

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

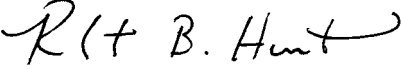
No. 813

H.P. 520

House of Representatives, March 4, 2025

An Act Regarding State Recognition of Native American Tribes

Received by the Clerk of the House on February 27, 2025. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.


ROBERT B. HUNT
Clerk

Presented by Representative POIRIER of Skowhegan.
Cosponsored by Representatives: BOYER of Poland, MORRIS of Turner, RUDNICKI of
Fairfield.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA §11053, sub-§3**, as enacted by PL 2021, c. 681, Pt. A, §1, is
3 amended to read:

4 **3. Tribal liaison.** An agency shall designate an individual who reports directly to the
5 head of the agency to serve as the agency's tribal liaison. The tribal liaison shall:

6 A. Assist with developing and ensuring the implementation of the policy required by
7 subsection 1;

8 B. Serve as a contact person responsible for facilitating effective communication
9 between the agency and the Indian tribes; ~~and~~

10 C. Coordinate the training of agency employees as provided in section 11054-; and

11 D. Provide technical assistance to state-recognized Indian tribes in accordance with
12 section 26002, subsection 5, paragraph F.

13 **Sec. 2. 5 MRSA §12004-J, sub-§22** is enacted to read:

14 **22.**

15 Native Maine Commission on Native Legislative Per Diem and 5 MRSA
16 American American Indian Affairs Expenses §26002
17 Indian Affairs

18 **Sec. 3. 5 MRSA c. 633** is enacted to read:

19 **CHAPTER 633**

20 **STATE RECOGNITION OF INDIAN TRIBES**

21 **§26001. Definitions**

22 As used in this chapter, unless the context otherwise indicates, the following terms
23 have the following meanings.

24 **1. Applicant.** "Applicant" means a group seeking formal state recognition as a Native
25 American Indian tribe.

26 **2. Commission.** "Commission" means the Maine Commission on Native American
27 Indian Affairs established by section 12004-J, subsection 22.

28 **3. Legislative committee.** "Legislative committee" means the joint standing
29 committee of the Legislature having jurisdiction over judiciary matters.

30 **4. Native American Indian tribe.** "Native American Indian tribe" means a group of
31 Native American Indian people who are related to each other by kinship and who trace their
32 ancestry to a kinship group that has historically maintained an organizational structure that
33 exerts influence and authority over its members.

34 **5. Recognized or recognition.** "Recognized" or "recognition" means recognized by
35 the State as a Native American Indian tribe pursuant to section 26003, subsection 4.

1 **6. Recognized tribe.** "Recognized tribe" means a Native American Indian tribe
2 recognized in accordance with this chapter.

3 **7. Review panel.** "Review panel" means the group appointed pursuant to section
4 26003, subsection 3, paragraph E to review the sufficiency, accuracy and relevance of an
5 application for recognition and any supplemental documentation.

6 **§26002. Maine Commission on Native American Indian Affairs**

7 **1. Legislative intent.** The purpose of this chapter is to establish a process for state
8 recognition of Native American Indian tribes that:

9 A. Recognizes the historical and cultural contributions of Native Americans to the
10 State;

11 B. Protects and supports the heritage of Native Americans in the State; and

12 C. Helps to address the needs of recognized tribes and their members by providing
13 support from state agencies and benefits from relevant state policies, programs and
14 activities.

15 **2. Commission established; membership.** The Maine Commission on Native
16 American Indian Affairs, established by section 12004-J, subsection 22, consists of 5
17 members, each of whom must have been a resident of the State for a minimum of 5 years.
18 The Governor shall appoint commission members from a list of candidates prepared by the
19 Chancellor of the University of Maine System pursuant to subsection 3. To the extent
20 possible, the Governor shall appoint members who have different areas of expertise and
21 professional affiliations and who live in different geographic locations in the State.

