
Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 30 MRSA §6215 is enacted to read:

§6215. Application of statutes and regulations of the United States to the Passamaquoddy Tribe

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

A. The amendments to this Act enacted in 2023 modify the application of the laws of this State with respect to the Passamaquoddy Tribe and its Indian territory or trust land to the limited extent that such laws, in the absence of these amendments, would be affected or preempted by the application of the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by these amendments.

B. The amendments to this Act enacted in 2023 confirm, establish and enable, with respect to the Passamaquoddy Tribe and its Indian territory or trust land, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands
of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or
bands of Indians, including such statutes and regulations enacted for the benefit of
Indians, Indian nations or tribes or bands of Indians and statutes and regulations that
accord a special status or right to or that relate to a special status or right of any Indian,
Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian
country, Indian territory or land or other natural resources held in trust for Indians,
except as otherwise provided by these amendments.
C. The amendments to this Act enacted in 2023 do not:
(1) Extend the general body of federal common law known as federal Indian law
to the Passamaquoddy Tribe and its Indian territory or trust land, or
(2) Adjust the jurisdictional relationship set forth in this Act and in United States
Public Law 96-420 between this State and the Passamaquoddy Tribe, except as
provided by these amendments.
2. Federal statutes and regulations apply to the Passamaquoddy Tribe.
Notwithstanding any provision of this Act to the contrary:
A. The State and the Passamaquoddy Tribe agree and intend pursuant to United States
Public Law 96-420 that any law of this State that would be affected or preempted by
the operation, application or implementation of any statute or regulation of the United
States that accords a special status or right to or relates to a special status or right of
any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations,
Indian country, Indian territory or land held in trust for Indians does not apply to the
Passamaquoddy Tribe, except as provided in subsection 4;
B. The State and the Passamaquoddy Tribe agree and intend pursuant to United States
Public Law 96-420 that any statute or regulation of the United States enacted before,
on or after October 10, 1980 that accords a special status or right to or relates to a
special status or right of any Indian, Indian nation, tribe or band of Indians, Indian
lands, Indian reservations, Indian country, Indian territory or land held in trust for
Indians is applicable to the Passamaquoddy Tribe within this State, without regard to
any effect on the application of the laws of this State, except as provided in subsection
4; and
C. Modification of the application of the laws of this State to the Passamaquoddy Tribe
under this section is limited to those particular circumstances in which the application
of the laws of this State to the Passamaquoddy Tribe would conflict or interfere with
the actual operation, application or implementation of a statute or regulation of the
United States that accords a special status or right to or relates to a special status or
right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian
reservations, Indian country, Indian territory or land held in trust for Indians. If the
operation, application or implementation of any statute or regulation of the United
States to the Passamaquoddy Tribe would result in the absence of any law or regulation
applicable to the Passamaquoddy Tribe relating to a matter of public health or safety,
including without limitation laws relating to land use or environmental matters, the
corresponding laws of the State with respect to that health or safety matter must apply
to the Passamaquoddy Tribe to fill any regulatory gap. For the purposes of this
paragraph, "corresponding laws of the State" means laws of the State that apply to
similar activities outside of Indian lands, Indian reservations, Indian country, Indian
territory or land held in trust for Indians.

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

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

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

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

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

5. **Powers of Passamaquoddy Tribe relating to federal statutes and regulations.** Notwithstanding any provision of law to the contrary, the State and the Passamaquoddy Tribe agree and intend pursuant to United States Public Law 96-420 that the Passamaquoddy Tribe has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands,
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Indian reservations, Indian country, Indian territory or land held in trust for Indians, except as otherwise provided in subsection 4.

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

Sec. 2. 30 MRSA §6216 is enacted to read:

§6216. Application of statutes and regulations of the United States to the Penobscot Nation

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

A. The amendments to this Act enacted in 2023 modify the application of the laws of this State with respect to the Penobscot Nation and its Indian territory or trust land to the limited extent that such laws, in the absence of these amendments, would be affected or preempted by the application of the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by these amendments.

B. The amendments to this Act enacted in 2023 confirm, establish and enable, with respect to the Penobscot Nation, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, including such statutes and regulations enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and statutes and regulations that accord a special status or right to or that relate to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land or other natural resources held in trust for Indians, except as otherwise provided by these amendments.

