the United States to the Houlton Band of Maliseet Indians

1. Further legislative findings regarding the application of statutes and regulations of the United States to the Houlton Band of Maliseet Indians. Sections 6(h) and 16(b) of United States Public Law 96-420 provide that the laws and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians are applicable within this State unless such law or regulation affects or preempts the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters.

A. The amendments to this Act enacted in 2024 modify the application of the laws of this State with respect to the Houlton Band of Maliseet Indians and Houlton Band Trust Land to the limited extent that such laws, in the absence of these amendments, would be affected or preempted by the application of the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by these amendments.

B. The amendments to this Act enacted in 2024 confirm, establish and enable, with respect to the Penobscot Nation and Houlton Band Trust Land, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, including such statutes and regulations enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and statutes 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 or other natural resources held in trust for Indians, except as otherwise provided by these amendments.

C. The amendments to this Act enacted in 2024 do not adjust the jurisdictional relationship set forth in this Act and in United States Public Law 96-420 between this State and the Houlton Band of Maliseet Indians, except as provided by these amendments.

2. Federal statutes and regulations apply to the Houlton Band of Maliseet Indians. Notwithstanding any provision of this Act to the contrary:

A. The State and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 that any law of this State that would be affected or preempted by the operation, application or implementation of any statute 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 apply to the Houlton Band of Maliseet Indians, except as provided in subsection 4;

B. The State and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 that any statute or regulation of the United States enacted before, on 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 is applicable to the Houlton Band of Maliseet Indians within this State, without regard to any effect on the application of the laws of this State, except as provided in subsection 4; and

C. Modification of the application of the laws of this State to the Houlton Band of Maliseet Indians under this section is limited to those particular circumstances in which the application of the laws of this State to the Houlton Band of Maliseet Indians would conflict or interfere with the actual operation, application or implementation of a statute 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. If the operation, application or implementation of any statute or regulation of the United States to the Houlton Band of Maliseet Indians would result in the absence of any law or regulation applicable to the Houlton Band of Maliseet Indians relating to a matter of public health or safety, including without limitation laws relating to land use or environmental matters, the corresponding laws of the State with respect to that health or safety matter must apply to the Houlton Band of Maliseet Indians to fill any regulatory gap. For the purposes of this paragraph, "corresponding laws of the State" means laws of the State that apply to similar activities outside of Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians.

3. Notice regarding applicability of federal and state law to the Houlton Band of Maliseet Indians.

Whenever the Houlton Band of Maliseet Indians believes that a law of this State does not apply to the Houlton Band of Maliseet Indians, its citizens or Houlton Band Trust Land as a result of subsection 2 and the application of a statute or regulation of the United States, the Houlton Band of Maliseet Indians shall provide written notice to the Attorney General. The Attorney General shall use reasonable efforts to respond in writing to the Houlton Band of Maliseet Indians within 30 days if the State disagrees with the Houlton Band of Maliseet Indians' position regarding the application of the laws of the State. The failure of the Houlton Band of Maliseet Indians to provide notice under this subsection does not limit the application to the Houlton Band of Maliseet Indians of any statute or regulation of the United States. The failure of the Attorney General to respond under this subsection does not limit the authority of the State to dispute the application of any statute or regulation of the United States or the application of any law of this State to the Houlton Band of Maliseet Indians.

4. Gaming activities; criminal jurisdiction; environmental laws; application to the Houlton Band of Maliseet Indians. Notwithstanding any provision of this Act to the contrary:

A. The Houlton Band of Maliseet Indians may conduct gaming activities only in accordance with the laws of this State and may not conduct gaming activities under the authority of the federal Indian Gaming Regulatory Act or under any regulations promulgated under the federal Indian Gaming Regulatory Act by the chair of the National Indian Gaming Commission or its successor organization;

B. The laws of this State applicable to the crimes and juvenile crimes described in this Act apply to the Houlton Band of Maliseet Indians as provided in this Act. The statutes and regulations of the United States

that conflict with or affect or preempt the jurisdiction of this State over crimes and juvenile crimes described in this Act do not apply to the Houlton Band of Maliseet Indians, unless such provisions are specifically applicable within the State of Maine. The federal laws identified in Section 6(c) of United States Public Law 96-420 do not apply to the Houlton Band of Maliseet Indians; and

C. The provisions of the federal Clean Water Act, the federal Water Quality Act of 1987, the federal Clean Air Act and the federal Indian Mineral Development Act of 1982, including all future amendments and reauthorizations of those Acts, do not apply with respect to the Houlton Band of Maliseet Indians and Houlton Band Trust Land to the extent the provisions affect or preempt the application of the laws of this State and directly or indirectly extend the jurisdiction of the Penobscot Nation beyond Houlton Band Trust Land, unless such provisions are specifically made applicable within the State of Maine.