22 **3. Candidate list.** The Chancellor of the University of Maine System, in consultation
23 with the presidents of Colby College, Bates College and Bowdoin College, shall prepare a
24 list of candidates for membership on the commission who have been residents of the State
25 for a minimum of 5 years. Each of the candidates must be:

26 A. A professional or academic scholar with expertise in cultural or physical
27 anthropology, Indian law, archaeology, Native American Indian genealogy or Native
28 American Indian history or a related subject area; or

29 B. A member of a Native American Indian tribe who presents evidence to the
30 Chancellor of the University of Maine System of that person's Native American Indian
31 affiliation.

32 **4. Terms; reappointment.** Members of the commission are appointed for 2-year
33 terms. A member may not serve more than 2 consecutive terms, unless there is an
34 insufficient number of eligible candidates to replace a member who has served 2
35 consecutive terms.

36 **5. Duties.** The commission shall:

37 A. Elect a chair from among its members annually;

38 B. Provide information and guidance, including an explanation of the application
39 process, to applicants for state recognition;

40 C. Develop and maintain a list of professionals and academic scholars with expertise
41 in cultural or physical anthropology, Indian law, archaeology, Native American Indian

1 genealogy or history or a related subject area who are able and willing to participate on
2 review panels;

3 D. Appoint a review panel pursuant to section 26003, subsection 3, paragraph E to
4 review each application and any supplemental documentation submitted for state
5 recognition;

6 E. Review each application and any supplemental documentation as well as the
7 findings of the review panel related to that application and make a recommendation to
8 the legislative committee for or against state recognition of the applicant pursuant to
9 section 26003, subsection 3, paragraph F; and

10 F. Facilitate communication between each recognized tribe and the tribal liaison
11 appointed by agencies under section 11053, subsection 3 to enable the recognized tribe
12 to obtain technical assistance from those agencies with:

13 (1) Securing state and federal grant funding and accessing other state and federal
14 resources related to improving tribal social services, education, employment
15 opportunities, health care and housing; and

16 (2) Developing and marketing the Native American Indian tribe's fine arts and
17 performing arts, crafts and cultural events.

18 **6. Meetings; expenses.** The commission meets at the call of the chair. Members
19 receive a legislative per diem and expenses for each meeting, except that members may not
20 receive a legislative per diem for more than 6 meetings in a single calendar year. For
21 purposes of this subsection, "expenses" and "legislative per diem" have the same meanings
22 as in section 12002, subsections 2 and 3, respectively.

23 **7. Administrative support.** The University of Maine System shall provide
24 administrative support to the commission, including assisting the commission as needed
25 with each of its duties under subsection 5 and with the evaluation of applications for state
26 recognition.

27 **8. Funding.** The commission may accept funds from the Federal Government, from
28 a political subdivision of the State or from any individual, foundation or corporation and
29 may expend funds for purposes that are consistent with this chapter. Funds received under
30 this subsection must be deposited in a nonlapsing account maintained by the commission
31 to support the work of the commission.

32 **§26003. State recognition of Native American Indian tribes**

33 **1. Application; required materials.** To be considered for state recognition, an
34 applicant must submit an application to the commission in a form or format approved by
35 the commission demonstrating that:

36 A. A majority of the applicant's members currently reside in a specific geographic
37 location within the State;

38 B. A substantial number of the applicant's members are related by kinship and trace
39 their ancestry to a kinship group through genealogy or other methods. Genealogical
40 documents submitted in support of this criterion may include only those documents
41 that show descentance from identified Maine or regional indigenous people;

1 C. The applicant's Native American Indian tribe has a historical connection with other
2 Native American Indian tribes, bands or nations that currently inhabit or have in the
3 past inhabited the State;

4 D. The applicant has an enduring community presence within the boundaries of the
5 State that is documented by archaeology, ethnography, cultural or physical
6 anthropology, history, folklore or other reliable research or data;

7 E. The applicant is organized, at least in part:

8 (1) To preserve, document and promote its Native American Indian culture and
9 history and this purpose is reflected in bylaws or other documents of the applicant;
10 and

11 (2) To address the social, economic, political or cultural needs of its members with
12 ongoing educational programs and activities;

