

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1709

H.P. 1221

House of Representatives, May 9, 2019

**An Act To Amend the Act To Implement the Maine Indian Claims
Settlement**

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 COLLINGS of Portland.
Cosponsored by President JACKSON of Aroostook.

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

2 **Sec. 1. 2 MRSA §11** is enacted to read:

3 **§11. Communication with congressional delegation on legislation affecting tribes**

4 **1. Active communications with congressional delegation.** The Governor or the
5 Governor's designee shall maintain active communications with the State's congressional
6 delegation concerning legislation introduced in the United States Senate or the United
7 States House of Representatives for the benefit of Indians, Indian nations or tribes or
8 bands of Indians that would affect or preempt the application of the laws of this State,
9 including application of the laws of the State to lands owned by or held in trust for
10 Indians or Indian nations, tribes or bands of Indians as provided in the United States
11 Code, Title 25, chapter 19, subchapter II.

12 **2. Reports.** Beginning October 15, 2019, the Governor or the Governor's designee
13 shall submit a report within 10 days of receipt of information that legislation identified in
14 subsection 1 has been introduced. Beginning January 15, 2020, the Governor or the
15 Governor's designee shall submit an annual report that contains information about
16 legislation identified in subsection 1, including its disposition, that was introduced within
17 the preceding calendar year. The reports must be submitted to the President of the
18 Senate, the Speaker of the House of Representatives, the Attorney General and the Chair
19 of the Maine Indian Tribal-State Commission.

20 **Sec. 2. 30 MRSA §6204**, as enacted by PL 1979, c. 732, §§1 and 31, is repealed.

21 **Sec. 3. 30 MRSA §6206, sub-§§1 and 2**, as enacted by PL 1979, c. 732, §§1 and
22 31, are amended to read:

23 **1. General Powers.** Except as otherwise provided in this Act, the Passamaquoddy
24 Tribe and the Penobscot Nation, within their respective Indian territories, shall have,
25 exercise and enjoy all the rights, privileges, powers and immunities, ~~including, but~~
26 ~~without limitation, the power to enact ordinances and collect taxes, and shall be subject to~~
27 ~~all the duties, obligations, liabilities and limitations of a municipality of and subject to the~~
28 ~~laws of the State, provided, however, that internal tribal matters, including membership in~~
29 ~~the respective tribe or nation, the right to reside within the respective Indian territories,~~
30 ~~tribal organization, tribal government, tribal elections and the use or disposition of~~
31 ~~settlement fund income shall not be subject to regulation by the State. The~~
32 ~~Passamaquoddy Tribe and the Penobscot Nation shall designate such officers and~~
33 ~~officials as are necessary to implement and administer those laws of the State applicable~~
34 ~~to the respective Indian territories and the residents thereof of a sovereign.~~ Any resident
35 of the Passamaquoddy Indian territory or the Penobscot Indian territory who is not a
36 member of the respective tribe or nation nonetheless ~~shall be~~ is equally entitled to receive
37 any municipal or governmental services provided by the respective tribe or nation or by
38 the State, except those services ~~which~~ that are provided exclusively to members of the
39 respective tribe or nation pursuant to state or federal law, and ~~shall be~~ are entitled to vote
40 in national, state and county elections in the same manner as any tribal member residing
41 within Indian territory.

1 rights, privileges, powers and immunities as a sovereign and repeals the requirement that
2 all Indians, Indian nations and tribes and bands of Indians and any lands or other
3 resources owned or held for them are subject to the laws of Maine and to the jurisdiction
4 of Maine courts. The bill provides the same level of immunity to the Passamaquoddy
5 Tribe and the Penobscot Tribe and their officers and employees as is enjoyed by officers
6 and employees of the State. Finally, the bill repeals the provision of the implementing
7 Act that subjects all Indians and Indian nations or tribe or band of Indians to taxes and
8 fees.

9 The changes to the implementing Act do not take effect unless approved by the
10 Governor and Council of the Penobscot Nation and the Joint Tribal Council of the
11 Passamaquoddy Tribe within 90 days after adjournment of the First Regular Session of
12 the 129th Legislature.