

Title

KAHNAWA:KE PETROLEUM REGULATORY LAW

K.R.L. c. P-2

Preamble

[Enacted by MCR 21/1995-96 on 15 Onerahtohkó:wa/May, 1995]

(optional)

WHEREAS the ; and,

SECTION I

JURISDICTION

A word or two to summarize the paragraph.

1. 1. The Mohawk People of Kahnawake, Akwesasne and Kanesatake, as part of the Mohawk Nation and the Six Nation Iroquois Confederacy, are, and have always been, sovereign peoples.

2. The Mohawk People have consistently and historically exercised ultimate and exclusive jurisdiction over the Territories of Kahnawake, Akwesasne and Kanesatake.

3. The Mohawk People have existing and inherent rights, including the right of self-determination which includes the right and the responsibility to monitor and regulate economic development within the Territories and the right and responsibility to promote and exercise power in the interest and preservation of peace, good governing practices and the pursuit of righteousness.

4. The Mohawk People have the ultimate and exclusive power, right and jurisdiction to control and regulate the supply and sale of petroleum products within the Territories.

5. The Mohawk Councils of Kahnawake, Akwesasne and Kanesatake having been mandated to protect the rights and interests of the Mohawk People, have entered into a Convention which affirms that this Law is an appropriate means to carry out the best interests and wishes of the Mohawk People in the exercise of their rights by regulating the supply and sale of petroleum products within the Territories.

6. The Mohawk People, in formulating this Law, affirm the principles set out in the Report of the Interim Working Group selected by the Grand Council Chiefs of the *Haudenosaunee* to formulate Trade and Commerce Regulations, dated January 28, 1986, as adapted to their own particular circumstances.

PURPOSE

2. 7. This Law is an expression of the wishes and aspirations of the Mohawk People of Kahnawake, Akwesasne and Kanesatake that the regulation of the supply and sale of petroleum products within the Territories be a means of promoting self-sufficiency through economic development in a fair and responsible trade environment with a view towards the exercise and preservation of power, peace and righteousness.

8. This law and the regulations enacted pursuant to this Law, apply to the supply and sale of all petroleum products within:

- a) the Territories now held under mandate;
- b) any and all lands that may be attached to the Territories through the negotiation of land grievances;
- c) any and all lands that may be attached to the Territories by any other means;
- d) the Territories of any other Mohawk government that may become a party to the Convention;

and all matters relating thereto.

APPLICATION

3. MOHAWK TRI-COMMUNITY PETROLEUM FUND

11. A fund to be called the Mohawk Tri-Community Petroleum Fund shall be established, maintained and administered in accordance with the provisions of Mohawk Law to be known as the Mohawk Seven Generations Law.

12. All net revenues generated by the operations of the Terminals shall be received by the Authority and deposited into the Fund.

13. All disbursements from the Fund shall be made in accordance with the principles and procedures provided in the Mohawk Seven Generations Law.

14. The body established pursuant to the Mohawk Seven Generations Law to establish, maintain and administer the Fund shall include at least one (1) retail vendor operating within the Territories.

15. – 18. (deleted)

51. Except as otherwise provided by this Law, no person may supply, sell or transport petroleum products within the Territories unless the appropriate permit has been issued to him under this Law and is in force at that time.

RETAIL VENDOR'S PERMIT

52. Subject to any conditions that may apply, the holder of a valid retail vendor's permit is entitled to:

- a) obtain his supply of petroleum products from the Terminals, and;
- b) sell petroleum products at a filling station within the Territory in which he or she is resident, to the public for consumption or use.

53. To be eligible for a retail vendor's permit, a person must:

- a) be a Mohawk, over the age of eighteen years and resident in the Territory in which the retail operation is to be established;
- b) not be a member of one of the Councils or the Authority.

c) not be the holder of any permit, license or certificate or any kind issued by any government other than the Councils, which purports to authorize or regulate the sale of petroleum products within one or more of the Territories or any matters incidental thereto.

