

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 785

S.P. 344

In Senate, March 4, 2025

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

Received by the Secretary of the Senate on February 26, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TALBOT ROSS of Cumberland.
Cosponsored by Representative FAULKINGHAM of Winter Harbor and
Senators: BENNETT of Oxford, CARNEY of Cumberland, President DAUGHTRY of
Cumberland, MOORE of Washington, Representatives: BABIN of Fort Fairfield, Speaker
FECTEAU of Biddeford, KUHN of Falmouth, LEE of Auburn.

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

2 **Sec. 1. 12 MRSA §685-C, sub-§10**, as enacted by PL 1997, c. 739, §1, is amended
3 by repealing the 2nd blocked paragraph.

4 **Sec. 2. 12 MRSA §6302-A, sub-§2**, as amended by PL 2023, c. 646, Pt. A, §13, is
5 further amended by amending the first blocked paragraph to read:

6 For purposes of this subsection, "sustenance use" means all noncommercial consumption
7 or noncommercial use by any person within Passamaquoddy Indian territory, as defined in
8 Title 30, section 6205, subsection 1, Penobscot Indian territory, as defined in Title 30,
9 section 6205, subsection 2, Mi'kmaq Nation Trust Land, as defined in Title 30, section
10 7203, subsection 6, or Houlton Band Trust Land, as defined in Title 30, section 6203,
11 subsection ~~2-A~~ 2-B, or at any location within the State by a tribal member, by a tribal
12 member's immediate family or within a tribal member's household. The term "sustenance
13 use" does not include the sale of marine organisms.

14 **Sec. 3. 30 MRSA §6201, first ¶**, as enacted by PL 1979, c. 732, §§1 and 31, is
15 amended to read:

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

18 **Sec. 4. 30 MRSA §6202**, as enacted by PL 1979, c. 732, §§1 and 31, is amended to
19 read:

20 **§6202. Legislative findings and declaration of policy**

21 The Legislature finds and declares the following.

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

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

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

35 ~~The~~ In the late 1970s, the Indian claimants and the State, acting through the Attorney
36 General, ~~have~~ reached certain agreements ~~which represent~~ that represented a good faith
37 effort on the part of all parties to achieve a fair and just resolution of those claims ~~which~~
38 that, in the absence of agreement, would ~~be~~ have been pursued through the courts for many
39 years to the ultimate detriment of the State and all its citizens, including the Indians. The
40 resolution reached among the Indian claimants and the State affirmed the land transfers and
41 the reservations of rights embodied within the specific treaties that gave rise to the claims

1 at issue and sought to definitively eliminate any prospect that the claims brought by the
2 Indian claimants would cloud private title to land in the State.

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

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

11 **1. Rights, privileges, powers, duties and immunities.** The purpose of the
12 amendments to this Act enacted in 2025 is to establish that the Passamaquoddy Tribe, the
13 Penobscot Nation and the Houlton Band of Maliseet Indians enjoy rights, privileges,
14 powers, duties and immunities similar to those of other federally recognized Indian tribes
15 within the United States.

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

27 **Sec. 5. 30 MRSA §6203**, as amended by PL 2023, c. 369, Pt. D, §§1 and 2 and
28 affected by §8, is further amended to read:

29 **§6203. Definitions**

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

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

34 **~~1-A. Houlton Band Jurisdiction Land.~~** "Houlton Band Jurisdiction Land" means:

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

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

40 **1-B. Federal Indian law.** "Federal Indian law" means the United States Constitution
41 and all generally applicable federal statutes, regulations and common law and case law
42 interpreting, implementing, applying or enforcing those laws and regulations, and
43 subsequent amendments thereto, relating to the rights, status, privileges, powers, duties and

1 immunities of federally recognized Indian tribes and their members and land or other
2 natural resources within the United States.

3 **2. Houlton Band of Maliseet Indians.** "Houlton Band of Maliseet Indians" means
4 the Maliseet Tribe of Indians as constituted on March 4, 1789, and all its predecessors and
5 successors in interest, ~~which that~~, as of the ~~date of passage of this Act~~ April 3, 1980, are
6 represented, as to lands within the United States, by the Houlton Band Council of the
7 Houlton Band of Maliseet Indians.

8 **2-A. Houlton Band Trust Land.** "~~Houlton Band Trust Land~~" has the same meaning
9 as "~~Houlton Band trust land~~" in ~~Section 2(2) of the federal Houlton Band of Maliseet~~
10 ~~Indians Supplementary Claims Settlement Act of 1986, Public Law 99-566.~~

11 **2-B. Houlton Band Trust Land.** "Houlton Band Trust Land" means all land or
12 natural resources acquired by the secretary in trust for the Houlton Band of Maliseet Indians
13 pursuant to the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement
14 Act of 1986, Public Law 99-566 or pursuant to any other applicable federal Indian law,
15 including but not limited to the federal Indian Reorganization Act, Public Law 73-383 and
16 its implementing regulations as described in section 6205-B, subsection 2.

17 **2-C. Indian territory or trust land.** "Indian territory or trust land" means:

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

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

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

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

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

28 **4-A. Nontribal citizen or nonmember.** "Nontribal citizen" or "nonmember" means
29 a person or entity that is not a member of the Passamaquoddy Tribe, the Penobscot Nation
30 or the Houlton Band of Maliseet Indians and is not a tribal entity.

31 **5. Passamaquoddy Indian Reservation.** "Passamaquoddy Indian Reservation"
32 means those lands reserved to the Passamaquoddy Tribe by agreement with the ~~State~~
33 Commonwealth of Massachusetts dated September 19, 1794, excepting any parcel within
34 such lands transferred to a person or entity other than a member of the Passamaquoddy
35 Tribe subsequent to such agreement and prior to the effective date of this Act. If any lands
36 reserved to the Passamaquoddy Tribe by the aforesaid agreement hereafter are acquired by
37 the Passamaquoddy Tribe, or the secretary on its behalf, that land ~~shall~~ must be included
38 within the Passamaquoddy Indian Reservation. For purposes of this subsection, the lands
39 reserved to the Passamaquoddy Tribe by the aforesaid agreement ~~shall be~~ are limited to
40 Indian Township in Washington County; Pine Island, sometimes referred to as Taylor's
41 Island, located in Big Lake, in Washington County; 100 acres of land located on Nemcass
42 Point, sometimes referred to as Governor's Point, located in Washington County and shown
43 on a survey of John Gardner ~~which that~~ is filed in the Maine State Archives, Executive

