

Mohegan Tribal Council on April 11, 2000. The Mohegan Tribe of Indians of Connecticut enacted this ordinance for the purpose of regulating and controlling the possession and sale of liquor on the lands of the Mohegan Tribe. The ordinance governing liquor possession and sale on the lands of the Mohegan Tribe will increase the ability of the tribal government to control reservation liquor distribution and possession, and at the same time will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal government services.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

I certify that Resolution No. 2000–05, the Mohegan Tribe of Indians of Connecticut Liquor Control Code, was duly adopted by the Mohegan Tribe of Indians on April 11, 2000.

Dated: May 16, 2003.

Aurene M. Martin,

Assistant Secretary—Indian Affairs.

The Mohegan Tribe of Indians of Connecticut Liquor Control Code, Ordinance No. 2000–05, reads as follows:

The Mohegan Tribe of Indians of Connecticut Liquor Control Code

Section I. Title

This Code shall be known as “The Mohegan Tribe Liquor Control Code.”

Section II. Purpose and Authority

The purpose of this Code is to regulate and control the possession, sale and consumption of liquor within the boundaries of the Mohegan Indian Reservation. This Code is enacted pursuant to the Act of August 15, 1953 (Pub. L. 83–277, 67 Stat. 586, 18 U.S.C. 1161). Authority for enactment is derived from Article IX, Section 2 (l), (n), and (p) of the Constitution of The Mohegan Tribe. The enactment of a tribal code governing liquor sales on the Mohegan Indian Reservation and other lands subject to the Tribe’s jurisdiction will enhance the ability of the tribal government to control possession, sale and consumption of liquor within the boundaries of the Reservation. This Code is enacted in conjunction with the laws of the State of Connecticut applicable to the sale or distribution of alcoholic beverages, which apply to the service of alcoholic beverages within any gaming facility of the Tribe by virtue of the State of Connecticut—Mohegan Tribe Gaming Compact.

Section III. Definitions

The following words and phrases shall have the following meanings:

a. *Alcohol* means the product of distillation of any fermented liquid, rectified either once or more often, whatever may be the origin thereof, and includes synthetic ethyl alcohol which is considered nonpotable.

b. *Alcoholic liquor* or *alcoholic beverage* includes the four varieties of liquor: alcohol, beer, spirits, and wine—and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being for beverage purposes. Any liquid or solid containing more than one of the four varieties so defined is considered as belonging to that variety which has the higher percentage of alcohol, according to the following order: Alcohol, spirits, wine and beer, except as provided in the definition of “wine” below. The provisions of this chapter shall not apply to any liquid or solid containing less than one-half of 1 percent of alcohol by volume.

c. *Bar* means any establishment with special space and accommodations for sale by the glass for consumption on the premises of any liquor or alcoholic beverage, as herein defined.

d. *Beer* means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt and hops in drinking water.

e. *Commission* means the Mohegan Tribal Gaming Commission.

f. *Malt Liquor* means beer, ale, stout, and porter.

g. *MTGA* means the Mohegan Tribal Gaming Authority.

h. *Reservation* means all lands taken into trust for the Mohegan Tribe pursuant to the Mohegan Land Claims Settlement Act, 25 U.S.C. 1775, and any additional lands added to the Mohegan Reservation pursuant to any other applicable federal law.

i. *Sale* or *Sell* means the transfer, exchange or barter, by any means whatsoever, for a consideration, by any person, association, partnership, or corporation, of liquor or beer products.

j. *Spirits* mean any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances in solution, including brandy, rum, whiskey and gin.

k. *State* means the State of Connecticut.

l. *Tribe* means The Mohegan Tribe of Indians of Connecticut.

m. *Tribal Council* means the Tribal Council of The Mohegan Tribe of Indians of Connecticut.

n. *Wholesale Price* means the established price for which liquor and

beer products are sold for resale on the Reservation by the manufacturers or distributor, exclusive of any discount or other reduction.

o. *Wine* means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, such as grapes or apples or other agricultural products, containing sugar, including fortified wines such as port, sherry and champagne.

Section IV. Powers of Enforcement

a. The Mohegan Tribal Gaming Commission is hereby delegated primary regulatory authority over the subject matter of this Code. The Commission shall have the following powers and duties:

1. To establish, publish and enforce rules and regulations governing the sale, manufacture, and distribution of liquor on the Reservation. Such rules and regulations shall be at least as stringent as the rules and regulations of the State of Connecticut and shall be approved by the Tribal Council prior to taking effect;

2. To employ managers, accountants, security personnel, inspectors, and other such persons as may be reasonably necessary to allow the Commission to perform its functions;

3. To issue licenses permitting the manufacture, sale and distribution of liquor on the Reservation;

4. To hold hearings on violations of this Code or for the issuance or revocation of licenses hereunder;

5. To bring suit to enforce this Code as necessary;

6. To determine penalties for violations of this Code;

7. To make such reports as may be required;

8. To collect fees levied or set in relation to this Code and keep accurate records, books and accounts; and

9. To exercise such other powers as is necessary and appropriate to fulfill the purposes of this Code.

b. The Commission shall have the authority to authorize the sale of liquor only on those areas of the Reservation that have been approved by the Tribal Council.

Section V. Limitation of Powers

In the exercise of its powers and duties under this Code, the Commission and its individual members shall not accept gratuity, compensation, or other things of value from any liquor producer, wholesaler, retailer, or distributor or from any liquor licensee.

Section VI. Inspection Rights

The premises upon which liquor is sold or distributed shall be open to inspection by the Commission during