

New 4 (d) [to remedy State's concern that the federal legislation does not ratify transactions under state law.]

*Barbara
is not
committed
to the
language*

The United States, as trustee, will not have authority to institute an action on behalf of the Passamaquoddy Tribe, Penobscot Nation, or Houlton Band of Maliseet Indians, or their members, for claims against the State of Maine under §6213 of the Maine Implementing Act.

approval of prior transfers

New §5 (between (f) and (g), to clarify that the State has authority to condemn lands held in trust by the U.S., and to clarify that the U.S. has control of the proceeds.)

tracks language in State Act.

In accordance with the required fact finding prior to the taking of land pursuant to §6205(3) of the Maine Implementing Act, the State of Maine is authorized to take land held by the United States in trust for the Tribe or Nation within the Passamaquoddy Reservation or the Penobscot Indian Reservation. The public entity or public utility making the taking shall, at the election of the affected tribe or nation and the United States, acquire by purchase or otherwise for the respective tribe or nation, a parcel or parcels of land equal in value to that taken; contiguous to the affected Indian reservation; and as nearly adjacent to the parcel taken as practicable, to be held in trust by the United States. The land so acquired shall, upon written certification to the Secretary of State of Maine by the public entity or public utility acquiring such land describing the location and boundaries thereof, be included within the Indian Reservation of the affected tribe of nation without further approval of the State. For purposes of this section, land along and adjacent to the Penobscot River shall be deemed to be contiguous to the Penobscot Indian Reservation. The acquisition of land to be held in trust for the Passamaquoddy Tribe or the Penobscot Nation under this subsection shall be full compensation for any such taking. If the affected tribe or nation, with the consent of the United States, elect not to have

a substitute parcel acquired in accordance with this subsection, the moneys received for such taking shall be reinvested in land to be held in trust for the respective tribe or nation.

Land held by the United States in trust for the Passamaquoddy Tribe, Penobscot Nation or Houlton Band of Maliseet Indians within Indian Territory, but not within the Passamaquoddy Indian Reservation or Penobscot Indian Reservation, may be taken by the State for public uses in accordance with the laws of the State. Any moneys received for said land shall be deposited in the Land Acquisition Fund and reinvested by the United States in land of the same acreage in unorganized or unincorporated areas of the State, to be held in trust for the respective Tribe, Nation, or Band, which shall be included within the respective Indian Territory. To the extent that any moneys received are reinvested in land in unorganized or unincorporated areas of the State of an area greater than the area of the land taken, the respective tribe, nation or band shall designate, with the approval of the United States, and within 30 days of such reinvestment, that portion of the land acquired by such reinvestment, not to exceed the area taken, which shall be included within Indian Territory. That land which exceeds the acreage taken and not in Indian territory will be held in fee by the respective tribe, nation, or band. The Secretary shall certify, in writing, to the State of Maine Secretary of State the location and boundaries of the land acquired.

Comma insert suffices Revise §6(a) to delete the reference to lands "owned by or" held in trust. Add a proviso at the end of the paragraph:

Provided, however, that nothing in this section shall be construed as subjecting lands held by the United States in trust to taxation, encumbrance, or alienation.

Indians agree Revise §6(b) to include the same proviso as recommended for 6(a), after the first sentence of 6(b).

Add a new section between 6(b) and 6(c):

The United States shall not have any criminal jurisdiction in the State of Maine under the Act of June 25, 1948, C.645, 62 Stat.757, as amended, and Act of July 12, 1960, 74 Stat. 469, as amended. [This covers 18 USC 1151 et seq. and 18 USC 1164, 1165]