54. To obtain a retail vendor's permit, an eligible person shall:

a) apply in writing to the Board in the prescribed form;

b) provide a five (5) year business plan that includes the following:

i) a description of the business to be conducted;

ii) a personal capitalization and equity report of the person(s) to be operating the business;

iii) a description of other resources to be used to operate the business;

iv) proof of insurance;

v) proof of ability to meet bonding requirements;

vi) building and facility designs and construction costs, if applicable.

c) provide a description of the manner in which the business will impact the community and how it will be of benefit to the community;

d) provide a design of the facility from which the business will be operated which includes:

i) elevation plans showing the exact location of the proposed facility showing all structures, tanks, pipelines and other related structures;

ii) environmental protection plans which must:

(I) protect against the infiltration of underground and surface supplies;

II) provide for a holding site adjacent to the facility which spills, leaks or other contamination can run into or, if necessary, be pumped into.

e) post a \$100,000.00 security bond for each storage tank to be situated at the facility;

f) fulfill such other conditions and produce such other documents as may be required by this Law or by regulation, or as the Board may deem necessary.

55. No person shall provide the Board with false or misleading information or mislead the Board by concealing a material fact.

56. Upon receipt of an application for a retail vendor's permit, the Board shall:

a) request the applicant to provide any additional information that the Board may require; or

b) proceed to a hearing of the application.

57. The hearing shall follow the procedures established by regulation of the Board.

58. The hearing procedures established by the Board shall include, but not be limited to, provisions that:

a) permit the applicant the right to be represented by legal counsel;

b) permit the applicant to hear any evidence opposing or detrimental to his or her application and provide an opportunity for the applicant to be heard;

- c) require the Board to provide the applicant with its decision in writing.
59. Not later than thirty (30) days prior to the hearing of an application, the Board shall:
- a) notify the applicant of the time and date set for the hearing;
 - b) notify all existing holders of valid retail vendor's permits of the application and the time and date of the hearing;
 - c) publish a notice to the public of the application and the time and date of the hearing.
60. At the conclusion of the hearing, the Board shall:
- a) refuse the application;
 - b) issue a retail vendor's permit to the applicant;
 - c) issue a retail vendor's permit to the applicant, subject to such conditions as the Board may impose.
61. The decision of the Board is not subject to appeal.
62. A retail vendor's permit is not transferable, except with the prior written approval of the Board.
63. The holder of a retail vendor's permit shall display it in a public place within his business premises.
64. All retail vendors of petroleum products operating within one or more of the Territories on the date on which this Law comes into effect shall, if they meet the criteria for eligibility set out in section ____ herein and have submitted an application to the Board pursuant to section ____ herein, be issued a retail vendor's permit or conditional retail vendor's permit without the requirement of a hearing.

ENVIRONMENTAL CONTAMINATION

65. In the event the retail vendor's operation results in any contamination of the environment, the \$100,000.00 security bond posted by the retail vendor shall be applied to the costs incurred in de-contamination. In the event the costs of de-contamination exceed \$100,000.00, the retail vendor is liable for the additional costs.

INSPECTORS AND INSPECTIONS

66. The Board shall appoint a Chief inspector and any additional inspectors that may be necessary, to ensure the enforcement of this Law and the regulations.
67. The Board shall by resolution establish the terms and conditions of employment and the remuneration for the Chief inspector and inspectors.
68. In addition to any other powers assigned to him or her pursuant to this Law or the regulations, an inspector may, in the performance of his duties:
- a) have access, at any reasonable time, to any place where an activity governed by the Law or the regulations is carried on and inspect such place;
 - b) take samples of any petroleum product with a view to having them analyzed and examine any petroleum product;

- c) examine and make copies of the registers, records and other documents relating to the activities governed by this Law and the regulations;
- d) require any information or document relating to the enforcement of this Law and the regulations.

69. In addition to the foregoing, an inspector shall conduct:

- a) spot inspections at the time of delivery of petroleum products to determine the quality of the product;
- b) regular safety inspections of tanks, pumps, lines and other petroleum equipment;
- c) regular metering checks of pumps and other metered equipment;
- d) environmental audits, as required.

70. An inspector shall, on request, identify himself or herself and produce a certificate of his appointment issued by the Board.

71. An inspector who has reasonable and probable grounds to believe that a facility or any petroleum equipment presents an imminent danger to the environment or to human safety, shall order it to be closed or stopped or partly closed or stopped and, if necessary, affix seals thereto and prohibit its use.

