

§6206. Powers and duties of the Indian tribes within their respective Indian territories

1. General powers. Except as otherwise provided in this Act, the Passamaquoddy Tribe and the Penobscot Nation, within their respective Indian territories, have and may exercise and enjoy all the rights, privileges, powers and immunities, including, but without limitation, the power to enact ordinances and collect taxes, and are subject to all the duties, obligations, liabilities and limitations of a municipality of and subject to the laws of the State, provided, however, that internal tribal matters, including membership in the respective tribe or nation, the right to reside within the respective Indian territories, tribal organization, tribal government, tribal elections, the use or disposition of settlement fund income and the exercise of power by the Passamaquoddy Tribe pursuant to section 6207, subsection 10, section 6207-A and section 6209-A, subsection 1, paragraph F and by the Penobscot Nation pursuant to section 6207, subsection 11, section 6207-B and section 6209-B, subsection 1, paragraph F, respectively, is not subject to regulation by the State. The Passamaquoddy Tribe and the Penobscot Nation shall designate such officers and officials as are necessary to implement and administer those laws of the State applicable to the respective Indian territories and the residents thereof. Any resident of the Passamaquoddy Indian territory or the Penobscot Indian territory who is not a member of the respective tribe or nation nonetheless is equally entitled to receive any municipal or governmental services provided by the respective tribe or nation or by the State, except those services that are provided exclusively to members of the respective tribe or nation pursuant to state or federal law, and is entitled to vote in national, state and county elections in the same manner as any tribal member residing within Indian territory.

[PL 2023, c. 647, Pt. B, §1 (AMD); PL 2023, c. 647, Pt. B, §9 (AFF).]

2. Power to sue and be sued. The Passamaquoddy Tribe, the Penobscot Nation and their members may sue and be sued in the courts of the State to the same extent as any other entity or person in the State provided, however, that the respective tribe or nation and its officers and employees shall be immune from suit when the respective tribe or nation is acting in its governmental capacity to the same extent as any municipality or like officers or employees thereof within the State.

[PL 1979, c. 732, §§1, 31 (NEW).]

3. Ordinances. The Passamaquoddy Tribe and the Penobscot Nation each has the right to exercise exclusive jurisdiction within its respective Indian territory over violations by members of any federally recognized Indian tribe, nation, band or other group of tribal ordinances adopted pursuant to this section or section 6207. The decision to exercise or terminate the jurisdiction authorized by this section must be made by each tribal governing body. If either tribe or nation chooses not to exercise, or to terminate its exercise of, jurisdiction as authorized by this section or section 6207, the State has exclusive jurisdiction over violations of tribal ordinances by members of any federally recognized Indian tribe, nation, band or other group within the Indian territory of that tribe or nation. The State has exclusive jurisdiction over violations of tribal ordinances by persons not members of any federally recognized Indian tribe, nation, band or other group except as provided in the section or sections referenced in the following:

A. Section 6209-A. [PL 2019, c. 621, Pt. B, §1 (NEW); PL 2019, c. 621, Pt. B, §3 (AFF).]

REVISOR'S NOTE: (Paragraph A as enacted by PL 2019, c. 621, Pt. A, §1 is REALLOCATED TO TITLE 30, SECTION 6206, SUBSECTION 3, PARAGRAPH B)

B. (REALLOCATED FROM T. 30, §6206, sub-§3, ¶A) Section 6209-B. [RR 2019, c. 2, Pt. A, §30 (RAL).]

[PL 2023, c. 647, Pt. E, §1 (AMD); PL 2023, c. 647, Pt. E, §5 (AFF).]

SECTION HISTORY

PL 1979, c. 732, §§1, 31 (NEW). PL 2019, c. 621, Pt. A, §1 (AMD). PL 2019, c. 621, Pt. A, §3 (AFF). PL 2019, c. 621, Pt. B, §1 (AMD). PL 2019, c. 621, Pt. B, §3 (AFF). RR 2019, c. 2, Pt.

A, §30 (AMD). PL 2021, c. 650, §5 (AMD). PL 2021, c. 650, §13 (AFF). PL 2023, c. 647, Pt. B, §1 (AMD). PL 2023, c. 647, Pt. B, §9 (AFF). PL 2023, c. 647, Pt. E, §1 (AMD). PL 2023, c. 647, Pt. E, §5 (AFF).

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