

1 *status as the land taken. To the extent that the compensation*  
2 *is in the form of monetary proceeds, it shall be deposited and*  
3 *reinvested as provided in paragraph (2) of this subsection.*

4       (2) *Trust land of the Passamaquoddy Tribe or the Pe-*  
5 *nobscot Nation not within the Passamaquoddy Reservation*  
6 *or Penobscot Reservation may be condemned for public pur-*  
7 *poses pursuant to the Maine Implementing Act. The proceeds*  
8 *from any such condemnation shall be deposited in the land*  
9 *acquisition fund established by section 5(c) and shall be rein-*  
10 *vested in acreage within unorganized or unincorporated areas*  
11 *of the State of Maine. When the proceeds are reinvested in*  
12 *land whose acreage does not exceed that of the land taken, all*  
13 *the land shall be acquired in trust. When the proceeds are*  
14 *invested in land whose acreage exceeds the acreage of the*  
15 *land taken, the respective tribe or nation shall designate, with*  
16 *the approval of the United States, and within thirty days of*  
17 *such reinvestment, that portion of the land acquired by the*  
18 *reinvestment, not to exceed the area taken, which shall be*  
19 *acquired in trust. The land not acquired in trust shall be held*  
20 *in fee by the respective tribe or nation. The Secretary shall*  
21 *certify, in writing, to the Secretary of State of the State of*  
22 *Maine the location, boundaries, and status of the land*  
23 *acquired.*

24       (3) *The State of Maine shall have initial jurisdiction*  
25 *over condemnation proceedings brought under this section.*

1 *The United States shall be a necessary party to any such*  
2 *condemnation proceedings. After exhaustion of all State ad-*  
3 *ministrative remedies, the United States is authorized to seek*  
4 *judicial review of all relevant matters in the courts of the*  
5 *United States and shall have an absolute right of removal, at*  
6 *its discretion, over any action commenced in the courts of the*  
7 *State.*

8       *(j) When trust or restricted land or natural resources of*  
9 *the Passamaquoddy Tribe, the Penobscot Nation, or the*  
10 *Houlton Band of Maliseet Indians are condemned pursuant*  
11 *to any law of the United States other than this Act, the pro-*  
12 *ceeds paid in compensation for such condemnation shall be*  
13 *deposited and reinvested in accordance with subsection (i)(2)*  
14 *of this section.*

15                                   *APPLICATION OF STATE LAWS*

16       *SEC. 6. (a) Except as provided in section 8(e) and sec-*  
17 *tion 5(d)(4), all Indians, Indian nations, or tribes or bands*  
18 *of Indians in the State of Maine, other than the Passama-*  
19 *quoddy Tribe, the Penobscot Nation, and their members, and*  
20 *any lands or natural resources owned by any such Indian,*  
21 *Indian nation, tribe or band of Indians and any lands or*  
22 *natural resources held in trust by the United States, or by*  
23 *any other person or entity, for any such Indian, Indian*  
24 *nation, tribe, or band of Indians shall be subject to the civil*  
25 *and criminal jurisdiction of the State, the laws of the State,*

1 *and the civil and criminal jurisdiction of the courts of the*  
2 *State, to the same extent as any other person or land therein.*

3 *(b)(1) The Passamaquoddy Tribe, the Penobscot*  
4 *Nation, and their members, and the land and natural re-*  
5 *sources owned by, or held in trust for the benefit of the tribe,*  
6 *nation, or their members, shall be subject to the jurisdiction*  
7 *of the State of Maine to the extent and in the manner pro-*  
8 *vided in the Maine Implementing Act and that Act is hereby*  
9 *approved, ratified, and confirmed.*

10 *(2) Funds appropriated for the benefit of Indian people*  
11 *or for the administration of Indian affairs may be utilized,*  
12 *consistent with the purposes for which they are appropriated,*  
13 *by the Passamaquoddy Tribe and the Penobscot Nation to*  
14 *provide part or all of the local share as provided by the Maine*  
15 *Implementing Act.*

16 *(3) Nothing in this section shall be construed to super-*  
17 *sede any Federal laws or regulations governing the provision*  
18 *or funding of services or benefits to any person or entity in*  
19 *the State of Maine unless expressly provided by this Act.*

20 *(4) Not later than October 30, 1982, the Secretary is*  
21 *directed to submit to the appropriate committees of the House*  
22 *of Representatives and the Senate having jurisdiction over*  
23 *Indian affairs a report on the Federal and State funding*  
24 *provided the Passamaquoddy Tribe and Penobscot Nation*

1 compared with the respective Federal and State funding in  
2 other States.