5. Powers of Houlton Band of Maliseet Indians relating to federal statutes and regulations.

Notwithstanding any provision of law to the contrary, the State and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 that the Houlton Band of Maliseet Indians has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on 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, except as otherwise provided in subsection 4.

6. Contingent repeal. Notwithstanding Title 1, section 71, subsection 8, this section is repealed if a court of competent jurisdiction enters a final judgment concluding that no part of this section is effective in causing the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians to apply to the Houlton Band of Maliseet Indians and Houlton Band Trust Land. For purposes of this subsection, "final judgment" does not include a judgment that is the subject of a pending appeal or for which the time period for taking an appeal has not yet expired. If this contingency is met, the Attorney General or the Joint Tribal Council of the Penobscot Nation shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

Sec. 28. Contingent effective date. This Act takes effect 150 days after adjournment of the Second Regular Session of the 131st Legislature only if, within 120 days after adjournment of the Second Regular Session of the 131st Legislature, the Secretary of State receives written certification from the Chiefs of the Passamaquoddy Tribe, or the officer designated under Title 3, section 602 of the Maine Revised Statutes, that the tribe has agreed to the provisions of this Act; from the Chief of the Penobscot Nation, or the officer designated under Title 3, section 602 of the Maine Revised Statutes, that the nation has agreed to the provisions of this Act; and from the Chief of the Houlton Band of Maliseet Indians, or the officer designated under Title 3, section 602 of the Maine Revised Statutes, 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, each section of this Act regarding or affecting the Houlton Band of Maliseet Indians and its tribal members and lands constitutes a jurisdictional agreement 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 Public Law 1981, chapter 675 were met or that the provisions of Public Law 1981, chapter 675 ever took effect.

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

SUMMARY

This amendment, which is the _____ report of the committee, replaces the bill, which is a concept draft. The amendment implements several of the consensus recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act governing the relationship between the State of Maine and the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation. The January 14, 2022 report of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act is available online at <http://legislature.maine.gov/maine-indian-claims-tf>,

The amendment proposes to make substantial changes to Title 30, Chapter 601, currently know as “AN ACT to Implement the Maine Indian claims Settlement,” including by renaming this chapter “the Maine Implementing Act.” The amendment is designed is to restore to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians many of the rights to self-determination enjoyed by other federally recognized Indian tribes within the United States. This represents a significant change from current law, which provides the State with significant authority over Indian affairs. To carry out this purpose, the amendment repeals or amends many provisions of the Maine Implementing Act to recognize that federal Indian law governs the rights, privileges, powers, duties and immunities of the tribe, nation and band. “Federal Indian law” is defined in the amendment to mean the United States Constitution and all generally applicable federal statutes and regulations as well as common law and case law interpreting, implementing, applying or enforcing those constitutional, statutory and regulatory provisions relating to the rights, status, privileges, powers, duties and immunities of federally recognized Indian tribes and their members and land or other natural resources within the United States. This definition explicitly recognizes that federal Indian law is not static but evolves over time with the enactment of new laws and development of federal common law and case law.

With respect to tribal land acquisition, the amendment:

1. Repeals the definition of “Houlton Band Jurisdiction Land” enacted in Public Law 2023, chapter 369, and instead recognizes that the rights, privileges, powers, duties and immunities of the Houlton Band of Maliseet Indians recognized in the Maine Implementing Act apply to “Houlton Band Trust Land,” which is defined to include all land and natural resources acquired by the U.S. Secretary of the Interior in trust for the band under the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986 or any other applicable federal law, including the federal Indian Reorganization Act;
2. Amends the definitions of “Passamaquoddy Indian territory” and “Penobscot Indian territory,” the terms describing the lands over which the tribe and the nation have the rights, privileges, powers, duties and immunities of federally recognized Indian tribes under the Maine Implementing Act. The amendment restructures the procedures for land acquired by the U.S. Secretary of the Interior in trust for the tribe or the nation to be considered Indian territory. Instead of limiting trust land acquisition to specifically described parcels of land, the amendment recognizes as Indian territory any land acquired by the secretary in trust for the tribe or nation within specific counties of the State either prior to the effective date of this legislation or after the effective date of this legislation if the land is not located within the borders of a city, town, village or plantation. If trust land within the specified counties is acquired after the effective date of this legislation and is located within the borders of a city, town, village or plantation, it may be considered Indian territory if the the tribe or nation enters into an agreement with the local government addressing payments in lieu of taxes, allocation of law enforcement responsibility and land use. Lands acquired in trust for the tribe or the nation under any applicable federal law, including the federal Indian Reorganization Act, are also considered Indian territory;
3. Includes within Passamaquoddy Indian territory all lands owned in fee simple by the Passamaquoddy Tribe on the effective date of this legislation if those lands are located within specific counties and are subsequently acquired by the U.S. Secretary of the Interior in trust for the Passamaquoddy Tribe; and

