

TRANSCRIPT

Task Force on Changes to the Maine Indian Land Claims Settlement Act

Second Meeting : August 9, 2019

Part 1

Senator Mike Carpenter: I've been asked by the Tribes if we could open the meeting with a moment of prayer and with that regard, I would call on my friend of more years than I care to count, the Vice Chief of the Aroostook Band of Micmacs, Richard Silliboy....(prayer off mic)...Thank you, Richard. So without any further ado, I would ask that the members of the task force introduce themselves beginning with the representative of the Attorney General's Office, Mr. Tao.

Chris Taub: Chris Taub from the Attorney General's Office.

Paul Thibeault (Maine Indian Tribal State Commission -MITSC):
Paul Thibeault from the Maine Indian Tribal-State Commission.

Rep. Anne Perry: I'm Anne Perry, representing House District 140 which includes Indian Township, Baileyville, Baring, Calais, Charlotte, Robbinston, Perry, Pembroke and Pleasant Point.

Sen. Marianne Moore: Good morning. I'm Marianne Moore and I represent Senate District 6 which is all of Washington County. I'm not going to name all the towns, as well as Winter Harbor, Goldsboro, and Sullivan in Hancock County as well.

Chief Clarissa Sabattis: Chief Clarissa Sabattis, Houlton Band of Maliseet Indians.

Chief Kirk Francis: Good morning everyone. Kirk Francis, Tribal Chief, Penobscot Nation.

Melanie Loyzim: Melanie Loyzim, Deputy Commissioner at Department of Environmental Protection.

Vice Chief Darrell Newell: Here we go. Darrell Newell, I'm a Vice Cheif Passamaquoddy at Indian Township.

Chief Edward Peter-Paul: Good Morning, Chief Edward Peter-Paul, Aroostook Band of Micmacs.

Vice Chief Maggie Dana: Good morning. Vice Chief Maggie Dana from Passamaquoddy Tribe at Pleasant Point.

Rep. Donna Bailey: Good morning and welcome everyone. My name is Donna Bailey. I represent House District 14 which is part of the wonderful city of Saco and I am the House Chair.

Senator Michael Carpenter: Thank you. I'm Mike Carpenter, State Senate District 2, Presque Isle to Patten. I do want to just recognize Aaron Frey, the Attorney General sitting in the back of the room. Maulian Dana, the Ambassador from Penobscot Tribe. Rena Newell, Representative Rena Newell from the Passamaquoddy Tribe as well. Donna Loring from the Governor's office, and I'm probably have missed a few people. I'm sorry if I have.

So we're here today to have our second meeting, begin a discussion of how to move forward with the process of building a relationship, a better relationship, if you will, between the State of Maine and the Tribes. As a part of that initial meeting, we had a chance to kind of go around the table and talk about some of the ideas or things that were right and things that were wrong with the original Settlement Act and the Implementing Act. We asked, as a part of that, for the Tribes to put forth to us a presentation, or proposal if you will, of how they would see us moving forward.

We received that earlier this week. I have to be candid with you because of where I am in the summer. I didn't see, I didn't read it until the last night. I didn't get it. I didn't get my email where I am in Acadia National Park during the summer. So I have read it, but I'm not well versed on it. So with that I think we, perhaps the best way to move forward is to have perhaps a presentation, whoever Tribes would like to have, whether it's one of the Tribal Chiefs or their, if they have counsel or representatives who wants to sit at the table down there and walk us through it. That might be a good way to begin. Chief.

Chief Kirk Francis: Yes Senator, thank you. I think that's a great idea actually and we could ask Kaighn and Corey and Mark or, and Craig. A lot of folks have been working hard in between from our last meeting until until you received this with all the Tribal leaders and I think they could give maybe a more detailed introduction as to kind of what the thinking is here and how we got here. Does that make sense, Kaighn?

Kaighn Smith, Jr (Counsel for Penosbcot Nation): All right.

Senator Mike Carpenter: That's fine with me. Do you want to take the take the hot seat Kaighn? And a couple of you, probably no more than two, but we can certainly, you can certainly refer to others that you might've want to call upon who have other...once you are finished, that would be fine with us. And I think all the task force members have a copy of their proposal in front of you. Representative Bailey?

Rep. Donna Bailey: Just a procedural clarifying question. Are you asking this first time just to have them run through it with no questions like do you want us to interrupt for questions? In other words, do you want us to hold that question until the end or as they present? It doesn't matter to me. I just need some direction because I always have questions.