72. An inspector's order shall be delivered personally to the retail vendor or posted in a conspicuous place on the retail vendor's facility. A copy of the order shall also be sent by registered mail to the retail vendor at the address for service given in his or her application for a permit.

73. An inspector's order has effect from the time it is delivered personally to the retail vendor or posted on the retail vendor's facility.

74. No person may remove an order posted by an inspector on a retail vendor's facility or break a seal affixed by an inspector.

75. An inspector who issues an order pursuant to section ___ shall immediately advise the Board and provide to the Board a copy of the order.

76. The Board may authorize the re-opening of the facility or the re-starting of the petroleum equipment and, where such is the case, the removal of an order posted by an inspector on a retail vendor's facility or seals affixed by an inspector and the lifting of the prohibition to use the facility or equipment where the Board is satisfied that it no longer presents a danger to the environment or to human safety according to the standards prescribed by this Law or the regulations.

77. No person may hinder an inspector in the performance of his duties, mislead him by concealment or false declarations or refuse to disclose to him information which he is entitled to obtain under this Law or the regulations.

78. The Chief inspector shall make regular reports to the Board of the activities and findings of the inspectors appointed by the Board, with recommendations for actions to be taken, if necessary.

TRANSPORTATION PERMIT

79. To obtain a transportation permit, a person shall:

- a) apply in writing to the Board in the prescribed form and provide the information prescribed

by regulation;

b) fulfill such other conditions and produce such other documents as may be required by this Law or by regulation.

80. Upon receipt of an application for a transportation permit, the Board shall:

a) request the applicant to provide any additional information that the Board may require;

b) refuse the application;

c) issue a transportation permit to the applicant; or

d) issue a transportation permit to the applicant, subject to such conditions as the Board may impose.

81. The holder of a valid transportation permit is entitled to transport petroleum products within the Territories for the purpose of supplying the Mohawk Petroleum Supply Terminal.

REVOCAION OF PERMITS

82. In the event the Board learns or is advised by an inspector or any other person that the holder of a permit issued by the Board has:

a) violated any of the conditions to which the permit is subject;

b) violated any provision of this Law or the regulations;

the Board shall immediately forward a written notice to the permit holder advising of the particulars of the alleged violation and requesting a written response be provided to the Board within ten (10) days.

83. In the event the permit holder fails to respond to the Board within ten (10) day, the Board may suspend, vary or revoke the permit without further notice.

84. In the event the permit holder responds to the Board admitting the violation alleged, the Board shall:

a) suspend, vary or revoke the permit;

b) give the permit holder an opportunity to correct the violation within a specific period of time and provide proof to the Board of the correction;

c) refer the matter to a hearing.

85. In the event the permit holder haven been given the opportunity to correct the violation fails to do so, the Board shall suspend, vary or revoke the permit without further notice.

86. In the event the permit holder responds to the Board within ten (10) days denying the allegations of the violations, the Board shall conduct a hearing into the matter.

87. The hearing shall follow the procedures established by the Board by regulation.

88. The hearing procedures established by the Board shall include, but not be limited to, provisions that:

a) permit the accused person the right to be represented by legal counsel;

b) permit the accused person to hear the evidence against him or her and provide an

opportunity for the accused person to be heard;

c) require the Board to provide the accused person with its decision in writing.

89. At the conclusion of the hearing, the Board shall:

a) dismiss the allegations;

b) suspend, vary or revoke the permit; or

c) take any other action that the Board decides is appropriate under the circumstances.

90. The Board may assess the costs of the hearing against the permit holder.

91. The decision of the Board following a hearing is not subject to appeal.

92. Notwithstanding the foregoing, in the event the Board learns or is advised by an inspector or any other person that:

a) the operations of a retail vendor

i) has contaminated the environment, or poses an imminent risk of contaminating the environment;

ii) has violated a safety regulation, or poses an imminent risk of violating a safety regulation;

b) there is any other serious and urgent reason;

the Board may order the immediate suspension or revocation of a retail vendor's permit and may further order any measures be taken that are necessary to have the retail vendor cease operating.