4. Repeals the provisions of the Maine Implementing Act regarding the takings of tribal lands for public use.

The amendment provides that the Passamaquoddy Tribe, the Penobscot Nation, 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.

With respect to the regulation of natural resources, the amendment:

1. Relinquishes the State's jurisdiction with respect to the regulation of fishing, hunting, trapping and other taking of wildlife by both tribal and nontribal citizens on tribal lands and recognizes the exclusive authority of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to regulate fishing, hunting, trapping and other taking of wildlife by both tribal and nontribal citizens within their respective Indian territories and trust land;
2. Retains the authority of the Maine Indian Tribal-State Commission under current law to regulate fishing on boundary waters;
3. Authorizes the State, solely for conservation purposes, to regulate tribal members engaged in fishing, hunting, trapping and other taking of wildlife off of Indian territory or trust land to the extent permitted under federal Indian law and consistent with reserved tribal treaty rights; and
4. Recognizes the exclusive authority of the Penobscot Nation in Penobscot Indian territory, similar to the authority of the Passamaquoddy Tribe in Passamaquoddy Indian territory, to enact ordinances regulating drinking water unless the nation exercises its discretion to enter into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues. It also prohibits the State from exercising primary enforcement authority to implement the federal Safe Drinking Water Act within Penobscot Indian territory and recognizes the authority of the Penobscot Nation to seek to be treated as a state and to obtain primary enforcement authority to implement the federal Safe Drinking Water Act within Penobscot Indian territory. It also extends to all Houlton Band Trust Land the analogous drinking water authority of the Houlton Band of Maliseet Indians within Houlton Band Jurisdiction Land under current law.

The amendment adopts most of federal Indian law addressing tribal court criminal jurisdiction, including the Indian Civil Rights Act of 1968, the Tribal Law and Order Act of 2010 and the tribal provisions of the Violence Against Women Act. Specifically, the amendment:

1. Recognizes the exclusive jurisdiction of the Passamaquoddy Tribal Court, the Penobscot Nation Tribal Court and the potential Houlton Band of Maliseet Indians Tribal Court over Class C, D and E crimes committed within the tribe's, nation's or band's respective Indian territory or trust land by a member of a federally recognized Indian tribe, except when committed against a person who is not a member of any federally recognized Indian tribe. The tribal courts may impose in these cases the maximum penalties other tribal courts are authorized to impose under the federal Tribal Law and Order Act of 2010, as long as the due process protections required that law are observed;
2. Recognizes the concurrent jurisdiction of the State and of the Passamaquoddy Tribal Court, and the Penobscot Nation Tribal Court and the potential Houlton Band of Maliseet Indians Tribal Court over Class C, D and E crimes committed within the tribe's, nation's or band's respective Indian territory or trust land by a member of a federally recognized Indian tribe against a person who is not a member of any federally recognized Indian tribe. The tribal courts may impose in these cases the maximum penalties

other tribal courts are authorized to impose under the federal Tribal Law and Order Act of 2010, as long as the due process protections required that law are observed;

3. Recognizes the concurrent jurisdiction of the State and of the potential Houlton Band of Maliseet Indians Tribal Court over certain Class D domestic violence offenses committed within Houlton Band Trust Land by a nontribal citizen against a person who is a member of a federally recognized Indian tribe. The Maine Implementing Act currently recognizes analogous concurrent criminal jurisdiction for the Passamaquoddy Tribal Court and the Penobscot Nation Tribal Court;
4. Retains current law providing that, when the Passamaquoddy Tribal Court, the Penobscot Nation Tribal Court and the potential Houlton Band of Maliseet Indians Tribal Court exercise criminal jurisdiction, the definitions of the crimes and the punishments applicable to those crimes are governed by state law, but newly provides that the punishments 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); and
5. Retains current law providing that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians have exclusive authority to decide whether to exercise the tribal court criminal jurisdiction recognized in the Maine Implementing Act. To the extent that the tribe, nation or band does not exercise, or terminates its exercise of, this criminal jurisdiction, the State has exclusive criminal jurisdiction over those matters.