C. The amendments to this Act enacted in 2023 do not:

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1. (1) Extend the general body of federal common law known as federal Indian law to the Penobscot Nation and its Indian territory or trust land; or

(2) Adjust the jurisdictional relationship set forth in this Act and in United States Public Law 96-420 between this State and the Penobscot Nation, except as provided by these amendments.

2. **Federal statutes and regulations apply to the Penobscot Nation.**

Notwithstanding any provision of this Act to the contrary:

A. The State and the Penobscot Nation agree and intend pursuant to United States Public Law 96-420 that any law of this State that would be affected or preempted by the operation, application or implementation of any statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians does not apply to the Penobscot Nation, except as provided in subsection 4;

B. The State and the Penobscot Nation agree and intend pursuant to United States Public Law 96-420 that any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians is applicable to the Penobscot Nation within this State, without regard to any effect on the application of the laws of this State, except as provided in subsection 4; and

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

3. **Notice regarding applicability of federal and state law to the Penobscot Nation.**

Whenever the Penobscot Nation believes that a law of this State does not apply to the Penobscot Nation, its citizens or its tribal territory or trust lands as a result of subsection 2 and the application of a statute or regulation of the United States, the Penobscot Nation shall provide written notice to the Attorney General. The Attorney General shall use reasonable efforts to respond in writing to the Penobscot Nation within 30 days if the State disagrees with the Penobscot Nation's position regarding the application of the laws of the

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State. The failure of the Penobscot Nation to provide notice under this subsection does not
limit the application to the Penobscot Nation of any statute or regulation of the United
States. The failure of the Attorney General to provide notice under this subsection does not
limit the authority of the State to dispute the application of any statute or regulation of the
United States or the application of any law of this State to the Penobscot Nation.

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

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

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

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

5. Powers of Penobscot Nation relating to federal statutes and regulations.
Notwithstanding any provision of law to the contrary, the State and the Penobscot Nation
agree and intend pursuant to United States Public Law 96-420 that the Penobscot Nation
has the power to enact laws and ordinances relating to the operation, application and
implementation of any statute or regulation of the United States enacted before, on or after
October 10, 1980 that accords a special status or right to or relates to a special status or
right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian
reservations, Indian country, Indian territory or land held in trust for Indians, except as
otherwise provided in subsection 4.

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

Sec. 3. 30 MRSA §6217 is enacted to read:

§6217. Application of statutes and regulations of the United States to the Houlton Band of Maliseet Indians

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

A. The amendments to this Act enacted in 2023 modify the application of the laws of this State with respect to the Houlton Band of Maliseet Indians and its Indian territory or trust land to the limited extent that such laws, in the absence of these amendments, would be affected or preempted by the application of the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by these amendments.

B. The amendments to this Act enacted in 2023 confirm, establish and enable, with respect to the Houlton Band of Maliseet Indians and its Indian territory or trust land, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, including such statutes and regulations enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and statutes and regulations that accord a special status or right to or that relate to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land or other natural resources held in trust for Indians, except as otherwise provided by these amendments.

C. The amendments to this Act enacted in 2023 do not:

(1) Extend the general body of federal common law known as federal Indian law to the Houlton Band of Maliseet Indians and its Indian territory or trust land; or

(2) Adjust the jurisdictional relationship set forth in this Act and in United States Public Law 96-420 between this State and the Houlton Band of Maliseet Indians, except as provided by these amendments.

2. Federal statutes and regulations apply to the Houlton Band of Maliseet Indians.

Notwithstanding any provision of this Act to the contrary:

A. The State and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 that any law of this State that would be affected or
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preempted by the operation, application or implementation of any statute or regulation
of the United States that accords a special status or right to or relates to a special status
or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian
reservations, Indian country, Indian territory or land held in trust for Indians does not
apply to the Houlton Band of Maliseet Indians, except as provided in subsection 4;

B. The State and the Houlton Band of Maliseet Indians agree and intend pursuant to
United States Public Law 96-420 that any statute or regulation of the United States
enacted before, on or after October 10, 1980 that accords a special status or right to or
relates to a special status or right of any Indian, Indian nation, tribe or band of Indians,
Indian lands, Indian reservations, Indian country, Indian territory or land held in trust
for Indians is applicable to the Houlton Band of Maliseet Indians within this State,
without regard to any effect on the application of the laws of this State, except as
provided in subsection 4; and

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

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

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

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

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

5. Powers of Houlton Band of Maliseet Indians relating to federal statutes and regulations. Notwithstanding any provision of law to the contrary, the State and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 that the Houlton Band of Maliseet Indians has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians, except as otherwise provided in subsection 4.