3 (c) The United States shall not have any criminal ju-  
4 risdiction in the State of Maine under the provisions of sec-  
5 tions 1152, 1153, 1154, 1155, 1156, 1160, 1161, and 1165  
6 of title 18 of the United States Code. This provision shall not  
7 be effective until sixty days after the publication of notice in  
8 the Federal Register as required by subsection 4(d) of this  
9 Act.

10 (d)(1) The Passamaquoddy Tribe, The Penobscot  
11 Nation, and the Houlton Band of Maliseet Indians, and all  
12 members thereof, and all other Indians, Indian nations, or  
13 tribes or bands of Indians in the State of Maine may sue and  
14 be sued in the courts of the State of Maine and the United  
15 States to the same extent as any other entity or person resid-  
16 ing in the State of Maine may sue and be sued in those  
17 courts; and section 1362 of title 28, United States Code,  
18 shall be applicable to civil actions brought by the Passama-  
19 quoddy Tribe, the Penobscot Nation, and the Houlton Band  
20 of Maliseet Indians: Provided, however, That the Passama-  
21 quoddy Tribe, the Penobscot Nation, and their officers and  
22 employees shall be immune from suit to the extent provided  
23 in the Maine Implementing Act.

24 (2) Notwithstanding the provisions of section 3477 of  
25 the Revised Statutes, as amended, the Secretary shall honor

1 *valid final orders of a Federal, State, or territorial court*  
2 *which enters money judgments for causes of action which*  
3 *arise after the date of the enactment of this Act against either*  
4 *the Passamaquoddy Tribe or the Penobscot Nation by*  
5 *making an assignment to the judgment creditor of the right to*  
6 *receive income out of the next quarterly payment from the*  
7 *settlement fund established pursuant to section 5(a) of this*  
8 *Act and out of such future quarterly payments as may be*  
9 *necessary until the judgment is satisfied.*

10 *(e)(1) The consent of the United States is hereby given*  
11 *to the State of Maine to amend the Maine Implementing Act*  
12 *with respect to either the Passamaquoddy Tribe or the Penob-*  
13 *scot Nation: Provided, That such amendment is made with*  
14 *the agreement of the affected tribe or nation, and that such*  
15 *amendment relates to (A) the enforcement or application of*  
16 *civil, criminal, or regulatory laws of the Passamaquoddy*  
17 *Tribe, the Penobscot Nation, and the State within their re-*  
18 *spective jurisdictions; (B) the allocation or determination of*  
19 *governmental responsibility of the State and the tribe or*  
20 *nation over specified subject matters or specified geographical*  
21 *areas, or both, including provision for concurrent jurisdiction*  
22 *between the State and the tribe or nation; or (C) the alloca-*  
23 *tion of jurisdiction between tribal courts and State courts.*

24 *(2) Notwithstanding the provisions of subsection (a) of*  
25 *this section, the State of Maine and the Houlton Band of*

1 *Maliseet Indians are authorized to execute agreements re-*  
2 *garding the jurisdiction of the State of Maine over lands*  
3 *owned by or held in trust for the benefit of the band or its*  
4 *members.*

5 (f) *The Passamaquoddy Tribe and the Penobscot*  
6 *Nation are hereby authorized to exercise jurisdiction, sepa-*  
7 *rate and distinct from the civil and criminal jurisdiction of*  
8 *the State of Maine, to the extent authorized by the Maine*  
9 *Implementing Act, and any subsequent amendments thereto.*

10 (g) *The Passamaquoddy Tribe, the Penobscot Nation,*  
11 *and the State of Maine shall give full faith and credit to the*  
12 *judicial proceedings of each other.*

