

## §6211. Eligibility of Indian tribes and state funding

**1. Eligibility generally.** The Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians are eligible for participation and entitled to receive benefits from the State under any state program that provides financial assistance to all municipalities as a matter of right. Such entitlement must be determined using statutory criteria and formulas generally applicable to municipalities in the State. To the extent that any such program requires municipal financial participation as a condition of state funding, the share for the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians may be raised through any source of revenue available to the respective tribe, nation or band, including but without limitation taxation to the extent authorized within its respective Indian territory. In the event that any applicable formula regarding distribution of money employs a factor for the municipal real property tax rate, and in the absence of such tax within the Indian territory, the formula applicable to such Indian territory must be computed using the most current average equalized real property tax rate of all municipalities in the State as determined by the State Tax Assessor. In the event any such formula regarding distribution of money employs a factor representing municipal valuation, the valuation applicable to such Indian territory must be determined by the State Tax Assessor in the manner generally provided by the laws of the State as long as property owned by or held in trust for a tribe, nation or band and used for governmental purposes is treated for purposes of valuation as like property owned by a municipality.

[PL 2009, c. 384, Pt. A, §3 (AMD); PL 2009, c. 384, Pt. A, §4 (AFF).]

**2. Limitation on eligibility.** In computing the extent to which the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians is entitled to receive state funds under subsection 1, other than funds in support of education, any money received by the respective tribe, nation or band from the United States within substantially the same period for which state funds are provided, for a program or purpose substantially similar to that funded by the State, and in excess of any local share ordinarily required by state law as a condition of state funding, must be deducted in computing any payment to be made to the respective tribe, nation or band by the State. Unless otherwise provided by federal law, in computing the extent to which the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians is entitled to receive state funds for education under subsection 1, the state payment must be reduced by 15% of the amount of federal funds for school operations received by the respective tribe, nation or band within substantially the same period for which state funds are provided, and in excess of any local share ordinarily required by state law as a condition of state funding. A reduction in state funding for secondary education may not be made under this section except as a result of federal funds received within substantially the same period and allocated or allocable to secondary education.

[PL 2009, c. 384, Pt. A, §3 (AMD); PL 2009, c. 384, Pt. A, §4 (AFF).]

### 2-A. Limitation on eligibility.

[PL 1997, c. 626, §2 (RP); PL 1997, c. 626, §3 (AFF).]

**3. Eligibility for discretionary funds.** The Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians are eligible to apply for any discretionary state grants or loans to the same extent and subject to the same eligibility requirements, including availability of funds, applicable to municipalities in the State.

[PL 2009, c. 384, Pt. A, §3 (AMD); PL 2009, c. 384, Pt. A, §4 (AFF).]

**4. Eligibility of individuals for state funds.** Residents of the Indian territories or Houlton Band Trust Land are eligible for and entitled to receive any state grant, loan, unemployment compensation, medical or welfare benefit or other social service to the same extent as and subject to the same eligibility requirements applicable to other persons in the State as long as in computing the extent to which any person is entitled to receive any such funds any money received by such person from the United States within substantially the same period of time for which state funds are provided and for a program or

purpose substantially similar to that funded by the State is deducted in computing any payment to be made by the State.

[PL 2009, c. 384, Pt. A, §3 (AMD); PL 2009, c. 384, Pt. A, §4 (AFF).]

#### SECTION HISTORY

PL 1979, c. 732, §§1,31 (NEW). PL 1991, c. 705, §§1,2 (AMD). PL 1991, c. 705, §§4,5 (AFF). PL 1997, c. 626, §§1,2 (AMD). PL 1997, c. 626, §3 (AFF). PL 2009, c. 384, Pt. A, §3 (AMD). PL 2009, c. 384, Pt. A, §4 (AFF).

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