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

Sec. 4. 30 MRSA c. 605 is enacted to read:

CHAPTER 605
§7301. Federal statutes and regulations

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

A. This section modifies the application of the laws of this State with respect to the Mi'kmaq Nation and its Indian territory or trust land to the limited extent that such laws, in the absence of the provisions of this section, would be affected or preempted by the application of the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by this section.

B. This section confirms, establishes and enables, with respect to the Mi'kmaq Nation and its Indian territory or trust land, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, including such statutes and regulations enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and statutes and regulations that accord a special status or right to or that relate to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land or other natural resources held in trust for Indians, except as otherwise provided by this section.

C. This section does not:

(1) Extend the general body of federal common law known as federal Indian law to the Mi'kmaq Nation and its Indian territory or trust land; or

(2) Adjust the jurisdictional relationship set forth in United States Public Law 102-171 between this State and the Mi'kmaq Nation except as provided by this section.

2. Federal statutes and regulations apply. Notwithstanding any provision of this section to the contrary, the State and the Mi'kmaq Nation agree and intend pursuant to United States Public Law 102-171 that:

A. Any law of this State that would be affected or preempted by the operation, application or implementation of any statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians does not apply to the Mi'kmaq Nation, except as otherwise provided in subsection 4;
B. Any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians is applicable to the Mi'kmaq Nation, without regard to any effect on the application of the laws of this State, except as provided in subsection 4;

C. This modification of the application of the laws of this State to the Mi'kmaq Nation under this section is limited to those particular circumstances in which the application of the laws of this State to the Mi'kmaq Nation would conflict or interfere with the actual operation, application or implementation of a statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians; and

D. If the operation, application or implementation of any statute or regulation of the United States to the Mi'kmaq Nation would result in the absence of any law or regulation applicable to the Mi'kmaq Nation relating to a matter of public health or safety, including without limitation laws relating to land use or environmental matters, the corresponding laws of the State with respect to that health or safety matter must apply to the Mi'kmaq Nation to fill any regulatory gap. For the purposes of this paragraph, "corresponding laws of the State" means laws of the State that apply to similar activities outside of Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians.

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

4. Gaming activities; criminal jurisdiction; environmental laws. Notwithstanding any provision of this section to the contrary:

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

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

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

5. Powers of Mi'kmaq Nation relating to federal statutes and regulations.

Notwithstanding any provision of law to the contrary, the State and the Mi'kmaq Nation agree and intend pursuant to United States Public Law 102-171 that the Mi'kmaq Nation has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians, except as otherwise provided in subsection 4.

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

Sec. 5. Contingent effective date. That section of this Act that enacts the Maine Revised Statutes, Title 30, section 6215 takes effect 120 days after adjournment of the First Special Session of the 131st Legislature only if, within 90 days after adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of that section, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.

That section of this Act that enacts the Maine Revised Statutes, Title 30, section 6216 takes effect 120 days after adjournment of the First Special Session of the 131st Legislature only if, within 90 days after adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Governor and the Council of the Penobscot Nation that the nation has agreed to the provisions of that section, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.
That section of this Act that enacts the Maine Revised Statutes, Title 30, section 6217 takes effect 120 days after adjournment of the First Special Session of the 131st Legislature only if, within 90 days after adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to the provisions of that section, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes. Upon such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians, section 6217 constitutes a jurisdictional agreement for purposes of the federal Maine Indian Claims Settlement Act of 1980, United States Public Law 96-420, Section 6(c)(2). Such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians does not constitute an agreement that the contingencies in Public Law 1981, chapter 675 were met or that the provisions of Public Law 1981, chapter 675 ever took effect.

