

§7202. Legislative findings and declaration of policy

The Legislature finds and declares the following. [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

The Mi'kmaq Nation, previously known as the Aroostook Band of Micmacs, as represented as of the effective date of this chapter by the Mi'kmaq Nation Tribal Council, is the sole successor in interest, as to lands within the United States, to the aboriginal entity generally known as the Mi'kmaq Nation that years ago claimed aboriginal title to certain lands in the State. [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

The Mi'kmaq Nation was not referred to in the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420. [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

There exist aboriginal lands in the State jointly used by the Mi'kmaq Nation and other tribes to which the Mi'kmaq Nation could have asserted aboriginal title but for the extinguishment of all such claims by the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420. [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

In 1991, the United States formally recognized the Mi'kmaq Nation as a sovereign government to whom it owed a special trust relationship by enacting the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171. [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

Section 6(d) of the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171, authorized the State of Maine and the Mi'kmaq Nation to execute agreements regarding the State's jurisdiction over lands owned by or held in trust for the benefit of the Mi'kmaq Nation or any citizen of the nation and provided the advance consent of the United States to amendments of the state Micmac Settlement Act in Public Law 1989, chapter 148 for this purpose. [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

The State of Maine and the Mi'kmaq Nation agree and intend that this Act constitutes a jurisdictional agreement pursuant to Section 6(d) of the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171, that amends the state Micmac Settlement Act, originally enacted in Public Law 1989, chapter 148. [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 365, Pt. A, §§2, 5 (AFF).]

SECTION HISTORY

PL 1989, c. 148, §§3, 4 (NEW). PL 2023, c. 369, Pt. A, §§2, 5 (AFF).

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