13 (h) *Except as other wise provided in this Act, the laws*  
14 *and regulations of the United States which are generally ap-*  
15 *plicable to Indians, Indian nations, or tribes or bands of In-*  
16 *dians or to lands owned by or held in trust for Indians,*  
17 *Indian nations, or tribes or bands of Indians shall be appli-*  
18 *cable in the State of Maine, except that no law or regulation*  
19 *of the United States (1) which accords or relates to a special*  
20 *status or right of or to any Indian, Indian nation, tribe or*  
21 *band of Indians, Indian lands, Indian reservations, Indian*  
22 *country, Indian territory or land held in trust for Indians,*  
23 *and also (2) which affects or preempts the civil, criminal, or*  
24 *regulatory jurisdiction of the State of Maine, including,*

1 *without limitation, laws of the State relating to land use or*  
 2 *environmental matters, shall apply within the State.*

3 (i) *As federally recognized Indian tribes, the Passama-*  
 4 *quoddy Tribe, the Penobscot Nation, and the Houlton Band*  
 5 *of Maliseet Indians shall be eligible to receive all of the fi-*  
 6 *nancial benefits which the United States provides to Indians,*  
 7 *Indian nations, or tribes or bands of Indians to the same*  
 8 *extent and subject to the same eligibility criteria generally*  
 9 *applicable to other Indians, Indian nations or tribes or bands*  
 10 *of Indians. The Passamaquoddy Tribe, the Penobscot*  
 11 *Nation, and the Houlton Band of Maliseet Indians shall be*  
 12 *treated in the same manner as other federally recognized*  
 13 *tribes for the purposes of Federal taxation and any lands*  
 14 *which are held by the respective tribe, nation, or band subject*  
 15 *to a restriction against alienation or which are held in trust*  
 16 *for the benefit of the respective tribe, nation, or band shall be*  
 17 *considered Federal Indian reservations for purposes of Fed-*  
 18 *eral taxation.*

19 **TRIBAL ORGANIZATION**

20 **SEC. 7. (a)** *The Passamaquoddy Tribe, the Penobscot*  
 21 *Nation, and the Houlton Band of Maliseet Indians may each*  
 22 *organize for its common welfare and adopt an appropriate*  
 23 *instrument in writing to govern the affairs of the tribe,*  
 24 *nation, or band when each is acting in its governmental ca-*  
 25 *capacity. Such instrument and any amendments thereto must*

1 *be consistent with the terms of this Act and the Maine Imple-*  
2 *menting Act. The Passamaquoddy Tribe, the Penobscot*  
3 *Nation, and the Houlton Band of Maliseet Indians shall*  
4 *each file with the Secretary a copy of its organic governing*  
5 *document and any amendments thereto.*

6 (b) *For purposes of benefits under this Act and the rec-*  
7 *ognition extended the Houlton Band of Maliseet Indians, no*  
8 *person who is not a citizen of the United States may be con-*  
9 *sidered a member of the Houlton Band of Maliseets, except*  
10 *persons who, as of the date of this Act, are enrolled members*  
11 *on the band's existing membership roll, and direct lineal de-*  
12 *scendants of such members. Membership in the band shall be*  
13 *subject to such further qualifications as may be provided by*  
14 *the band in its organic governing document or amendments*  
15 *thereto subject to the approval of the Secretary.*

16 *IMPLEMENTATION OF THE INDIAN CHILD WELFARE ACT*

17 *SEC. 8. (a) The Passamaquoddy Tribe or the Penobscot*  
18 *Nation may assume exclusive jurisdiction over Indian child*  
19 *custody proceedings pursuant to the Indian Child Welfare*  
20 *Act of 1978 (92 Stat. 3069). Before the respective tribe or*  
21 *nation may assume such jurisdiction over Indian child custo-*  
22 *dy proceedings, the respective tribe or nation shall present to*  
23 *the Secretary for approval a petition to assume such jurisdic-*  
24 *tion and the Secretary shall approve that petition in the*  
25 *manner prescribed by sections 108(a)-(c) of said Act.*



1       (b) Any petition to assume jurisdiction over Indian  
2 child custody proceedings by the Passamaquoddy Tribe or  
3 the Penobscot Nation shall be considered and determined by  
4 the Secretary in accordance with sections 108 (b) and (c) of  
5 the Act.

6       (c) Assumption of jurisdiction under this section shall  
7 not affect any action or proceeding over which a court has  
8 already assumed jurisdiction.

9       (d) For the purposes of this section, the Passamaquoddy  
10 Indian Reservation and the Penobscot Indian Reservation  
11 are "reservations" within section 4(10) of the Act.