Sen. Mike Carpenter: Why don't we, the risk of somebody my age forgetting the question before we get back to it, why don't we go

through. Have an overview or a page by page, a discussion, not discussion page by page, a presentation and then we can come back and start from the beginning and ask questions if that's okay.

Rep. Donna Bailey: Yeah. I agree.

Sen. Mike Carpenter: Everybody all right with that?

Rep. Donna Bailey: Yes.

Mike Carpenter: Okay. You're on soon as the button. No, you're not on yet. There you go.

Kaighn Smith Jr: Terrific. So thank you very much. Senator Carpenter and Representative Bailey, Chief Francis, Chiefs Sabattis, all the other members of the panel here. I am Kaighn Smith Jr. I have represented the Penobscot Nation for over 25 years and I think it's appropriate that I have with me Corey Hinton, who is a Passamaquoddy citizen and has represented the Passamaquoddy Tribe for probably about eight years at this point. We sort of represent the old generation, if you will, in the new generation of attorneys representing the Tribes here in Maine.

In addition, we have Craig Sanborn who is a counsel for the Aroostook Band of Micmac Indians and Mark Chavaree is right behind me. Mark is a reservation counsel for the Penobscot Nation and like me has been there for close to 30 years. The other attorneys that are involved

in this, we have Cory Albright who is with the law firm of Kanji and Katzen with offices in Ann Arbor, Michigan and Seattle representing the Houlton Band of Maliseets. Kanji and Katzen come with an extraordinary reputation in the field of Federal Indian law, having argued cases in the United States Supreme Court on numerous occasions, Riyaz Kanji as a close colleague of ours, he clerked for Souter on the Supreme Court. So they are no lightweights.

Allison Binney of Akin Gump has also consulted with the team. Allison is a citizen of a Tribe in the State of California and is very well versed in Federal Indian affairs having served on the Senate committee for Indian Affairs for years. So I think we're gonna just, we didn't expect to necessarily give you this overview. I'll just say at the get go that a significant amount of work, time, and effort has gone into this on the part of the Tribes here and their counsel to iron out what we thought would be the best starting point for these discussions.

And as you know, the reason we're here today is because we've been working under the terms of these Settlement Acts for 40 years. I think largely unsuccessfully and I can bear witness to that because I've represented the Penobscot Nation in multiple cases in the State and Federal courts where we've had to grapple with extraordinary ambiguities within these statutes. One of the most major ambiguities is what is the meaning of an "Internal Tribal Matter", which is, which sets the boundary for where there is state authority and when there is not.

The first case on Internal Tribal Matters was the case that went to the Maine Supreme Judicial Court and held that the Penobscot Nation's

Kaighn Smith Jr:

efforts to generate governmental revenue through gaming, through Bingo operations was not considered an "Internal Tribal Matter" and therefore was subject to regulation by the State because it really didn't represent an attribute of the inherent sovereign authority of the Tribe. Well, a year later, the United States Supreme Court actually held that the generation of governmental revenue through gaming by Federal Indian tribes is exactly an attribute of inherent tribal sovereignty and the Cabazon Band of Mission Indians had full authority to regulate gaming to generate governmental revenues and that case then led to the Indian Gaming Regulatory Act and gaming across the United States. So the Penobscot Nation was locked out of that opportunity because of a decision by the Maine Supreme Judicial Court and by the terms of the Settlement Act says that State laws apply to the reservations and that includes the decisions of the State courts.

And we sat and we watched Tribes across the country right down the road suddenly generate terrific governmental revenues, support health education and welfare for their citizens and blossom while the Tribes here in Maine stayed in a backwater. That's just one example. And what's interesting about that example is that 10 years later, we had the United States Court of Appeals for the first circuit grapple with the meaning of an "Internal Tribal Matter" and it said, completely opposite to the Maine Supreme Judicial Court, that the construction of that phrase "Internal Tribal Matter", which sets the boundary between State authority and Tribal authority is a question of Federal law. Because as you know, the grant of authority to Maine over the Maine Tribes by the terms of the Maine Implementing Act could not have

Kaighn Smith Jr:

become law without the blessings of Congress. So it is by its very nature, the Maine Implementing Act.