MOHAWK PETROLEUM AUTHORITY

93. There is established an authority to be known as the Mohawk Petroleum Authority.

94. The Authority has the powers and capacities of a legal entity.

95. The mandate of the Authority is to secure and maintain a sustainable supply of petroleum products sufficient to meet the needs of the Mohawk communities of Kahnawake, Akwesasne and Kanasatake.

AUTHORITY MEMBERS

96. The Authority shall consist of nine (9) members, three (3) of which will be appointed by each of the Councils.

97. The Authority shall by majority vote, appoint one of its members as Chairman.

98. The Chairman shall preside over meetings of the Authority.

99. The Authority shall by majority vote, appoint one of its members as Vice-Chairman. The Vice-Chairman shall serve as Chairman during meetings of the Authority in the absence of the Chairman.

100. The Chairman and Vice-Chairman of the Authority shall be considered members of the Authority for all purposes of this Law.

101. The Authority members shall have a term of ____ years.
102. Upon expiry of an Authority member's term of office, the Council which appointed that member may re-appoint him or her. No Authority member shall be appointed for more than ____ consecutive terms of office.
103. To be eligible for an appointment to the Authority, a person shall:
- a) be a mature Mohawk person with business experience and who is resident in one of the Territories;
 - b) not have any financial interest in, or management responsibility for, the sale of petroleum products within one or more of the Territories;
 - c) not be a member of one of the Councils or of the Board;
 - d) not have an immediate family member who has any financial interest in, or management responsibility for, the sale of petroleum products within one or more of the Territories, or who is a member of one of the Councils or of the Board.
104. An Authority member may only be removed from office prior to the expiry of his or her term of office, by resolution of the Council which appointed that Authority member.
105. An Authority member may resign from office prior to the expiry of his or her term of office by giving notice to the Authority, the Board and the Council that appointed him or her at least thirty (30) days prior to the date on which the resignation is effective.
106. The Council that appointed an Authority member who has been removed or has resigned shall appoint another member to the Board within thirty (30) days of the date on which the removal or resignation was effective.
107. A quorum of the Authority shall consist of five (5) members, which may or may not include the Chairman or Vice-Chairman.
108. The Councils shall, by joint resolution, establish and, if necessary, vary the amount and terms of an Authority member's remuneration.
109. The Authority may by resolution establish its own by-laws. A copy of the Authority's by-laws shall be provided to each of the Councils.
110. The administrative costs of the Authority shall be considered an operating cost of the Terminals.

POWERS AND DUTIES OF THE AUTHORITY

111. The Authority shall establish, operate and administer such petroleum storage,

supply and delivery facilities to be known as the Mohawk Petroleum Supply Terminals (the "Terminals") within one or more of the Territories as may be necessary to fulfill its mandate.

112. The Authority shall ensure that the construction and operation of the Terminals meets the highest standards of safety and protection of the environment in accordance with this Law and the regulations.

113. The Authority shall receive all gross proceeds generated from the operation of the Mohawk Petroleum Supply Terminals and shall after paying the operating costs of the Terminals deposit the net proceeds into the account established by the Board for the Fund.

114. Subject to the provisions of this Law, the definition of "operating costs" shall be determined by resolution of the Board.

115. The Authority shall, on a monthly basis, submit to the Board reports summarizing the operations of the Terminals for the previous month, including detailed financial reports regarding the gross proceeds generated by the Terminals for that month, expenditures for operating costs and net amounts deposited into the Fund.

116. The Authority shall, on a weekly basis, fix the prices of petroleum products supplied by the Terminals to retail vendors.

117. The prices fixed by the Authority shall take into account the following criteria:

- a) the acquisition cost of the petroleum product;
- b) the cost of administering and operating the Terminals;
- c) the administrative costs of the Board and the Authority;
- d) until satisfied in full, the cost of constructing, equipping and financing the Terminal, not to exceed ___% of the total price;
- e) a profit margin, not to exceed ___% of the total price.

118. The Authority will deliver weekly notices of the prices fixed for petroleum products for the forthcoming week to all holders of valid retail vendor's permits.