1 Council Records, Report Number 264 and dated June 5, 1855; 100 acres of land located at
2 Pleasant Point in Washington County as described in a deed to Captain John Frost from
3 Theodore Lincoln, Attorney for Benjamin Lincoln, Thomas Russell, and John Lowell dated
4 July 14, 1792, and recorded in the Washington County Registry of Deeds on April 27,
5 1801, at Book 3, Page 73; and those 15 islands in the St. Croix River in existence on
6 September 19, 1794 and located between the head of the tide of that river and the falls
7 below the forks of that river, both of which points are shown on a 1794 plan of Samuel
8 Titcomb ~~which that~~ is filed in the Maine State Archives in Maine Land Office Plan Book
9 Number 1, page 33. The "Passamaquoddy Indian Reservation" includes those lands ~~which~~
10 ~~that~~ have been or may be acquired by the Passamaquoddy Tribe within that portion of the
11 Town of Perry ~~which that~~ lies south of Route 1 on the east side of Route 190 and south of
12 lands now owned or formerly owned by William Follis on the west side of Route 190;
13 ~~provided that no such lands may be included in the Passamaquoddy Indian Reservation~~
14 ~~until the Secretary of State receives certification from the treasurer of the Town of Perry~~
15 ~~that the Passamaquoddy Tribe has paid to the Town of Perry the amount of \$350,000,~~
16 ~~provided that the consent of the Town of Perry would be voided unless the payment of the~~
17 ~~\$350,000 is made within 120 days of the effective date of this section. Any commercial~~
18 ~~development of those lands must be by approval of the voters of the Town of Perry with~~
19 ~~the exception of land development currently in the building stages.~~

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

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

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

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

43 The "Penobscot Indian Reservation" also includes a certain parcel of land located in Argyle,
44 Penobscot County consisting of approximately 714 acres known as the Argyle East Parcel
45 and more particularly described as Parcel One in a deed from the Penobscot Indian Nation

1 to the United States of America dated November 22, 2005 and recorded at the Penobscot
2 County Registry of Deeds in Book 10267, Page 265.

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

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

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

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

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

18 **14. Tribal entity.** "Tribal entity" has the same meaning as in Title 36, section 111,
19 subsection 8.

20 **Sec. 6. 30 MRSA §6204**, as enacted by PL 1979, c. 732, §§1 and 31, is repealed.

21 **Sec. 7. 30 MRSA §6205, sub-§1**, as amended by PL 2021, c. 650, §§2 to 4 and
22 affected by §13, is further amended to read:

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

25 A. The Passamaquoddy Indian Reservation;

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

30 ~~The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.~~
31 ~~(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.;~~
32 ~~the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,~~
33 ~~B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,~~
34 ~~B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;~~
35 ~~any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle~~
36 ~~Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram~~
37 ~~C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion~~
38 ~~of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of~~
39 ~~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~~
40 ~~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~~
41 ~~portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion~~
42 ~~of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International~~
43 ~~Corporation, International Paper Company and Lincoln Pulp and Paper Company~~

1 located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9
2 N.W.P., T.3 R.3. N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond
3 Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P.
4 (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and any lands in
5 Albany Township acquired by the Passamaquoddy Tribe;

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

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

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

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

15 (c) Except as provided in paragraph G and subject to the provisions of
16 subparagraph (2), after the effective date of this subparagraph and the land is
17 located within a city, town, village or plantation;

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

21 (a) Under which the Passamaquoddy Tribe is required:

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

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

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

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

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

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

41 (3) If any of the agreements required by subparagraph (2) are not in place within
42 90 days from the date the Passamaquoddy Tribe provides written notice to the city,

1 town, village or plantation of the need to develop agreements to meet the
2 requirements of subparagraph (2), either party may submit any dispute, claim,
3 question or disagreement regarding the requirements of subparagraph (2) to
4 binding arbitration, which must be governed by the rules of the American
5 Arbitration Association or its successor organization unless other rules are agreed
6 to by both parties. The parties shall submit their last best offer regarding the matter
7 to the arbitration panel, and the panel shall decide which last best offer on the
8 matter best meets the applicable requirements of subparagraph (2);

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

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

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

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

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

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

34 E. Land acquired by the secretary for the benefit of the Passamaquoddy Tribe in
35 Township 21 consisting of Gordon Island in Big Lake, conveyed by Domtar Maine
36 Corporation to the Passamaquoddy Tribe by corporate quitclaim deed dated April 30,
37 2002, recorded in the Washington County Registry of Deeds in Book 2624, Page 301,
38 to the extent that the land is not held in common with any other person or entity ~~and is~~
39 ~~certified by the secretary as held for the benefit of the Passamaquoddy Tribe; and~~

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

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

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

4 Notwithstanding ~~subsection 5~~ and any other provision of this Act to the contrary, the
5 addition of land to the Passamaquoddy Indian territory pursuant to this paragraph is not
6 subject to approval by any city, town, village or plantation within the State.;

7 G. Lands owned in fee simple by the Passamaquoddy Tribe on the effective date of
8 this paragraph that the secretary acquires for the benefit of the Passamaquoddy Tribe,
9 as long as the lands are within the geographic area and acreage restrictions set forth in
10 paragraph B-1. Notwithstanding any provision of this Act to the contrary, the addition
11 of lands owned in fee simple by the Passamaquoddy Tribe to the Passamaquoddy
12 Indian territory pursuant to this paragraph is not subject to approval by any city, town,
13 village or plantation within the State; and

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

18 **Sec. 8. 30 MRSA §6205, sub-§2**, as amended by PL 2021, c. 139, §2 and affected
19 by §3, is further amended to read:

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

22 A. The Penobscot Indian Reservation; ~~and~~

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

27 ~~The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P.~~
28 ~~(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.;~~
29 ~~the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5,~~
30 ~~B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5,~~
31 ~~B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.;~~
32 ~~any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle~~
33 ~~Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram~~
34 ~~C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion~~
35 ~~of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of~~
36 ~~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~~
37 ~~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~~
38 ~~portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion~~
39 ~~of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International~~
40 ~~Corporation, International Paper Company and Lincoln Pulp and Paper Company~~
41 ~~located in Argyle; any land acquired in Williamsburg T.6, R.8, N.W.P.; any 300 acres~~
42 ~~in Old Town mutually agreed upon by the City of Old Town and the Penobscot Nation~~
43 ~~Tribal Government; any lands in Lakeville acquired by the Penobscot Nation; and all~~
44 ~~the property acquired by the Penobscot Indian Nation from Herbert C. Haynes, Jr.;~~

1 ~~Herbert C. Haynes, Inc. and Five Islands Land Corporation located in Township 1,~~
2 ~~Range 6 W.E.L.S.~~

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

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

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

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

12 (c) Subject to the provisions of subparagraph (2), after the effective date of
13 this subparagraph and the land is located within a city, town, village or
14 plantation;

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

18 (a) Under which the Penobscot Nation is required:

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

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

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

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

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

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

37 (3) If any of the agreements required by subparagraph (2) are not in place within
38 90 days from the date the Penobscot Nation provides written notice to the city,
39 town, village or plantation of the need to develop agreements to meet the
40 requirements of subparagraph (2), either party may submit any dispute, claim,
41 question or disagreement regarding the requirements of subparagraph (2) to
42 binding arbitration, which must be governed by the rules of the American

1 Arbitration Association or its successor organization unless other rules are agreed
2 to by both parties. The parties shall submit their last best offer regarding the matter
3 to the arbitration panel, and the panel shall decide which last best offer on the
4 matter best meets the applicable requirements of subparagraph (2); and

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

9 **Sec. 9. 30 MRSA §6205, sub-§3**, as enacted by PL 1979, c. 732, §1, is repealed.

10 **Sec. 10. 30 MRSA §6205, sub-§4**, as enacted by PL 1979, c. 732, §§1 and 31, is
11 repealed.

12 **Sec. 11. 30 MRSA §6205, sub-§5**, as enacted by PL 1979, c. 732, §§1 and 31, is
13 repealed.

14 **Sec. 12. 30 MRSA §6205, sub-§6** is enacted to read:

15 **6. Acquisition of additional trust land.** Nothing in this Act limits the ability of the
16 Passamaquoddy Tribe and the Penobscot Nation to acquire trust land or other natural
17 resources in accordance with applicable settlement acts and federal Indian law, including
18 but not limited to the federal Indian Reorganization Act, Public Law 73-383, and their
19 implementing regulations. Except as required by federal Indian law or as required in
20 subsection 1, paragraph B-1 and subsection 2, paragraph B-1, acquisition of trust land or
21 natural resources is not subject to approval by the State or any local government within the
22 State.

23 **Sec. 13. 30 MRSA §6205-A**, as enacted by PL 1981, c. 675, §§2 and 8, is repealed.

24 **Sec. 14. 30 MRSA §6205-B** is enacted to read:

25 **§6205-B. Acquisition of Houlton Band Trust Land**

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

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

38 **Sec. 15. 30 MRSA §6206**, as amended by PL 2023, c. 647, Pt. B, §1 and affected
39 by §9 and amended by Pt. E, §1 and affected by §5, is further amended by amending the
40 section headnote to read:

41 **§6206. Powers and duties Rights, privileges, powers, duties and immunities of the**
42 **Indian tribes within their respective Indian territories and the State**

1 **Sec. 16. 30 MRSA §6206, sub-§1**, as amended by PL 2023, c. 647, Pt. B, §1 and
2 affected by §9, is further amended to read:

3 **1. General powers.** Except as otherwise provided specified in this Act, the State, the
4 Passamaquoddy Tribe and, the Penobscot Nation, within their respective Indian territories,
5 and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public
6 Law 96-420 to recognize that the Passamaquoddy Tribe, the Penobscot Nation, the Houlton
7 Band of Maliseet Indians and their respective members have and may exercise and enjoy
8 all the rights, privileges, powers, duties and immunities, including, but without limitation,
9 the power to enact ordinances and collect taxes, and are subject to all the duties, obligations,
10 liabilities and limitations of a municipality of and subject to the laws of the State, provided,
11 however, that internal tribal matters, including membership in the respective tribe or nation,
12 the right to reside within the respective Indian territories, tribal organization, tribal
13 government, tribal elections, the use or disposition of settlement fund income and the
14 exercise of power by the Passamaquoddy Tribe pursuant to section 6207, subsection 10,
15 section 6207-A and section 6209-A, subsection 1, paragraph F and by the Penobscot Nation
16 pursuant to section 6207, subsection 11, section 6207-B and section 6209-B, subsection 1,
17 paragraph F, respectively, is not subject to regulation by the State. The Passamaquoddy
18 Tribe and the Penobscot Nation shall designate such officers and officials as are necessary
19 to implement and administer those laws of the State applicable to the respective Indian
20 territories and the residents thereof. Any resident of the Passamaquoddy Indian territory or
21 the Penobscot Indian territory who is not a member of the respective tribe or nation
22 nonetheless is equally entitled to receive any municipal or governmental services provided
23 by the respective tribe or nation or by the State, except those services that are provided
24 exclusively to members of the respective tribe or nation pursuant to state or federal law,
25 and is entitled to vote in national, state and county elections in the same manner as any
26 tribal member residing within Indian territory that federally recognized Indian tribes and
27 their members generally have or exercise under federal Indian law, including laws and
28 regulations of the United States enacted for the benefit of Indians, Indian nations or tribes
29 or bands of Indians and laws and regulations that accord a special status or right to or that
30 relate to a special status or right of any Indian, Indian nation, tribe or band of Indians,
31 Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for
32 Indians.

33 **Sec. 17. 30 MRSA §6206, sub-§1-A** is enacted to read:

34 **1-A. Drinking water regulation.** Notwithstanding any other provision of this Act,
35 the State does not have authority to regulate the exercise of authority by:

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

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

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

42 **Sec. 18. 30 MRSA §6206, sub-§2**, as enacted by PL 1979, c. 732, §§1 and 31, is
43 amended to read:

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

10 **Sec. 19. 30 MRSA §6206, sub-§3**, as amended by PL 2023, c. 647, Pt. E, §1 and
11 affected by §5, is repealed.

12 **Sec. 20. 30 MRSA §6206-A**, as enacted by PL 1981, c. 675, §§3 and 8, is repealed.

