

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1094

H.P. 755

House of Representatives, March 25, 2015

### An Act To Improve Tribal-state Relations

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Reference to the Committee on Judiciary suggested and ordered printed.

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

ROBERT B. HUNT  
Clerk

Presented by Representative DANA of the Passamaquoddy Tribe.  
Cosponsored by Representatives: BEAR of the Houlton Band of Maliseet Indians, CHIPMAN of Portland, MAKER of Calais, MITCHELL of the Penobscot Nation.

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

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

4 **1. General powers.** Except as otherwise provided in this Act, the Passamaquoddy  
5 Tribe and the Penobscot Nation, within their respective Indian territories, shall have,  
6 exercise and enjoy all the rights, privileges, powers and immunities of a municipality,  
7 including, but without limitation, the power of a municipality to enact ordinances and  
8 collect taxes, ~~and shall be subject to all the duties, obligations, liabilities and limitations~~  
9 ~~of a municipality~~ of and are subject to the laws of the State, ~~provided, however, except~~  
10 that internal tribal matters, including membership in the respective tribe or nation, the  
11 right to reside within the respective Indian territories, tribal organization, tribal  
12 government, tribal elections and the use or disposition of settlement fund income ~~shall~~  
13 may not be subject to regulation by the State. The Passamaquoddy Tribe and the  
14 Penobscot Nation shall designate such officers and officials as are necessary to  
15 implement and administer those laws of the State applicable to the respective Indian  
16 territories and the residents thereof. Any resident of the Passamaquoddy Indian territory  
17 or the Penobscot Indian territory who is not a member of the respective tribe or nation  
18 nonetheless ~~shall be~~ is equally entitled to receive any municipal or governmental services  
19 provided by the respective tribe or nation or by the State, except those services ~~which~~ that  
20 are provided exclusively to members of the respective tribe or nation pursuant to state or  
21 federal law, and ~~shall be~~ is entitled to vote in national, state and county elections in the  
22 same manner as any tribal member residing within Indian territory.

23 **Sec. 2. Effective date; certification.** This Act does not take effect unless, within  
24 60 days of the adjournment of the Legislature, the Secretary of State receives written  
25 certification by the Tribal Chief and Council of the Penobscot Nation and the Joint Tribal  
26 Council of the Passamaquoddy Tribe that the nation and tribe have agreed to the  
27 provisions of this Act pursuant to 25 United States Code, Section 1725(e), copies of  
28 which must be submitted by the Secretary of State to the Secretary of the Senate, the  
29 Clerk of the House of Representatives and the Revisor of Statutes, except that in no event  
30 may this Act become effective until 90 days after the adjournment of the Legislature.

31 **SUMMARY**

32 This bill amends An Act to Implement the Maine Indian Claims Settlement by  
33 removing language that provides that the Passamaquoddy Tribe and the Penobscot  
34 Nation, within their respective Indian territories, are subject to all the duties, obligations,  
35 liabilities and limitations of a municipality.