What we're working here today by its very nature is actually Federal law. It's blessed by Congress. And so the first circuit said, contrary to the Maine Supreme Judicial Court, that Internal Tribal Matters is a Federal law concept and it's glossed with principles of Federal Indian law completely opposite to what the Maine Supreme Court said. So we have two very different conceptions of what the meaning of a fundamental term of the Main Implementing Act is. And that has just generated extraordinary litigation and strife and tension.

After that case, which was Akins versus Penobscot Nation, we had another case Penobscot Nation versus Fellencer that also went to the first circuit and the Penobscot Nation won that case on the same grounds that the Internal Tribal Matters concept was a question of Federal law. We've had the State of Maine versus Johnson, which was essentially a case against the EPA about what, whether Maine was going to have authority to permit discharges into the Penobscot River, whether that was an Internal Tribal Matter. We had a split EPA on that. It went to the first circuit. That decision went against the Tribes.

We've had the case of Maine versus EPA now, which is about whether Maine gets to promulgate water quality standards in Tribal waters. And I'll tell you in these Federal agencies, these issues have been grappled with for years. I mean the EPA grappled with this issue for years and it eventually led to a lawsuit in the Federal court. So I

could give you the long list of cases in the State and the Federal courts that

Kaighn Smith Jr:

have gone on and have generated strife and uncertainty in this field for decades at this point. And I think that that's why we are here at this table to try to move forward from a a system that's been in place for 40 years, which just has not worked.

So we have to obviously commend Speaker Gideon and President Troy for having brought us all together here. And we went back to first principles as we we thought through how to present to you a starting point for amending the Maine Implementing Act to enhance Tribal sovereignty. Because the notion at the get go was that the history here shows that the system is broken. And there's a good faith belief on both sides, the Tribal side and State side, represented by the joint resolution to support the development of a mutually beneficial solutions to the conflicts arising from the interpretation of the Maine Implementing Act, which was passed by your good legislature on June 10, 2019, which committed to recognize quote, "that the Maine Tribes should enjoy the same rights, privileges, powers and immunities as other Federally recognized Indian Tribes within the United States", closed quotes, and that was music to the ears of the Tribes here in Maine because as I said, they are watching Tribes across the country blossom. Whereas under the system that has it been in place, they have not been able to so blossom.

I'll stop there and let Corey speak for a minute because that's a pretty long introduction to some very substantive discussion that we should have about what has been presented thus far.

Corey Hinton, (Counsel to Passamaquoddy Tribe): Sure. Thank you Kaighn. Thank you members of the task force for the opportunity to speak here today. Again, my name is Michael Corey Francis Hinton. I am a citizen of the Passamaquoddy Tribe from Sipayik. I am an attorney for the Passamaquoddy Tribe and I'm honored to be here. I'd like to start with that June 10th resolution that Kaighn referenced and lay out from there what how the Tribes have approached this particular task force. On May 9th, before that June 10th joint resolution was issued, the tribal leaders at this table and those who are unable to be here today sent a letter to the leaders of the legislature laying out three general principles that they hope to accomplish through this task force and through the discussions around the Maine Implementing Act and those three principles are on page two of the cover letter provided by the Chief on August 5th and I'll just briefly recite them here.

One, the Tribes seek a commitment to accomplish amendments to section 6204 of the Maine Implementing Act and section 7203 of the Micmac Settlement Act and other sections of the Act as necessary to establish that the laws of the State shall not apply to the Tribes or their respective lands except as agreed to by the Tribe to and the state or as provided by Federal law. Two, the Tribes seek amendments to sections 6206, 6206A of the Maine Implementing Act and section 7205 of the Micmac Settlement Act to confirm that the Tribes shall exercise and enjoy, and this is language that hearkens to that June 10th joint resolution, they shall enjoy the same rights, powers,

privileges and immunities as other Federally recognized Indian Tribes except as agreed to by the State and the Tribes.

Corey Hinton: Again, this language was latched onto in that joint resolution passed subsequent to this letter. And third, the Tribes seek amendments to section 6206 and 6206A of the Maine Implementing Act and section 7205 of the Micmac Settlement Act to confirm that acts of Congress intended to benefit Federally recognized Indian Tribes in general apply to the Tribes and their lands except as otherwise agreed by the Tribes and the States.

Those are the three principles that were laid out by the Tribes. The legislature essentially paid respect to one of those in that joint resolution. And as this task force was set out, the Tribes have attempted to build on what was in that May 9th letter and so with that I'd be happy to go through a brief section by section. Senator.