13 **Sec. 21. 30 MRSA §6206-B**, as amended by PL 2023, c. 369, Pt. D, §3 and affected
14 by §8, is repealed.

15 **Sec. 22. 30 MRSA §6207, sub-§1**, as amended by PL 2021, c. 650, §7 and affected
16 by §13, is repealed.

17 **Sec. 23. 30 MRSA §6207, sub-§1-A** is enacted to read:

18 **1-A. Jurisdiction of tribes.** Except as otherwise specified in subsections 2-A and 3,
19 the State recognizes the exclusive jurisdiction that the Passamaquoddy Tribe, the Penobscot
20 Nation and the Houlton Band of Maliseet Indians have under federal Indian law to regulate
21 fishing, hunting, trapping and other taking of wildlife within the boundaries of their
22 respective Indian territory or trust land by:

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

24 B. Nontribal citizens.

25 **Sec. 24. 30 MRSA §6207, sub-§2**, as enacted by PL 1979, c. 732, §§1 and 31, is
26 repealed.

27 **Sec. 25. 30 MRSA §6207, sub-§2-A** is enacted to read:

28 **2-A. Regulation by State solely for conservation purposes.** Solely for conservation
29 purposes, the State has jurisdiction with respect to the regulation of fishing, hunting,
30 trapping and other taking of wildlife by Indians off Indian territory or trust land to the extent
31 permitted under federal Indian law and in a manner consistent with reserved tribal treaty
32 rights.

33 **Sec. 26. 30 MRSA §6207, sub-§3**, as enacted by PL 1979, c. 732, §§1 and 31, is
34 amended to read:

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

40 A. Any pond for which 50% or more of the linear shoreline is within Indian territory
41 or trust land other than those specified in subsection 1, paragraph B, 50% or more of

1 ~~the linear shoreline of which is~~ ponds in which all the shoreline and submerged lands
2 are wholly within Indian territory or trust land and that are less than 10 acres in surface
3 area;

4 B. Any section of a river or stream both sides of which are within Indian territory or
5 trust land; and

6 C. Any section of a river or stream one side of which is within Indian territory or trust
7 land for a continuous length of 1/2 mile or more.

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

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

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

30 **Sec. 27. 30 MRSA §6207, sub-§3-A**, as enacted by PL 1997, c. 739, §12 and
31 affected by §§13 and 14, is repealed.

32 **Sec. 28. 30 MRSA §6207, sub-§4**, as enacted by PL 1979, c. 732, §§1 and 31, is
33 amended to read:

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

40 **Sec. 29. 30 MRSA §6207, sub-§5**, as enacted by PL 1979, c. 732, §§1 and 31, is
41 amended to read:

42 **5. Posting.** Lands or waters subject to regulation by the commission, the
43 Passamaquoddy Tribe ~~or, the Penobscot Nation shall~~ or the Houlton Band of Maliseet

1 Indians must be conspicuously posted in such a manner as to provide reasonable notice to
2 the public of the limitations on hunting, trapping, fishing or other use of such lands or
3 waters.

4 **Sec. 30. 30 MRSA §6207, sub-§6**, as enacted by PL 1979, c. 732, §§1 and 31, is
5 repealed.

6 **Sec. 31. 30 MRSA §6207, sub-§7**, as enacted by PL 1979, c. 732, §§1 and 31, is
7 amended to read:

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

13 **Sec. 32. 30 MRSA §6207, sub-§8**, as enacted by PL 1979, c. 732, §§1 and 31, is
14 amended to read:

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

24 **Sec. 33. 30 MRSA §6207, sub-§12** is enacted to read:

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

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

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

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

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

40 **Sec. 34. 30 MRSA §6207-C**, as enacted by PL 2023, c. 369, Pt. D, §4 and affected
41 by §8, is repealed.

1 **Sec. 35. 30 MRSA §6207-D**, as enacted by PL 2023, c. 369, Pt. D, §5 and affected
2 by §8, is amended by amending the section headnote to read:

3 **§6207-D. Jurisdiction of the Houlton Band of Maliseet Indians over drinking water**
4 **within Houlton Band ~~Jurisdiction~~ Trust Land**

5 **Sec. 36. 30 MRSA §6207-D, sub-§1**, as enacted by PL 2023, c. 369, Pt. D, §5 and
6 affected by §8, is amended to read:

7 **1. Jurisdiction of Houlton Band of Maliseet Indians to administer drinking water-**
8 **related programs.** The Houlton Band of Maliseet Indians may seek to be treated as a state
9 pursuant to the federal Safe Drinking Water Act, 42 United States Code, Section 300j-11,
10 and its implementing regulations, as amended, within Houlton Band ~~Jurisdiction~~ Trust
11 Land and may otherwise benefit from and exercise jurisdiction under any other federal law
12 enacted after October 10, 1980 that permits a federally recognized Indian tribe to administer
13 drinking water-related programs; and

14 **Sec. 37. 30 MRSA §6207-D, 2nd ¶**, as enacted by PL 2023, c. 369, Pt. D, §5 and
15 affected by §8, is amended to read:

16 Notwithstanding any other provision of this section, the Houlton Band of Maliseet
17 Indians' jurisdiction does not extend beyond Houlton Band ~~Jurisdiction~~ Trust Land.

18 **Sec. 38. 30 MRSA §6207-E** is enacted to read:

19 **§6207-E. Land use and natural resources**

20 Except as otherwise provided in this Act, the State, the Passamaquoddy Tribe, the
21 Penobscot Nation and the Houlton Band of Maliseet Indians agree and intend pursuant to
22 United States Public Law 96-420 to recognize that the Passamaquoddy Tribe, the
23 Penobscot Nation and the Houlton Band of Maliseet Indians have the authority to regulate
24 natural resources and land use within the boundaries of their respective Indian territory or
25 trust land to the extent provided in federal Indian law.

26 **Sec. 39. 30 MRSA §6208-A**, as enacted by PL 1981, c. 675, §§7 and 8, is repealed.