That section of this Act that enacts the Maine Revised Statutes, Title 30, chapter 605 takes effect 120 days after adjournment of the First Special Session of the 131st Legislature only if, within 90 days after adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Mi'kmaq Nation Tribal Council that the nation has agreed to the provisions of that chapter, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes. Upon such written certification by the Mi'kmaq Nation Tribal Council, chapter 605 constitutes a jurisdictional agreement for purposes of the Aroostook Band of Micmacs Settlement Act, United States Public Law 102-171, Section 6(d). Such written certification by the Mi'kmaq Nation Tribal Council does not constitute an agreement that the contingencies in Public Law 1989, chapter 148 were met or that the provisions of Public Law 1989, chapter 148 ever took effect.

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

SUMMARY

This amendment strikes and replaces the bill. It does the following:

1. Establishes new findings within the Maine Implementing Act to distinguish legislative findings relevant to this bill from the findings made during the enactment of the original 1980 Implementing Act. Separate but identical findings are included for the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians. These findings describe the effect of section 6(h) and 16(b) of the federal Settlement Act, United States Public Law 96-420, in precluding the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians from benefiting from federal laws and regulations that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians if such law or regulation affects or preempts the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters. The findings describe the purposes of the amendments to the Maine Implementing Act included in this legislation as regards the application of state and federal law to the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians;
2. Adds separate but identical sections to the Maine Implementing Act that apply to the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians and that describe the application of federal and state law to each. Regarding state law, the language provides that any law of this State that would be affected or preempted by the operation, application or implementation of any statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians does not apply, except as specifically provided in the Act;

3. Regarding federal law, the language provides that any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians is applicable within this State, without regard to any effect on the application of the laws of this State, except as specifically provided;

4. Provides that modification of the application of the laws of this State is limited to those particular circumstances in which the application of the laws of this State would conflict or interfere with the actual operation, application or implementation of a statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians. If the operation, application or implementation of any statute or regulation of the United States in this State would result in the absence of any law or regulation applicable to a matter of public health or safety, including without limitation laws relating to land use or environmental matters, the corresponding laws of the State with respect to that health or safety matter apply to fill any regulatory gap;

5. Describes a process by which the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians are to notify the Attorney General in the event they believe that a law of this State does not apply by virtue of the amendments proposed by this legislation;

6. Provides that the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians may conduct gaming activities only in accordance with the laws of this State and may not conduct gaming activities under the authority of the federal Indian Gaming Regulatory Act or under any regulations promulgated under the federal Indian Gaming Regulatory Act by the chair of the National Indian Gaming Commission or its successor organization;

7. Provides that the laws of this State applicable to the crimes and juvenile crimes described in this legislation apply to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians as provided in this legislation; the statutes and regulations of the United States that conflict with or affect or preempt the jurisdiction of this State over crimes and juvenile crimes described in this legislation do not apply in this State; and the federal laws identified in Section 6(c) of United States Public Law 96-420 do not apply in this State;

8. Provides that the federal Clean Water Act, the federal Water Quality Act of 1987, the federal Clean Air Act and the federal Indian Mineral Development Act of 1982, as well
as all future amendments to those laws, do not apply to the Passamaquoddy Tribe, the
Penobscot Nation, the Houlton Band of Maliseet Indians and the Mi’kmaq Nation and their
Indian territory or trust land to the extent the provisions affect or preempt the application
of the laws of this State and extend the jurisdiction of the tribe, nation or band beyond their
Indian territory or trust land, unless such provisions are specifically made applicable within
the State of Maine;

9. Provides that, notwithstanding any provision of law to the contrary, the State, the
Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians
agree and intend that each tribe, nation or band has the power to enact laws and ordinances
relating to the operation, application and implementation of any statute or regulation of the
United States enacted before, on or after October 10, 1980 that accords a special status or
right to or relates to a special status or right of any Indian, Indian nation, tribe or band of
Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in
trust for Indians, except as otherwise provided;

10. Creates a new chapter pertaining to the Mi’kmaq Nation with provisions that mirror
those applicable to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band
of Maliseet Indians;

11. Adds contingent effective date language specific to each tribe, nation or band; and

FISCAL NOTE REQUIRED
(See attached)