Sen. Mike Carpenter: Please. Yes.

Corey Hinton: Okay. Just for for everyone who's tracking us here, pages two and three of that letter actually lay out, in I would say fairly comprehensive fashion, the changes that are drafted to the legislation itself, but I'll just speak to the the legislative language right now. Starting at the top of the Maine Implementing Act, I'll begin with section 6202. The legislative findings and declaration of purpose. In this section, we thought it was important to recognize exactly what was resolved in in the '70s and '80s, namely the resolution of claims to land and the recognition that treaty rights and relinquishments made

up during the treaty era were preserved. But we also thought that this section, as we are updating this legislation, ought to reflect the fact that the deal reached in 1979, 1980 has simply not resolved the issues that it set out to do.

So we've noted that here we are trying to affirm what was done in 1980 and essentially set the basis for the fact that that there are additional problems that have arisen and that we hope to in this essentially task force resolve those issues. So moving along the section 6203, the definition section. The definitions section changes, for the most part, do not go to the substance of the law and I will not specifically go into those, but generally what we've sought to do is firm up the legal significance of the reservation lands and the trust lands of each of the Federally recognized Tribes within this State.

Moving along the section 6204, this is one of the sections specifically identified by the Tribes as needing a revision, and we have proposed to strike this entire section. By doing so, State laws would no longer apply to Tribal lands, just like State laws do not apply to Tribal lands elsewhere in the United States absent a special agreement among the sovereigns.

Kaighn Smith Jr: Or pursuant to the established principles of Federal Indian law, which we can discuss.

Corey Hinton: Right. Moving along the section 6205, Indian territory. The revisions to this section, at least with respect to Passamaquoddy

lands are intended to remove pressures on the ability of the Tribes to put land into trust for their own benefit. Elsewhere in Indian country, Tribal Nations generally have the ability to submit requests to place fee lands that they already own into trust. That right does not exist

Corey Hinton:

here in the state of Maine as a result of the Maine Implementing Act. Attempting to resolve that issue, we recognize that there have been agreements reached with respect to specific tracks of land, specifically related to the Passamaquoddy Tribe, and so we've attempted to sort of preserve the notion that certain lands may or may not be part of the reservation. We haven't completely taken the top off, but what we're trying to do is again, equate the rights of the Tribes here to those elsewhere in the United States. Elsewhere in the United States, Tribes can generally put land into trust. There's administrative legal process for that to take place and we've attempted to sort of bake that principle into our revisions to this section and other sections.

Moving along to paragraph three of 6205, takings under the laws of the state. This section of the Maine Implementing Act, essentially if left unrevised, would allow Tribally owned lands to be condemned by the State and to be taken away from the Tribes for other purposes. This is not a right that exists elsewhere in Indian Country. And so what we've attempted to do by striking this language here is to essentially provide that takings of lands, restricted Indian lands held by the Tribes, must be done in the same fashion as they are done elsewhere in the United States under principles of Federal Indian law. That actually addresses paragraph three and paragraph four of that section. Paragraph five of that section, entitled "Limitations", essentially requires a municipal and

state consent for lands to be added to the territories and the reservations of the Passamaquoddy Tribe and the Penobscot Nation.

Corey Hinton:

Again, this is not a provision of law that applies elsewhere. This principle does not apply elsewhere, so we've sought to eliminate this so that the Tribal communities here in Maine are able to put lands into trust just like their counterparts elsewhere in Indian country. 6205A, the changes made to this particular section are along those exact same lines. Again, removing the ability of the Houlton Band of Maliseets, or removing restrictions on the ability of the Houlton Band of Maliseets, to put lands into trust. Also removing provisions that would allow the Houlton Band's lands to be taken without its consent and those are the changes made with respect to 6205A.

In section 6206, this section has been dramatically revised and I will simply state here what it has been revised to read because I think that that is probably the best statement of what this would do. "Except as otherwise provided, the State recognizes that the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseets, and their respective members shall have exercise and enjoy", and this language should sound familiar because it was issued by the legislature just a couple of months ago, "they shall exercise and enjoy all the rights, privileges, powers and immunities generally afforded to Federally recognized Tribes and their members under Federal law and that their territories are and shall be Indian country under Federal law."