27 **Sec. 40. 30 MRSA §6209-A, sub-§4-A** is enacted to read:

28 **4-A. Civil adjudicatory jurisdiction over matters arising on Passamaquoddy**
29 **Indian territory.** The State and the Passamaquoddy Tribe agree and intend pursuant to
30 United States Public Law 96-420 to recognize and adopt the application of federal Indian
31 law with regard to the authority of the Passamaquoddy Tribe to exercise adjudicatory
32 jurisdiction over civil actions arising on Passamaquoddy Indian territory. The courts of the
33 State have adjudicatory jurisdiction over civil actions arising on Passamaquoddy Indian
34 territory to the extent provided by federal Indian law or as otherwise provided in this Act.

35 **Sec. 41. 30 MRSA §6209-B, sub-§4-A** is enacted to read:

36 **4-A. Civil adjudicatory jurisdiction over matters arising on Penobscot Indian**
37 **territory.** The State and the Penobscot Nation agree and intend pursuant to United States
38 Public Law 96-420 to recognize and adopt the application of federal Indian law with regard
39 to the authority of the Penobscot Nation to exercise adjudicatory jurisdiction over civil
40 actions arising on Penobscot Indian territory. The courts of the State have adjudicatory
41 jurisdiction over civil actions arising on Penobscot Indian territory to the extent provided
42 by federal Indian law or as otherwise provided in this Act.

1 **Sec. 42. 30 MRSA §6209-C, sub-§1, ¶A**, as amended by PL 2023, c. 647, Pt. C,
2 §1 and affected by §5, is further amended to read:

3 A. The following criminal offenses committed on Houlton Band ~~Jurisdiction~~ Trust
4 Land by an adult member of any federally recognized Indian tribe, nation, band or other
5 group:

6 (1) Class C, D and E crimes in Titles 15, 17, 17-A, 19-A and 29-A that are not
7 committed against a person or the property of a person; and

8 (2) Class C, D and E crimes committed against a person who is a member of any
9 federally recognized Indian tribe, nation, band or other group or against the
10 property of a person who is a member of any federally recognized Indian tribe,
11 nation, band or other group.

12 The Houlton Band of Maliseet Indians may not deny to any criminal defendant
13 prosecuted for a Class C crime the rights and protections enumerated in 25 United
14 States Code, Section 1302(c);

15 **Sec. 43. 30 MRSA §6209-C, sub-§1, ¶B**, as amended by PL 2023, c. 369, Pt. D,
16 §6 and affected by §8, is further amended to read:

17 B. Juvenile crimes against a person or property involving conduct that, if committed
18 by an adult, would fall within the exclusive jurisdiction of the Houlton Band of
19 Maliseet Indians under paragraph A and juvenile crimes, as defined in Title 15, section
20 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the
21 Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or
22 the Mi'kmaq Nation within Houlton Band ~~Jurisdiction~~ Trust Land;

23 **Sec. 44. 30 MRSA §6209-C, sub-§1, ¶C**, as amended by PL 2023, c. 369, Pt. D,
24 §6 and affected by §8, is further amended to read:

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

33 **Sec. 45. 30 MRSA §6209-C, sub-§1, ¶E**, as amended by PL 2023, c. 369, Pt. D,
34 §6 and affected by §8, is further amended to read:

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

39 **Sec. 46. 30 MRSA §6209-C, sub-§1, ¶F**, as enacted by PL 2023, c. 369, Pt. D, §6
40 and affected by §8, is amended to read:

41 F. Notwithstanding any other provision of this subsection, civil and criminal actions
42 regarding the enforcement of ordinances enacted pursuant to section ~~6207-C~~,

1 subsection ~~10~~ 6207, subsection 12, except that the Houlton Band of Maliseet Indians
2 may not exercise jurisdiction over a nonprofit public municipal corporation.

3 **Sec. 47. 30 MRSA §6209-C, sub-§1-C, ¶A**, as enacted by PL 2023, c. 647, Pt. C,
4 §2 and affected by §5, is amended to read:

5 A. Class C, D and E crimes committed on Houlton Band ~~Jurisdiction~~ Trust Land by
6 an adult member of any federally recognized Indian tribe, nation, band or other group
7 against a person who is not a member of any federally recognized Indian tribe, nation,
8 band or other group or against the property of a person who is not a member of any
9 federally recognized Indian tribe, nation, band or other group; and

10 **Sec. 48. 30 MRSA §6209-C, sub-§1-C, ¶B**, as enacted by PL 2023, c. 647, Pt. C,
11 §2 and affected by §5, is amended to read:

12 B. Class C, D and E crimes committed on Houlton Band ~~Jurisdiction~~ Trust Land by a
13 person who is not a member of any federally recognized Indian tribe, nation, band or
14 other group as authorized in the federal Violence Against Women Act Reauthorization
15 Act of 2022, Public Law 117-103, Division W, Title VIII, Subtitle A, Section 804, 25
16 United States Code, Section 1304. Notwithstanding subsection 2, the Houlton Band of
17 Maliseet Indians may not deny to any criminal defendant prosecuted pursuant to this
18 paragraph the rights and protections enumerated in 25 United States Code, Sections
19 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary
20 under the United States Constitution in order for Congress or the State to recognize
21 concurrent jurisdiction under this paragraph.

22 **Sec. 49. 30 MRSA §6209-C, sub-§1-D, ¶A**, as enacted by PL 2023, c. 647, Pt. C,
23 §3 and affected by §5, is amended to read:

24 A. All crimes and juvenile crimes committed on Houlton Band ~~Jurisdiction~~ Trust Land
25 against the State or against any office, department, agency, authority, commission,
26 board, institution, hospital or other instrumentality of the State, including the Maine
27 Turnpike Authority, the Maine Port Authority, the Northern New England Passenger
28 Rail Authority, the Maine Community College System, the Maine Veterans' Homes,
29 the Maine Public Employees Retirement System, the Maine Military Authority and all
30 similar state entities; and

31 **Sec. 50. 30 MRSA §6209-C, sub-§1-D, ¶B**, as enacted by PL 2023, c. 647, Pt. C,
32 §3 and affected by §5, is amended to read:

33 B. Class C, D and E crimes defined in provisions of the Maine Revised Statutes outside
34 of Titles 15, 17, 17-A, 19-A and 29-A committed on Houlton Band ~~Jurisdiction~~ Trust
35 Land by an adult member of any federally recognized Indian tribe, nation, band or other
36 group that are not committed against a person or the property of a person.