119. The Authority shall not make any decision or take any action which materially affects the status, value or operations of the Terminals, without first obtaining the approval of the Board.

120. The Authority shall employ the staff and retain the professional assistance necessary to fulfill its mandate.

MOHAWK PETROLEUM SUPPLY TERMINALS

121. The Terminals shall be constructed, installed, altered, maintained and, if necessary, demolished, in such manner and will include such equipment and facilities as are necessary to ensure the safe and efficient storage and supply of petroleum products to the holders of valid retail vendor's permits.

122. Any work related to the construction, installation, alteration, maintenance and demolition of the Terminals shall be performed under the continual supervision of a holder of a master petroleum equipments installer's license issued by the Board pursuant to the regulations.

123. No person other than the holder of a valid retail vendor's permit may obtain petroleum products from the Terminals.

GENERAL

124. The Board, the Authority and any person subject to the application of this Law and the regulations, shall, at all times, preserve and protect the inherent right of the Mohawk People to jurisdictional integrity within the Territories, including the right to immunity from the imposition of taxes, charges, duties or obligations of any kind by any non-Mohawk government.

PARAMOUNCY

4.

DEFINITIONS

5. 10. For the purposes of this Law and the regulations:

"Administrative costs" means, in reference to the Board and the Authority:

- a) remuneration, including benefits paid to Board and Authority members;
- b) salaries and wages, including benefits, paid to staff;
- c) professional fees and disbursements incurred in the usual course of business;
- d) overhead costs;
- e) any other costs directly related to day-to-day operations.

"Authority" means the Mohawk Petroleum Authority established pursuant to this Law;

"Board" means the Mohawk Petroleum Regulatory Board established pursuant to this Law;

“Chief inspector” means the person appointed as Chief inspector pursuant to this law;

“Councils” means the Mohawk Councils of Kahnawake, Akwesasne and Kanesatake;

“Filling station” means any pump, cistern, tank, store, vehicle, place or premises where petroleum products are sold, or otherwise delivered, at retail;

“Fuel oil” means any gas or liquid fuel that is not gasoline within the meaning of this Act that can be used for heating or operating any internal combustion engine;

“Fund” means the Mohawk Tri-Community Petroleum Fund as referenced in this Law and established pursuant to the Mohawk Seven Generations Law;

“Gasoline” means natural gas and any derivative or petroleum, natural gas or coal having a specific gravity of 0.18017 or less at a temperature of 15.556 degrees Celsius or that is declared by regulation to be gasoline;

“Immediate family member” means a person’s parent, spouse, child or sibling;

“Inspector” means an inspector appointed by the Board pursuant to this Law and includes the Chief inspector;

“Mohawk People” means the Mohawk citizens of Kahnawake, Akwesasne and Kanesatake;

“Mohawk of Kahnawake” means an individual identified as a Mohawk by the Kahnawake Mohawk Law concerning membership, including the Moratorium of May 22, 1981;

“Mohawk of Akwesasne” means an individual identified as a Mohawk by the community of Akwesasne by such means as the community deems appropriate;

“Mohawk of Kanesatake” means an individual identified as a Mohawk by the community of Kanesatake by such means as the community deems appropriate;

“Petroleum product” means a mixture of hydrocarbons used as motor fuel, heating oil or lubricant and includes propane, ethanol, gasoline and fuel oil;

“Retailer vendor” means any person who sells petroleum products to the public for consumption or use;

“Terminals” means the Mohawk Petroleum Supply Terminals established pursuant to this Law;

“Territories” means the lands now held under the mandate of the Mohawk People of Kahnawake, Akwesasne and Kanesatake;

SECTION II

CREATION OF REGULATORY BOARD

6. 19. There is established a Board to be known as the Mohawk Petroleum Regulatory Board.

20. The mandate of the Board is to administer this Law and the regulations in the best interests of the Mohawks and in accordance with the highest principles of honesty, integrity and safety and concern for the

environment.

21. The Board shall submit a report to each of the Councils on a monthly basis, or at the request of one or more Councils, summarizing the activities of the Board and the Authority for the previous month, including:

- a) a copy of the report submitted by the Authority to the Board pursuant to this Law for the period in question;
- b) (deleted)
- c) detailed reports regarding the activities of the Board, including an accounting of the Board's administrative costs for the period in question;
- d) copies of all notices for meetings of the Board, minutes of all meetings and resolutions passed;
- e) any additional information the Councils, or any of them, may request.