The amendment extends to tribal law enforcement officers appointed by the Houlton Band of Maliseet Indians within Houlton Band Trust Land the same authority recognized in the Maine Implementing Act for tribal law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation within their respective Indian territories. It also recognizes the authority of the Houlton Band of Maliseet Indians to create a tribal school community analogous to the authority of the Passamaquoddy Tribe and the Penobscot Nation to create tribal school communities under current law.

With respect to civil jurisdiction, the amendment:

1. Recognizes the exclusive authority, under federal Indian law, of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation to exercise civil regulatory authority on their respective Indian territory or trust land over their respective tribal members and tribal entities;
2. Recognizes the concurrent authority with the State, under federal Indian law, of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation to exercise civil regulatory authority on their respective Indian territory or trust land over persons and entities who are not tribal citizens or tribal entities; and
3. Recognizes and adopts the application of federal Indian law with respect to the authority of the State and of the tribal courts of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation to exercise adjudicatory jurisdiction over civil actions arising on the band's, tribe's or nation's respective Indian territory or trust land.

With respect to the application of federal laws for the benefit of Indians to the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation, the amendment:

1. Establishes that the State and the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation each agree that, except as specifically provided in the Maine Implementing Act, any law of the State that would be affected or preempted by the operation, application or implementation of any statute or regulation of the United States that accords 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 apply to the band, tribe or nation;

2. Establishes that the State and the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation each agree that, except as specifically provided in the Maine Implementing Act, any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords 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 band, tribe or nation. Notwithstanding any provision of law to the contrary, the band, tribe and nation have the power to enact laws and ordinances relating to the operation, application and implementation of any such statutes or regulation of the United States;
3. Provides that, if the operation, application or implementation of any statute or regulation of the United States to the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation would result in the absence of any law or regulation applicable to the Passamaquoddy Tribe relating to a matter of public health or safety, including without limitation laws relating to land use or environmental matters, the corresponding laws of the State with respect to that health or safety matter must apply to the band, tribe or nation to fill any regulatory gap.
4. Describes a process by which the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation may notify the Attorney General if they believe that a law of this State does not apply to the band, tribe or nation under the amendments to the Maine Implementing Act included within this legislation; and
5. Specifically restricts the application of specific statutes and regulations of the United States to the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation as follows:
 - a. The band, tribe and nation may not conduct gaming activities under the federal Indian Gaming Regulatory Act and its implementing regulations;
 - b. Any statute or regulation of the United States that conflicts with or preempts the jurisdiction of the State over crimes and juvenile crimes as described in the Maine Implementing Act does not apply to the band tribe and nation. In addition, the federal laws identified in Section 6(c) of the federal Maine Indian Claims Settlement Act of 1980, United States Public Law 96-420, do not apply to the band, tribe and nation; and
 - c. The federal Clean Water Act, the federal Water Quality Act of 1987, the federal Clean Air Act and the federal Indian Mineral Development Act of 1982, as well as all future amendments to those laws, do not apply to the band, tribe and nation and their respective Indian territories or trust land to the extent the provisions of those laws affect or preempt the application of the laws of this State and extend the jurisdiction of the tribe, nation or band beyond their Indian territory or trust land, unless such provisions are specifically made applicable within the State of Maine; and
6. Provides for the contingent repeal of the provisions of the Maine Implementing Act governing the application of federal laws for the benefit of Indians to the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation, if a court of competent jurisdiction enters a final judgment concluding that no part of these provisions is effective in causing these federal laws to apply to, respectively, the band, tribe or nation.

The amendment also either repeals or repeals and replaces each provision of the Maine Implementing Act that was enacted by Public Law 1981, chapter 675 and provides that, if the Houlton Band of Maliseet Indians certifies

its agreement to the provisions of this legislation, that agreement constitutes a jurisdictional agreement between the State and the Houlton Band of Maliseet Indians for purposes of Maine Indian Claims Settlement Act of 1980, United States Public Law 96-420, Section 6(e)(2) but does not constitute an agreement by the Houlton Band of Maliseet Indians that the provisions of Public law 1981, chapter 675 ever took effect.

Under the amendment, this legislation takes effect 150 days after adjournment of the Second Regular Session of the 131st Legislature only if the relevant officials of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians certify the tribe's, nation's and band's agreements to the legislation within 120 days after adjournment of the Second Regular Session.