37 **Sec. 51. 30 MRSA §6209-C, sub-§4-A** is enacted to read:

38 **4-A. Civil adjudicatory jurisdiction over matters arising on Houlton Band Trust**
39 **Land.** The State and the Houlton Band of Maliseet Indians agree and intend pursuant to
40 United States Public Law 96-420 to recognize and adopt the application of federal Indian
41 law with regard to the authority of the Houlton Band of Maliseet Indians to exercise
42 adjudicatory jurisdiction over civil actions arising on Houlton Band Trust Land. The courts

1 of the State have adjudicatory jurisdiction over civil actions arising on Houlton Band Trust
2 Land to the extent provided by federal Indian law or as otherwise provided in this Act.

3 **Sec. 52. 30 MRSA §6210**, as amended by PL 2023, c. 647, Pt. E, §§2 to 4 and
4 affected by §5, is further amended to read:

5 **§6210. Law enforcement ~~on Indian reservations and within Indian territory and trust~~**
6 **land**

7 **1. Exclusive authority of tribal law enforcement officers.** Law enforcement officers
8 appointed by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the
9 Penobscot Nation have exclusive authority to enforce, within their respective Indian
10 territories and trust land:

11 A. ~~Within their respective Indian territories,~~ Tribal laws and ordinances adopted under
12 section 6206 and section 6207, subsections ~~1~~ 1-A, 10 and 11 and 12;

13 B. ~~On their respective Indian reservations, the~~ The criminal, and juvenile, civil and
14 domestic relations laws over which the Houlton Band of Maliseet Indians, the
15 Passamaquoddy Tribe or the Penobscot Nation have jurisdiction under section 6209-C,
16 subsection 1, paragraphs A and B, section 6209-A, subsection 1, paragraphs A and B
17 and section 6209-B, subsection 1, paragraphs A and B, respectively; and

18 C. ~~Within their respective Indian territories, the~~ The civil and domestic relations laws
19 over which the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the
20 Penobscot Nation have jurisdiction under section 6209-C, subsection 1, paragraphs C
21 to F, section 6209-A, subsection 1, paragraphs C to F and section 6209-B, subsection
22 1, paragraphs C to F, respectively.

23 **1-A. Appointment of tribal law enforcement officers.** The Houlton Band of
24 Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation may appoint law
25 enforcement officers who have the authority to enforce the laws of the State that are
26 applicable within Indian territory or trust land. This subsection does not limit the
27 appointment or authority of tribal officers under tribal law or affect the performance of
28 federal duties by tribal officers.

29 **2. Joint authority of tribal and state law enforcement officers.** Law enforcement
30 officers appointed by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and
31 the Penobscot Nation have the authority within their respective Indian territories territory
32 and trust land and state and county law enforcement officers have the authority within both
33 Indian territories territory or trust land to enforce:

34 A. ~~Rules or regulations~~ adopted by the commission under section 6207, subsection 3;
35 and

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

39 **3. Agreements for cooperation and mutual aid.** This section does not impact
40 existing agreements for cooperation and mutual aid between the Houlton Band of Maliseet
41 Indians, the Passamaquoddy Tribe or the Penobscot Nation and any state, county or local
42 law enforcement agency or prevent the Houlton Band of Maliseet Indians, the

1 Passamaquoddy Tribe or the Penobscot Nation and any state, county or local law
2 enforcement agency from entering into future agreements for cooperation and mutual aid.

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

8 **4-A. Reports to the State Bureau of Identification by Passamaquoddy Tribe.**
9 Passamaquoddy Tribe law enforcement agencies shall submit to the Department of Public
10 Safety, State Bureau of Identification uniform crime reports and other information required
11 by Title 25, section 1544.

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

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

20 **Sec. 53. 30 MRSA §6211,** as amended by PL 2009, c. 384, Pt. A, §3 and affected
21 by §4, is further amended by amending the section headnote to read:

22 **§6211. Eligibility of Indian tribes and for state funding**

23 **Sec. 54. 30 MRSA §6211, sub-§1,** as amended by PL 2009, c. 384, Pt. A, §3 and
24 affected by §4, is further amended to read:

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

1 **Sec. 55. 30 MRSA §6211, sub-§4**, as amended by PL 2009, c. 384, Pt. A, §3 and
2 affected by §4, is further amended to read:

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

12 **Sec. 56. 30 MRSA §6213**, as enacted by PL 1979, c. 732, §§1 and 31, is amended
13 to read:

14 **§6213. Approval of prior transfers**

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

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

25 **Sec. 57. 30 MRSA §6214**, as enacted by PL 1979, c. 732, §§1 and 31, is amended
26 to read:

27 **§6214. Tribal school committees**

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

37 **Sec. 58. 30 MRSA §6215** is enacted to read:

38 **§6215. Civil jurisdiction**

39 **1. Nonmembers subject to state laws on Indian territory or trust land.** The State,
40 the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians
41 agree and intend pursuant to United States Public Law 96-420 to recognize and adopt the
42 application of federal Indian law with regard to the applicability of the laws of the State to
43 nonmembers on the Indian territory or trust land of the Passamaquoddy Tribe, the

1 Penobscot Nation and the Houlton Band of Maliseet Indians, except as otherwise provided
2 in this Act.

3 **2. Members and entities not subject to state laws on Indian territory or trust land.**

4 The State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of
5 Maliseet Indians agree and intend pursuant to United States Public Law 96-420 to
6 recognize that, except as otherwise provided in this Act or by federal Indian law, the
7 Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and
8 their respective tribal members and tribal entities are not subject to the laws of the State,
9 including state and local civil regulatory jurisdiction, on their respective Indian territory or
10 trust land.

11 **3. Exclusive civil regulatory authority over tribal members and tribal entities on**
12 **Indian territory or trust land.** The State, the Passamaquoddy Tribe, the Penobscot
13 Nation and the Houlton Band of Maliseet Indians agree and intend pursuant to United States
14 Public Law 96-420 to recognize that, except as otherwise provided in this Act or by federal
15 Indian law, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of
16 Maliseet Indians have exclusive civil regulatory jurisdiction over their respective tribal
17 members and tribal entities on their respective Indian territory or trust land.

18 **4. Concurrent civil regulatory authority over nonmembers on Indian territory or**
19 **trust land.** The State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton
20 Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 to
21 recognize that, except as otherwise provided in this Act or by federal Indian law, the
22 Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, the
23 State and local governments have concurrent civil regulatory jurisdiction over nonmembers
24 on the Indian territory or trust land of the Passamaquoddy Tribe, the Penobscot Nation and
25 the Houlton Band of Maliseet Indians.