BOARD MEMBERS

22. The Board shall consist of nine (9) members, three (3) of whom will be appointed by each of the Councils (hereinafter the "Board members").

23. The Board has the powers and capacities of a legal entity.

24. The Board shall by majority vote, appoint one of its members as Chairman.

25. The Chairman shall preside over meetings of the Board.

26. The Board shall by majority vote, appoint one of its members as Vice-Chairman. The Vice-Chairman shall serve as Chairman during meetings of the Board in the absence of the Chairman.

27. The Chairman and the Vice-Chairman of the Board shall be considered members of the Board for all purposes of this Mohawk Law.

28. The Board members shall have a term of _____ years.

29. Upon expiry of a Board member's term of office, the Council which appointed that Board member may re-appoint the Board member. No Board member shall be appointed for more than _____ consecutive terms of office.

30. To be eligible for appointment to, or to continue service on, the Board, an individual must:

- a) be a mature Mohawk person with business experience and who is resident in one of the Territories;
- b) (deleted)
- c) not be a member of one of the Councils or the Authority; and
- d) not have an immediate family member who has any financial interest in, or management responsibility for, the sale of petroleum products within one or more of the Territories or who is a member of one of the Councils or the Authority.

30A. The Board shall include not less than one (1) and not more than (2) members who are retail vendors operating within the Territories.

31. A Board member may only be removed from office prior to the expiry of his or her term of office, by a resolution of the Council who appointed that Board member.
32. A Board member may resign from office prior to the expiry of his or her term of office by giving a written notice to the Board and to the Council that appointed him or her at least thirty (30) days prior to the date on which the resignation is effective.
33. The Council that appointed a Board member who has been removed or has resigned shall appoint another member to the Board within thirty (30) days of the date on which the removal or resignation was effective.
34. A quorum of the Board shall consist of ____ members, which may or may not include the Chairman or Vice-Chairman.
35. The Councils shall by joint resolution, establish and if necessary, vary the amount and terms of Board members' remuneration.
36. The Board may by resolution establish its own bylaws. A copy of the Board's bylaws shall be provided to each of the Councils.
37. The administrative costs of the Board shall be considered an operating expense of the Terminals.

AUTHORITY

7.38. In addition to any other regulatory powers the Board has pursuant to this Law, the Board may by resolution enact regulations that:

- a) prescribe the form and content of applications for permits;
- b) prescribe the documents to be produced and the information to be provided by an applicant for a permit or the renewal thereof;
- c) prescribe the procedures for the hearing of applications;
- d) prescribe the form and content of permits;
- e) prescribe the fees for the issue and renewal of permits;
- f) prescribe conditions of issue with respect to permits;
- g) prescribe the form and content of reports to be produced by an inspector;
- h) prescribe the form and content of monthly reports to be submitted by retail vendors to the Board;
- i) prescribe the standards for construction, installation, alteration, maintenance and demolition of petroleum storage and delivery equipment and facilities within the Territories, including the Terminals;
- j) declare a product to be gasoline for the purposes of this Law;
- k) prescribe the procedures for hearings conducted by the Board pursuant to this Law;

- k.1) prescribe the procedures and mechanisms that will be used by retail vendors to ensure that:
 - a) only Aboriginal persons receive the reduced prices for petroleum products established by this Law and the regulations;
 - b) an accurate and complete accounting is rendered by the retail vendors for all sales to Aboriginal and non-Aboriginal purchasers;
- l) concern any other matter necessarily related to the mandate of the Board.

PRICE CONTROL

39. The Board may by resolution enact or amend regulations fixing the minimum and maximum prices at which retail vendors within a Territory may sell petroleum products to Aboriginal purchasers and to non-Aboriginal purchasers.

40. No retail vendor operating within a Territory may sell petroleum products to Aboriginal purchasers or to non-Aboriginal purchasers that are higher than the maximum or lower than the minimum prices fixed by a regulation of the Board.