12       (e) For the purposes of this section, the Houlton Band of  
13 Maliseet Indians is an "Indian tribe" within section 4(8) of  
14 the Act, provided, that nothing in this subsection shall alter  
15 or effect the jurisdiction of the State of Maine over child  
16 welfare matters as provided in subsection 6(e)(2) of this Act.

17       (f) Until the Passamaquoddy Tribe or the Penobscot  
18 Nation has assumed exclusive jurisdiction over the Indian  
19 child custody proceedings pursuant to this section, the State  
20 of Maine shall have exclusive jurisdiction over Indian child  
21 custody proceedings of that tribe or nation.

1 *EFFECT OF PAYMENTS TO PASSAMAQUODDY TRIBE, PE-*  
2 *NOBSCOT NATION, AND HOULTON BAND OF MALI-*  
3 *SEET INDIANS*

4 *SEC. 9. (a) No payments to be made for the benefit of*  
5 *the Passamaquoddy Tribe, the Penobscot Nation, or the*  
6 *Houlton Band of Maliseet Indians pursuant to the terms of*  
7 *this Act shall be considered by any agency or department of*  
8 *the United States in determining or computing the eligibility*  
9 *of the State of Maine for participation in any financial aid*  
10 *program of the United States.*

11 *(b) The eligibility for or receipt of payments from the*  
12 *State of Maine by the Passamaquoddy Tribe and the Penob-*  
13 *scot Nation or any of their members pursuant to the Maine*  
14 *Implementing Act shall not be considered by any department*  
15 *or agency of the United States in determining the eligibility*  
16 *of or computing payments to the Passamaquoddy Tribe or the*  
17 *Penobscot Nation or any of their members under any finan-*  
18 *cial aid program of the United States: Provided, That to the*  
19 *extent that eligibility for the benefits of such a financial aid*  
20 *program is dependent upon a showing of need by the appli-*  
21 *cant, the administering agency shall not be barred by this*  
22 *subsection from considering the actual financial situation of*  
23 *the applicant.*

24 *(c) The availability of funds or distribution of funds*  
25 *pursuant to section 5 of this Act may not be considered as*