Moving along, we've added a paragraph here titled "Application of Federal law enacted for the benefit of Indian Tribes". This section would in effect allow the Tribes here in Maine to exercise rights available to other Federally recognized Tribes under laws that are

Corey Hinton:

passed to the general benefit of Tribes. And there are a whole slew of laws that are not currently available and the benefits of those laws are currently available to Tribes. On this statutory section, this provision would address that specific issue. Section 6206B, in this general section, we really try to draft in and build the notion that Tribal State cooperation, local cooperation is critical to resolving these issues first and foremost. As drafted, this legislation, it authorized some level of neighbor agreements, I'll call them agreements between municipalities and the Tribes to address certain kinds of law enforcement issues.

But in light of the revisions made to other parts of the statute, we've sought to dramatically expand that authority. So what we've done here in paragraph one is expressly provide for the State and its political subdivisions to enter into cross deputization agreements or other similar agreements with the Tribes to essentially allow for State law enforcement officials to enforce the laws of the Tribes within Tribal territories and to similarly allow Tribal officers to enforce the law of the State within State's territory. This is very, very common across Indian Country. Paragraph two, "Tribal State Cooperative Agreements". Here we sought to go a little bit beyond the law enforcement cross deputization principle that is so common in Indian law and sought to

more broadly encouraged the Tribes and the state to have authority to enter into cooperative agreements to avoid litigation and that's the clear intent of the language here.

Corey Hinton:

The idea is facilitating cross jurisdictional cooperation and delivery of services on issues of mutual interest and we laid out examples of some of the kinds of issues that the State and its political subdivisions and the Tribes might be looking to agree upon through these sorts of agreements. But the principle there is again, just Tribal, State, local cooperation wherever possible and avoiding the decades of litigation that Kaighn laid out. Moving to paragraphs three and four of this particular section, we again are trying to just confirm and bolster the notion that the Tribes and their local government neighbors can work together when enforcing their respective laws. Moving ahead to section 6207, "Regulation of Fish and Wildlife Resources". We have proposed to strike the vast majority of this section so that the rights of the Tribes to regulate themselves and activities on their own lands with respect to fish and wildlife is to the same extent that it is elsewhere in Indian Country and that's what that strikeout would effectively accomplish.

We have kept some sections here that require a certain posting of public information and generally requiring the State and the Tribes to discuss certain kinds of joint fish and wildlife issues. But again we've proposed striking the majority of this section. Section 6208, taxation. We have struck all sections here with the exception of paragraph one,

settlement fund income, essentially to provide that the lands of the Tribes are not subject to taxation by municipalities.

Corey Hinton:

Nowhere else in Indian Country are Tribal land, subject to taxation by their neighbors, simply does not exist. So we have removed all of those references. That also carries through to section 6208A.

In section 6209A, we have struck language here that provides for, that essentially identified the allocation of jurisdictional authority of the Passamaquoddy court, and actually the next section deals with similar provisions for the Penobscot court. In both that section of the statute and in this section, we have removed those provisions because now if this legislation were enacted, the Tribes would have jurisdiction to the extent provided under Federal Indian law. However, we have kept the provision of the Implementing Act which would provide for the establishment of future Indian communities that would be considered reservations, but we have not removed those provisions that would require essentially an agreement between the Tribe and the State on the creation of additional reservation or the extension of reservation boundaries. Those same revisions are carried through, as I mentioned, in section 6209A, or sorry B.

We have proposed the deletion of section 6209C, the jurisdiction of the Houlton Band of Maliseet Indians Tribal court, for the same reasons that that language was deleted with respect to the Penobscot Nation and the Passamaquoddy Tribe. Moving along to section

6209D, full faith in credit. We have essentially proposed no functional difference with respect to this section. The idea here is simply that the decisions of these courts ought to be given full faith in credit as the State courts here recognize full faith and credit for court decisions from other jurisdictions. Section 6210, we have proposed to strike this

Corey Hinton:

entire section. This section again would be unnecessary in light of the fact that the Tribe would have the authority to exercise jurisdiction to the fullest extent of Indian law. With this section and with others, I just think it's important to note that we proposed language for deletion because from a functional perspective, once we've altered section 6206 and 6204, this other language is superfluous.