41. The Board may amend regulations fixing prices as often as, in the Board's sole discretion, may be necessary.

41A. All resolutions of the Board fixing or amending minimum and maximum prices shall be communicated in writing to all retail vendors operating within the Territories at the time of the resolution in question.

42. The Board may fix different prices for different Territories. The prices fixed for any one Territory shall apply to all retail vendors operating within that Territory.

43. The prices fixed by the Board shall be in strict conformity with the following principles:

- a) prices for petroleum products sold to Aboriginal purchasers shall, whenever possible, be less than, and shall not be more than, prices for the same petroleum products sold to non-Aboriginal purchasers;

- b) prices for petroleum products sold to Aboriginal purchasers shall not exceed the price paid by retail vendors to the Authority to acquire the petroleum product in question, plus an amount fixed by the Board, representing the retail vendors' margin of profit;

- b.1) the retail vendors' margin of profit on the sale of a litre of gasoline shall be reviewed and adjusted by the Board as necessary on a monthly basis;

- b.2) the retail vendors' margin of profit on the sale of a litre of gasoline shall, in any given month, be the average amount paid into the Fund the previous month from the sale of a litre of gasoline and the retail vendors' margin of profit for the previous month;

- c) prices for petroleum products sold to non-Aboriginal purchasers shall not be more than two (2) cents higher or lower than prevailing retail prices for the same or similar petroleum products in the communities immediately surrounding each Territory;

44. Retail vendors shall, on a monthly basis, remit to the Authority for deposit into the Fund, the amount of sales made to non-Aboriginal purchasers for the previous month that exceeds the sum of the price paid by the retail vendor to the Authority to acquire the petroleum product in question plus the retail vendors' margin of profit.

45. A retail vendor's monthly remittance shall be accompanied by a report in the prescribed form, concerning his or her sales, the amounts sold to Aboriginal and non-Aboriginal purchasers and the prices he

or she has charged to Aboriginal and non-Aboriginal purchasers for the products sold.

46. In addition to the information contained in a retail vendor's monthly reports, the Board, or an inspector, may, at any time, order a retail vendor, or any other person, to provide the Board with any additional information concerning the retail vendor's sales.

47. Every person must comply with an order of the Board or an inspector.

48. No person shall, in a monthly report or in response to an order of the Board or an inspector, provide information that is false, incomplete or misleading in any way.

49. No person shall destroy, alter, mutilate or conceal a register, book of account or any other document relating to the sale of petroleum products within the Territories.

50. In the event an order is issued by an inspector, a copy of the order shall be provided to the Board.

FUNCTIONS

8.

RESTRICTIONS

9. 9. No person shall supply, sell or transport petroleum products within the Territories except in accordance with this Law and the regulations.

PORTFOLIO CHIEF RESPONSIBLE FOR LAW

10.

SECTION III

PENALTIES

11. 125. Every person who contravenes the prohibition in section 9 is liable to a fine of \$1,000.00 to \$10,000.00.

126. Every person who contravenes the provisions of section 40 is liable to a fine of \$200.00 to \$5,000.00.

127. Every person who contravenes the provisions of sections 41, 42, 66 or 85 by failing to obey an order of the Board or an inspector, is liable to a fine of \$500.00 to \$5,000.00.

128. Every person who contravenes section 67 is liable to a fine of \$1,000.00 to \$10,000.00.

129. In addition to any other sanction provided by this Law, every person who

contravenes section 50 or 70 is liable to a fine of \$500.00 to \$5,000.00.

130. In the case of a second or subsequent conviction by the same person for the same offence, the minimum and maximum fines provided in section 118 to 122 are doubled.

131. Every director, employee or representative of a legal person who has authorized or allowed the commission of an offence described in sections 118 to 122, or who has consented thereto or otherwise participated therein is guilty of an offence if he or she knew or ought to have known that his or her acts would probably result in the commission of the offence. The person is liable to the same penalty as that imposed for such an offence.

132. The Courts of Kahnawake and Akwesasne have sole and exclusive jurisdiction to hear and determine charges brought against any person for violating this Mohawk Law or the regulations.

ENFORCEMENT

12.

COURT

13.

SECTION IV

HISTORY