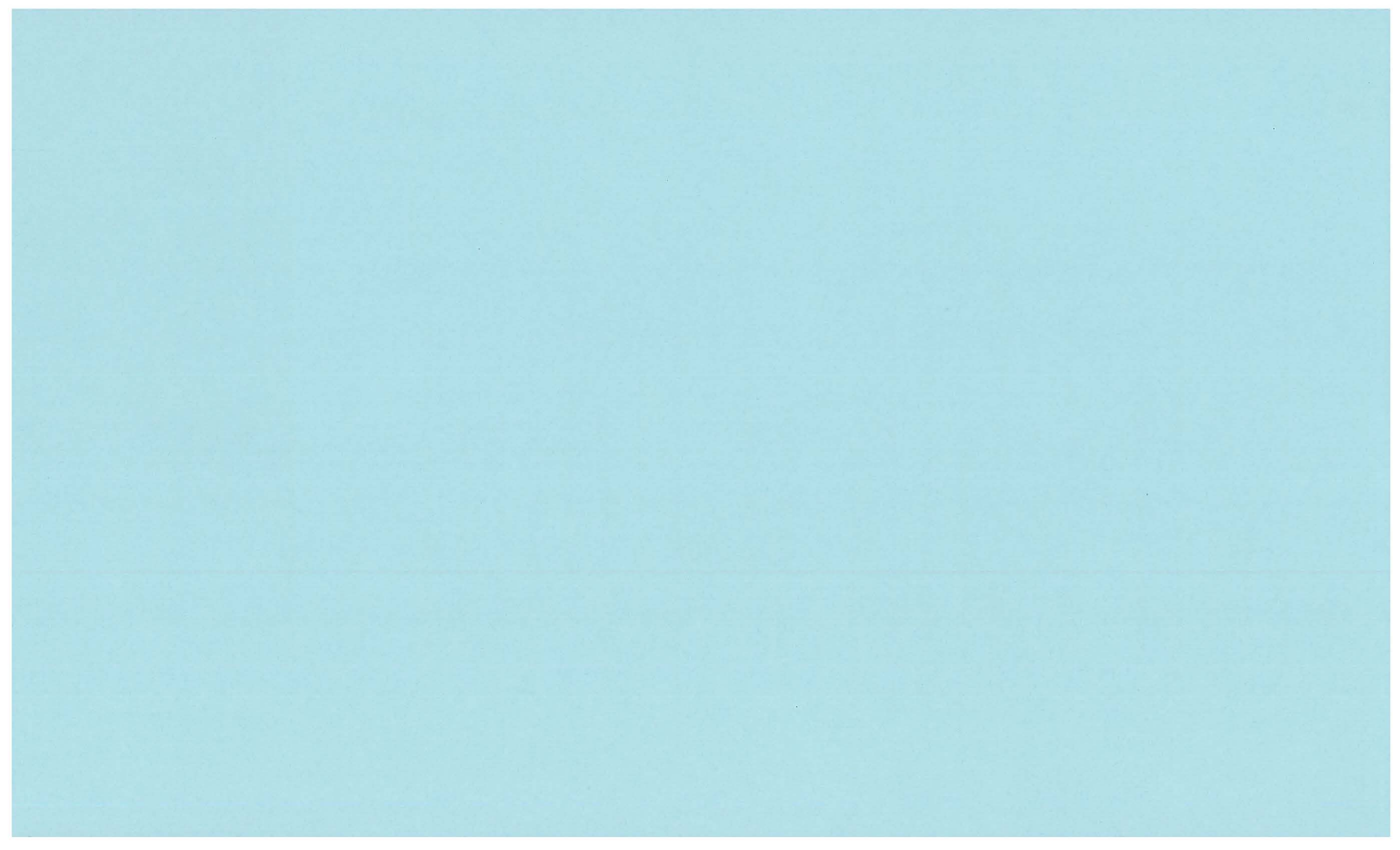
1 *income or resources or otherwise utilized as the basis (1) for*  
2 *denying any Indian household or member thereof participa-*  
3 *tion in any federally assisted housing program, (2) for deny-*  
4 *ing or reducing the Federal financial assistance or other Fed-*  
5 *eral benefits to which such household or member would other-*  
6 *wise be entitled, or (3) for denying or reducing the Federal*  
7 *financial assistance or other Federal benefits to which the*  
8 *Passamaquoddy Tribe or Penobscot Nation would otherwise*  
9 *be eligible or entitled.*

10 *DEFERRAL OF CAPITAL GAINS*

11 *SEC. 10. For the purpose of subtitle A of the Internal*  
12 *Revenue Code of 1954, any transfer by private owners of*  
13 *land purchased or otherwise acquired by the Secretary with*  
14 *moneys from the land acquisition fund whether in the name*  
15 *of the United States or of the respective tribe, nation or band*  
16 *shall be deemed to be an involuntary conversion within the*  
17 *meaning of section 1033 of the Internal Revenue Code of*  
18 *1954, as amended.*

19 *TRANSFER OF TRIBAL TRUST FUNDS HELD BY THE STATE*  
20 *OF MAINE*

21 *SEC. 11. All funds of either the Passamaquoddy Tribe*  
22 *or the Penobscot Nation held in trust by the State of Maine*  
23 *as of the effective date of this Act shall be transferred to the*  
24 *Secretary to be held in trust for the respective tribe or nation*  
25 *and shall be added to the principal of the settlement fund*



1 *income or resources or otherwise utilized as the basis (1) for*  
2 *denying any Indian household or member thereof participa-*  
3 *tion in any federally assisted housing program, (2) for deny-*  
4 *ing or reducing the Federal financial assistance or other Fed-*  
5 *eral benefits to which such household or member would other-*  
6 *wise be entitled, or (3) for denying or reducing the Federal*  
7 *financial assistance or other Federal benefits to which the*  
8 *Passamaquoddy Tribe or Penobscot Nation would otherwise*  
9 *be eligible or entitled.*

10 *DEFERRAL OF CAPITAL GAINS*

11 *SEC. 10. For the purpose of subtitle A of the Internal*  
12 *Revenue Code of 1954, any transfer by private owners of*  
13 *land purchased or otherwise acquired by the Secretary with*  
14 *moneys from the land acquisition fund whether in the name*  
15 *of the United States or of the respective tribe, nation or band*  
16 *shall be deemed to be an involuntary conversion within the*  
17 *meaning of section 1033 of the Internal Revenue Code of*  
18 *1954, as amended.*