26 **Sec. 59. 30 MRSA §6216** is enacted to read:

27 **§6216. Federal laws apply; do not affect or preempt laws of this State**

28 The State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of
29 Maliseet Indians agree and intend pursuant to United States Public Law 96-420 that any
30 law of this State, including, without limitation, laws of this State relating to land use or
31 environmental matters, that is contrary to any law or regulation of the United States that
32 accords a special status or right to or relates to a special status or right of any Indian, Indian
33 nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian
34 territory or land held in trust for Indians, or that would be affected or preempted by such
35 law or regulation of the United States, does not apply to the Passamaquoddy Tribe, the
36 Penobscot Nation and the Houlton Band of Maliseet Indians and their tribal members and
37 lands, except as otherwise provided by this Act or federal Indian law. Except for laws that
38 conflict with the jurisdiction over crimes and juvenile crimes described in this Act, the
39 State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet
40 Indians further agree and intend pursuant to United States Public Law 96-420 that any law
41 or regulation of the United States enacted before, on or after October 10, 1980 that accords
42 a special status or right to or relates to a special status or right of any Indian, Indian nation,
43 tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory
44 or land held in trust for Indians applies to the Passamaquoddy Tribe, the Penobscot Nation,
45 the Houlton Band of Maliseet Indians and their tribal members and lands.

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

7 **Sec. 60. 36 MRSA §111, sub-§1-E**, as enacted by PL 2021, c. 681, Pt. C, §2, is
8 amended to read:

9 **1-E. Houlton Band Trust Land.** "Houlton Band Trust Land" ~~has the same meaning~~
10 ~~as in~~ means all land or natural resources acquired by the secretary as defined in Title 30,
11 section 6203, subsection 11 in trust for the Houlton Band of Maliseet Indians pursuant to
12 the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of
13 1986, Public Law 99-566, Section 2(2) or pursuant to any other applicable federal Indian
14 law as defined in Title 30, section 6203, subsection 1-B, including but not limited to the
15 federal Indian Reorganization Act, Public Law 73-383, and its implementing regulations
16 as described in Title 30, section 6205-B, subsection 2.

17 **Sec. 61. Dispute resolution.** The Governor, the Attorney General and the
18 Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians,
19 through their respective designees, must collaborate on an alternative dispute resolution
20 process to resolve tribal-state disputes, to be known as "the ADR work group." The Maine
21 Indian Tribal-State Commission established under the Maine Revised Statutes, Title 30,
22 section 6212, subsection 1 shall provide assistance to the ADR work group by providing
23 input and answering questions regarding alternative dispute resolution options appropriate
24 to tribal-state disputes, including identifying best practices, developing mutual respect,
25 working on a government-to-government basis and respecting the sovereignty of the
26 Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and
27 the State, and any existing culturally appropriate models. No later than November 15, 2025,
28 the ADR work group shall provide a report to the Joint Standing Committee on Judiciary
29 that includes its findings and recommendations, including suggested legislation, regarding
30 a tribal-state alternative dispute resolution process. The committee may report out
31 legislation to the Second Regular Session of the 132nd Legislature based on the
32 recommendations of the ADR work group.

33 **Sec. 62. Contingent effective date.** This Act takes effect 150 days after
34 adjournment of the First Regular Session of the 132nd Legislature only if, within 120 days
35 after adjournment of the First Regular Session of the 132nd Legislature, the Secretary of
36 State receives written certification from the Chief of the Penobscot Nation, or the designee
37 under the Maine Revised Statutes, Title 3, section 602, that the nation has agreed to the
38 provisions of this Act; from the Chief of the Passamaquoddy Tribe at Sipayik and the Chief
39 of the Passamaquoddy Tribe at Motahkomikuk, or the designee under Title 3, section 602,
40 that the tribe has agreed to the provisions of this Act; and from the Chief of the Houlton
41 Band of Maliseet Indians, or the designee under Title 3, section 602, that the band has
42 agreed to the provisions of this Act, copies of which must be submitted by the Secretary of
43 State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.

44 Upon such written certification by the Houlton Band Council of the Houlton Band of
45 Maliseet Indians, each section of this Act regarding or affecting the Houlton Band of

1 Maliseet Indians and its tribal members and lands constitutes a jurisdictional agreement for
2 purposes of the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420,
3 Section 6(e)(2). Such written certification by the Houlton Band Council of the Houlton
4 Band of Maliseet Indians does not constitute an agreement that the contingencies in Public
5 Law 1981, chapter 675 were met or that the provisions of Public Law 1981, chapter 675
6 ever took effect.

7 SUMMARY

8 This bill implements several of the consensus recommendations of the Task Force on
9 Changes to the Maine Indian Claims Settlement Implementing Act governing the
10 relationship between the State and the Houlton Band of Maliseet Indians, the
11 Passamaquoddy Tribe and the Penobscot Nation. The January 14, 2020 report of the Task
12 Force on Changes to the Maine Indian Claims Settlement Implementing Act is available
13 online at <http://legislature.maine.gov/maine-indian-claims-tf>.

14 The bill makes substantial changes to the Maine Revised Statutes, Title 30, chapter
15 601, currently known as "AN ACT to Implement the Maine Indian Claims Settlement,"
16 including by renaming the chapter "the Maine Implementing Act." The bill is designed to
17 restore to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of
18 Maliseet Indians many of the rights to self-determination enjoyed by other federally
19 recognized Indian tribes within the United States. To carry out this purpose, the bill repeals
20 or amends many provisions of the Maine Implementing Act to recognize that federal Indian
21 law governs the rights, privileges, powers, duties and immunities of the tribe, nation and
22 band. "Federal Indian law" is defined to mean the United States Constitution and all
23 generally applicable federal statutes and regulations as well as common law and case law
24 interpreting, implementing, applying or enforcing those constitutional, statutory and
25 regulatory provisions relating to the rights, status, privileges, powers, duties and
26 immunities of federally recognized Indian tribes and their members and land or other
27 natural resources within the United States.