So sections like this and sections like those that recognize the ability of the Tribes to enact fish and wildlife ordinances, those are rights that are inherent in Tribal Nations, and they would be inherent. The Tribes here would be restored to being able to exercise that inherent right by virtue of the changes to 6204 and 6206. So that's why you see cross outs in 6210 like that. In section 6211, we have proposed some revisions here to essentially provide at the first, at the outset in this paragraph, to provide that to the extent the State applies for and receives Federal funds, based upon counting of Tribal citizens, that those funds should be shared or at least some mechanisms should be put into place to ensure that the Tribal communities are receiving the benefit of those funds which are received with the intention of benefiting those Tribal communities.

This particular issue is one that Tribes and States are dealing with around the country, but it's still a very important principle because the citizens of the Tribes are also citizens of the State and that's something that really must be

Corey Hinton:

recognized. And with that in mind, the revisions to the other parts of this particular section, we feel that this language, whatever its use may have been or its intent was when it was enacted, we feel that it is likely unnecessary in light of the fact that Tribal citizens are also State citizens, and that State citizens residing on Tribal lands have the same rights under State law and under Tribal law as they would elsewhere. So again, these principles, we didn't feel were necessary until we have proposed their deletion here and that also goes to paragraph four of that section as well.

We have generally not proposed changes with respect to section 6212. That pertains to the Maine Indian Tribal State Commission. However, we have suggested that the legislature holds hearings on reports and recommendations provided by the commission within one year of the receipt of such reports and recommendations. The impetus behind that is simply the fact that MITSC does excellent work. They have dug into the dark crevices of legislative history, things that happen here, things that happened in Washington DC and their work is extraordinarily important to the history of this state and we feel that their work deserves to have a light shined on it. So that's why we've added that language here.

In section 6213, this again goes to the meat and potato of the Land Claims as they were prior to the Implementing Act and we have not proposed any changes to that land or that language. Excuse me. Therefore by not proposing to revise a section, we are in effect acknowledging that the basic premise regarding the title to lands

Corey Hinton:

should not be altered as it was set back in 1980. We have proposed the deletion of 6214. If the language regarding the jurisdiction of the Tribes was enacted, it would not make as much sense for the Tribal school communities to be completely integrated within the State system, and so we have deleted that provision based upon that idea. 6212, this is an entirely new section that we have added. And essentially what we have done here is look to...6215, excuse me, thank you. There are three or two primary paragraphs in this section. Paragraph one requires Tribal consent on certain actions. The State of Maine, back in 2008, issued a resolution from the legislature to support a United Nations document referred to as a Declaration on the Rights on Indigenous People.

The UN DRIP is, as it's commonly referred to, requires Tribal consent. When there are proposed governmental actions that would impact directly impact Tribal rights or resources. The state of Maine supported that. That principle is starting to appear in in Tribal State relations elsewhere in the United States. The State of Washington, for example, just adopted a pretty stringent consent requirement. So this principle is based upon what the state has supported. It's based upon that notion of Tribal consent. Paragraph two requires Tribal

consultation prior to other actions, and here the idea is essentially imploring the State and the Tribes to come together prior to the filing of litigation or prior to the filing of legislation that would negatively impact the Tribal rights or resources. I'll conclude there. Thank you.

Sen. Mike Carpenter: Thank you. That was easy. Thank you all for coming. (Laughter. "your welcome".) Thank you Kaign and Michael for your presentation. All right, let's start with some questions. Representative Bailey, you had some questions. A question, at least...

Rep Donna Bailey: So help me understand 6208 when you're talking about, I understand the idea of land not being subject to taxation, so that's like real property taxes. Is that all what that is referring to, is just real property taxes in 6208?

Corey Hinton: All right. Yeah, that's a great question, Representative Bailey, thank you very much. I'll go specifically to the paragraph in that section so we can address that on an issue by issue basis. There are, in paragraph two, requirements that the Passamaquoddy Tribe and the Penobscot Nation make payments in lieu of taxes on all real and personal property in an amount equal to that which would have otherwise been imposed by a county, district or the State. So here we have essentially proposed that, that the Tribe and the Nation be relieved of that obligation to pay, to make real and property taxes in lieu of, to make payments in lieu of taxes. And then the deletions in 2A would essentially carry that principle forward with respect to the Houlton Band of Maliseet. Paragraph three is a tricky one. You know, it seemed unnecessary in light of the fact that Tribal citizens pay

taxes. And so, you know, really the idea here was ensuring that, that the Tribal citizens and their governments are subject to the same tax burdens as other Tribal citizens and other Tribal governments.