13 F. The applicant's documented traditions, customs, oral stories and histories signify the
14 applicant's Native American Indian heritage and connection to the applicant's historical
15 homeland; and

16 G. The applicant has not been recognized as an Indian tribe by any other state, province
17 or nation.

18 **2. Application; supplemental documentation.** An applicant may supplement its
19 application under subsection 1 with letters, statements and other written materials from:

20 A. Municipal, state or federal authorities documenting the applicant's history of Native
21 American Indian tribe-related business and activities; and

22 B. Tribes within and outside of the State attesting to the applicant's Native American
23 Indian heritage.

24 **3. Application review procedures.** The commission shall establish policies and
25 procedures for the review of each application that include, but are not limited to:

26 A. Public notice of the receipt of the application and any supplemental documentation;

27 B. Written notice to the applicant when each step in the review process has been
28 completed;

29 C. A policy that any member of the commission who is a member of or affiliated with
30 the applicant is ineligible to participate in any action by the commission on the
31 applicant's application;

32 D. At least one public hearing on each application;

33 E. Appointment, in coordination with the applicant, of a 3-member review panel to
34 determine the sufficiency, accuracy and relevance of the application materials and any
35 supplemental documentation and to submit a detailed written report of its findings and
36 conclusions to the commission, the applicant and the legislative committee. The
37 members appointed must be professional or academic specialists with expertise in
38 cultural or physical anthropology, Indian law, archaeology, Native American Indian
39 genealogy or history or a related subject area. Members of the review panel may not
40 be commission members, members of the applicant or affiliated with the applicant;

1 F. Review by the commission of the application and any supplemental documentation,
2 the report of the review panel and any other relevant information to determine
3 compliance with subsection 1 and to recommend whether the Legislature should grant
4 or deny state recognition of the applicant. A recommendation in favor of state
5 recognition of the applicant may be made only by a majority vote of eligible
6 commission members. If the commission recommends that the Legislature deny state
7 recognition of the applicant, it must provide the applicant and the legislative committee
8 with a written notice of the reasons for the denial, including specific information
9 regarding the criteria in subsection 1 that were not satisfied;

10 G. Deadlines for the review panel to submit its written report to the commission and
11 for the commission to notify the applicant and the legislative committee of its
12 recommendation. The deadline for the commission to notify the applicant and the
13 legislative committee of its recommendation may not be later than one year after the
14 date that the application and any supplemental documentation were filed, unless the
15 commission provides a written explanation to the applicant and the legislative
16 committee of the reasons for the delay that identifies the expected date for the
17 commission's issuance of its recommendation;

18 H. A process for the applicant to file, within one year of receiving notice of the denial
19 by the commission, a request for reconsideration supported by additional
20 documentation. An applicant that fails to file a request for reconsideration within the
21 time required by this paragraph may not file a new application for 2 years following
22 the date the applicant received the notice of denial;

23 I. Procedures for the applicant to withdraw its application at any time before the
24 commission issues a recommendation under paragraph F, which must prohibit the
25 applicant from filing a new application for 2 years following the date that the
26 application is withdrawn; and

27 J. A requirement that a new application filed by an applicant more than 2 years after
28 receiving a notice of denial by the commission or more than 2 years following the
29 withdrawal of its earlier application must be considered without reference to the denied
30 or withdrawn application and any supplemental documentation that was submitted with
31 the denied or withdrawn application.

32 **4. State recognition.** An applicant may be recognized only:

33 A. By approval of the Legislature; or

34 B. By the failure of the Legislature to take action on a recommendation from the
35 commission in favor of state recognition within 2 years after receipt of the
36 recommendation by the legislative committee. For purposes of this paragraph, the
37 Legislature fails to act if the Legislature fails to enact legislation recognizing the
38 applicant or denying recognition to the applicant.

39 **5. Effect of state recognition.** Recognized tribes and their members are subject to all
40 laws of the State. Recognition confers only those rights specifically described in this
41 chapter and may not be construed to grant the recognized tribe or its members any right or
42 claim to land or real estate in the State or right to conduct any gambling activities except
43 as otherwise allowed by the laws of the State.