28 With respect to tribal land acquisition, the bill:

29 1. Repeals the definition of "Houlton Band Jurisdiction Land" enacted in Public Law
30 2023, chapter 369 and instead recognizes that the rights, privileges, powers, duties and
31 immunities of the Houlton Band of Maliseet Indians recognized in the Maine Implementing
32 Act apply to "Houlton Band Trust Land," which is defined to include all land and natural
33 resources acquired by the United States Secretary of the Interior in trust for the band under
34 the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of
35 1986 or any other applicable federal law, including the federal Indian Reorganization Act;

36 2. Amends the provisions describing Passamaquoddy Indian territory and Penobscot
37 Indian territory, the lands over which the tribe and the nation have the rights, privileges,
38 powers, duties and immunities of federally recognized Indian tribes under the Maine
39 Implementing Act. The bill restructures the procedures for land acquired by the United
40 States Secretary of the Interior in trust for the tribe or the nation to be considered Indian
41 territory. Instead of limiting trust land acquisition to specifically described parcels of land,
42 the bill recognizes as Indian territory any land acquired by the secretary in trust for the tribe
43 or nation within specific counties of the State either prior to the effective date of this
44 legislation or after the effective date of this legislation if the land is not located within the
45 borders of a city, town, village or plantation. If trust land within the specified counties is

1 acquired after the effective date of this legislation and is located within the borders of a
2 city, town, village or plantation, it may be considered Indian territory if the tribe or nation
3 enters into an agreement with the local government addressing payments in lieu of taxes,
4 allocation of law enforcement responsibility and land use. Lands acquired in trust for the
5 tribe or the nation under any applicable federal law, including the federal Indian
6 Reorganization Act, are also considered Indian territory;

7 3. Includes within Passamaquoddy Indian territory all lands owned in fee simple by
8 the Passamaquoddy Tribe on the effective date of this legislation if those lands are located
9 within specific counties and are subsequently acquired by the United States Secretary of
10 the Interior in trust for the Passamaquoddy Tribe; and

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

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

17 With respect to the regulation of natural resources, the bill:

18 1. Recognizes the exclusive authority of the Passamaquoddy Tribe, the Penobscot
19 Nation and the Houlton Band of Maliseet Indians to regulate fishing, hunting, trapping and
20 other taking of wildlife by both tribal and nontribal citizens within their respective Indian
21 territories and trust land;

22 2. Retains the authority of the Maine Indian Tribal-State Commission under current
23 law to regulate fishing on boundary waters; and

24 3. Authorizes the State, solely for conservation purposes, to regulate tribal members
25 engaged in fishing, hunting, trapping and other taking of wildlife off Indian territory or
26 trust land to the extent permitted under federal Indian law and consistent with reserved
27 tribal treaty rights.

28 The bill combines within one section of the Maine Implementing Act the authority of
29 law enforcement officers appointed by the Houlton Band of Maliseet Indians, the
30 Passamaquoddy Tribe and the Penobscot Nation to enforce laws within their respective
31 Indian territories and trust land. The bill recognizes that law enforcement officers
32 appointed by the Passamaquoddy Tribe and the Penobscot Nation have exclusive authority
33 to enforce within their respective Indian territories, and law enforcement officers appointed
34 by the Houlton Band of Maliseet Indians have exclusive authority to enforce within
35 Houlton Band Trust Land, the criminal and juvenile laws over which their respective tribal
36 courts have exclusive jurisdiction.

37 The bill also recognizes the authority of the Houlton Band of Maliseet Indians to create
38 a tribal school committee analogous to the authority of the Passamaquoddy Tribe and the
39 Penobscot Nation to create tribal school committees under current law.

40 With respect to civil jurisdiction, the bill:

41 1. Recognizes the exclusive authority, under federal Indian law, of the Houlton Band
42 of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation to exercise civil

1 regulatory authority on their respective Indian territory or trust land over their respective
2 tribal members and tribal entities;

3 2. Recognizes the concurrent authority with the State, under federal Indian law, of the
4 Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation to
5 exercise civil regulatory authority on their respective Indian territory or trust land over
6 persons and entities who are not tribal citizens or tribal entities; and

7 3. Recognizes and adopts the application of federal Indian law with respect to the
8 authority of the State and of the tribal courts of the Houlton Band of Maliseet Indians, the
9 Passamaquoddy Tribe and the Penobscot Nation to exercise adjudicatory jurisdiction over
10 civil actions arising on the band's, tribe's or nation's respective Indian territory or trust land.

11 The bill also requires the development of a dispute resolution process to facilitate
12 resolution of disputes between the State and tribes.

13 The bill explicitly provides that, for purposes of the federal Maine Indian Claims
14 Settlement Act of 1980, Public Law 96-420, except for any provision of federal Indian law
15 that conflicts with the Maine Implementing Act's allocation between the State and the tribes
16 of jurisdiction over crimes and juvenile crimes, the provisions of any federal law enacted
17 before, on or after October 10, 1980, that accords a special status or right to or relates to a
18 special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands,
19 Indian reservations, Indian country, Indian territory or land held in trust for Indians applies
20 to the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians
21 and their members and tribal lands. However, the Passamaquoddy Tribe, the Penobscot
22 Nation and the Houlton Band of Maliseet Indians may conduct gaming activities only in
23 accordance with state law and not under the authority of the federal Indian Gaming
24 Regulatory Act or its implementing regulations.

25 Finally, the bill either repeals or repeals and replaces each provision of the Maine
26 Implementing Act that was enacted by Public Law 1981, chapter 675 and provides that, if
27 the Houlton Band of Maliseet Indians certifies its agreement to the provisions of this
28 legislation, that agreement constitutes a jurisdictional agreement between the State and the
29 Houlton Band of Maliseet Indians for purposes of the federal Maine Indian Claims
30 Settlement Act of 1980, Public Law 96-420, Section 6(e)(2) but does not constitute an
31 agreement by the Houlton Band of Maliseet Indians that the provisions of Public Law 1981,
32 chapter 675 ever took effect.

33 The provisions of this bill take effect 150 days after adjournment of the First Regular
34 Session of the 132nd Legislature only if the relevant officials of the Passamaquoddy Tribe,
35 the Penobscot Nation and the Houlton Band of Maliseet Indians certify the tribe's, nation's
36 and band's agreements to the legislation within 120 days after adjournment of the First
37 Regular Session of the 132nd Legislature.