CHAPTER 27

APPROVAL OF AMENDMENTS TO THE MAINE INDIAN CLAIMS SETTLEMENT ACT

§601. Approval of legislation

This section applies when the agreement of an Indian tribe, nation or band to state legislation is required by the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420, formerly codified at 25 United States Code, Section 1725(e); the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171; or other act of Congress. [PL 2023, c. 620, Pt. A, §1 (NEW).]

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Indian tribe, nation or band" means the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation. [PL 2023, c. 620, Pt. A, §1 (NEW).]

B. "Legislation" means state legislation to which this section applies. [PL 2023, c. 620, Pt. A, §1 (NEW).]

[PL 2023, c. 620, Pt. A, §1 (NEW).]

2. Deadline for certifying agreement. The legislation must expressly provide that it will not take effect, in whole or in part, unless each Indian tribe, nation or band whose agreement is required by federal law certifies its agreement to the legislation. Any deadline included in the legislation for the Indian tribe, nation or band to transmit the certification of its agreement to the legislation to the Secretary of State in accordance with subsection 4 may not be less than 120 days after final adjournment of the legislative session during which the legislation was enacted. For purposes of this section, legislation is enacted on the date that the Governor signs the legislation, the date that the unsigned legislation has the same force and effect pursuant to the Constitution of Maine, Article IV, Part Third, Section 2 as if the Governor had signed it or the date that the Governor's veto of the legislation is overridden.

[PL 2023, c. 620, Pt. A, §1 (NEW).]

3. Notice. Within 15 business days after final adjournment of a legislative session, the Secretary of State shall notify the chief or chiefs of an Indian tribe, nation or band, or the person designated by the chief or chiefs pursuant to section 602 or 603, of each item of legislation enacted during the legislative session for which the certification of the agreement of the Indian tribe, nation or band is required by federal law. The notice must inform the chief or the chief's designee of the deadline, if any, set forth in the legislation for transmittal of the certification of the agreement of the Indian tribe, nation or band in accordance with subsection 4.

Between 60 and 75 business days after final adjournment of a legislative session, the Secretary of State shall send a 2nd notice to the person to whom the Secretary of State sent an initial notice under this subsection identifying each item of legislation for which the certification of the agreement of the Indian tribe, nation or band is required by federal law but has not been received. The notice must inform the person of the deadline, if any, set forth in each item of legislation for transmittal of the certification of the agreement of the Indian tribe, nation or band in accordance with subsection 4.

[PL 2023, c. 620, Pt. A, §1 (NEW).]

4. Certification of agreement. The chief or chiefs of an Indian tribe, nation or band whose agreement is required by federal law, or the person designated by the chief or chiefs pursuant to section 602 or 603, may certify the agreement of the Indian tribe, nation or band to the legislation in writing to the Secretary of State. The certification must state the date and manner in which the Indian tribe, nation or band agreed to the legislation and is prima facie evidence of agreement if submitted in accordance

with the requirements of this subsection and within the transmittal deadline, if any, established in accordance with subsection 2. The Secretary of State shall transmit certified copies of the certification of agreement to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

[PL 2023, c. 620, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 1983, c. 497, §1 (NEW). PL 1989, c. 148, §§1,4 (AMD). PL 2023, c. 369, Pt. A, §§2, 5 (AFF). PL 2023, c. 620, Pt. A, §1 (RPR).

§602. Designees; notification to Secretary of State

The Chief of the Penobscot Nation and the Chief of the Houlton Band of Maliseet Indians may each designate, and the Chief of the Passamaquoddy Tribe at Sipayik and the Chief of the Passamaquoddy Tribe at Motahkomikuk may jointly designate, by name and title, a person to whom the Secretary of State must send any notices required under section 601, subsection 3 and who is authorized to certify an agreement to legislation in accordance with section 601, subsection 4. The designation, if any, must be in writing and filed with the Secretary of State. The Secretary of State shall transmit certified copies of each designation to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes. A designation remains in effect until the Chief of the Penobscot Nation or the Chief of the Houlton Band of Maliseet Indians rescinds the designation or makes a new designation or until the Chief of the Passamaquoddy Tribe at Sipayik and the Chief of the Passamaquoddy Tribe at Motahkomikuk jointly rescind the designation or jointly make a new designation. [PL 2023, c. 620, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 1983, c. 497, §1 (NEW). PL 1985, c. 672, §§1,4 (AMD). PL 2023, c. 620, Pt. A, §2 (RPR).

§603. Mi'kmaq Nation designee; notification to Secretary of State

The Chief of the Mi'kmaq Nation may designate, by name and title, a person to whom the Secretary of State must send any notices required under section 601, subsection 3 and who is authorized to certify an agreement to legislation in accordance with section 601, subsection 4. A designation, if any, must be in writing and filed with the Secretary of State. The Secretary of State shall transmit certified copies of the designation to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes. The designation remains in effect until the Chief of the Mi'kmaq Nation rescinds the designation or makes a new designation. [PL 2023, c. 620, Pt. A, §3 (NEW).]

SECTION HISTORY

PL 1989, c. 148, §§2,4 (NEW). PL 2023, c. 369, Pt. A, §4 (REV). PL 2023, c. 369, Pt. A, §§2, 5 (AFF). PL 2023, c. 620, Pt. A, §3 (RPR).

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