19 *TRANSFER OF TRIBAL TRUST FUNDS HELD BY THE STATE*  
20 *OF MAINE*

21 *SEC. 11. All funds of either the Passamaquoddy Tribe*  
22 *or the Penobscot Nation held in trust by the State of Maine*  
23 *as of the effective date of this Act shall be transferred to the*  
24 *Secretary to be held in trust for the respective tribe or nation*  
25 *and shall be added to the principal of the settlement fund*

1 allocated to that tribe or nation. The receipt of said State  
2 funds by the Secretary shall constitute a full discharge of  
3 any claim of the respective tribe or nation, its predecessors  
4 and successors in interest, and its members, may have  
5 against the State of Maine, its officers, employees, agents,  
6 and representatives, arising from the administration or man-  
7 agement of said State funds. Upon receipt of said State  
8 funds, the Secretary, on behalf of the respective tribe and  
9 nation, shall execute general releases of all claims against the  
10 State of Maine, its officers, employees, agents, and repre-  
11 sentatives, arising from the administration or management of  
12 said State funds.

13 *OTHER CLAIMS DISCHARGED BY THIS ACT*

14 *SEC. 12. Except as expressly provided herein, this Act*  
15 *shall constitute a general discharge and release of all obliga-*  
16 *tions of the State of Maine and all of its political subdivi-*  
17 *sions, agencies, departments, and all of the officers or em-*  
18 *ployees thereof arising from any treaty or agreement with, or*  
19 *on behalf of any Indian nation, or tribe or band of Indians*  
20 *or the United States as trustee therefor, including those ac-*  
21 *tions now pending in the United States District Court for the*  
22 *District of Maine captioned United States of America*  
23 *against State of Maine (Civil Action Nos. 1966-ND and*  
24 *1969-ND).*

1 *LIMITATION OF ACTIONS*

2       *SEC. 13. Except as provided in this Act, no provision of*  
 3 *this Act shall be construed to constitute a jurisdictional act,*  
 4 *to confer jurisdiction to sue, or to grant implied consent to*  
 5 *any Indian, Indian nation, or tribe or band of Indians to sue*  
 6 *the United States or any of its officers with respect to the*  
 7 *claims extinguished by the operation of this Act.*

8 *AUTHORIZATION*

9       *SEC. 14. There is hereby authorized to be appropriated*  
 10 *\$81,500,000 for the fiscal year beginning October 1, 1980*  
 11 *for transfer to the funds established by section 5 of this Act.*

12 *INSEPARABILITY*

13       *SEC. 15. In the event that any provision of section 4 of*  
 14 *this Act is held invalid, it is the intent of Congress that the*  
 15 *entire Act be invalidated. In the event that any other section*  
 16 *or provision of this Act is held invalid, it is the intent of*  
 17 *Congress that the remaining sections of this Act shall contin-*  
 18 *ue in full force and effect.*

19 *CONSTRUCTION*

20       *SEC. 16. (a) In the event a conflict of interpretation*  
 21 *between the provisions of the Maine Implementing Act and*  
 22 *this Act should emerge, the provisions of this Act shall*  
 23 *govern.*

24       *(b) The provisions of any Federal law enacted after the*  
 25 *date of enactment of this Act for the benefit of Indians,*

1 *Indian nations, or tribes or bands of Indians, which would*  
2 *affect or preempt the application of the laws of the State of*  
3 *Maine, including application of the laws of the State to lands*  
4 *owned by or held in trust for Indians, or Indian nations,*  
5 *tribes, or bands of Indians, as provided in this Act and the*  
6 *Maine Implementing Act, shall not apply within the State of*  
7 *Maine, unless such provision of such subsequently enacted*  
8 *Federal law is specifically made applicable within the State*  
9 *of Maine.*



Union Calendar No. 820

96TH CONGRESS  
2D SESSION

**H. R. 7919**

[Report No. 96-1353]

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**A BILL**

To provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, and for other purposes.

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AUGUST 1, 1980

Referred to the Committee on Interior and Insular Affairs

SEPTEMBER 19, 1980

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

