

MAINE STATE LEGISLATURE

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R.S.

L.D. 1269

DATE: 5-19-97

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 926, L.D. 1269, Bill, "An Act to Implement the Recommendations of the Task Force on Tribal-State Relations"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Foster the Self-governing Powers of Maine's Indian Tribes in a Manner Consistent with Protection of Rights and Resources of the General Public'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Whereas, there is conflict over the effect of the Act to Implement the Maine Indian Claims Settlement as evidenced by the introduction of legislation to give the Passamaquoddy Tribe authority to change the names of geographic features within Passamaquoddy territory; to eliminate the application of state law to tribal lands; to require full faith and credit for decisions of the tribal courts; and to make all persons within Passamaquoddy territory subject to tribal court jurisdiction; and

Whereas, the most basic function of the Maine Indian Tribal-State Commission, established as a part of the Act to Implement the Maine Indian Claims Settlement, is to "continually review the effectiveness of . . . [the Settlement] Act and the social, economic and legal relationship between the Passamaquoddy Tribe and the Penobscot Nation and the State and . . . make such reports and recommendations to the Legislature as it deems appropriate"; and

COMMITTEE AMENDMENT

2 **Whereas**, we realize that the "[continual] review [of] the
 4 effectiveness of ... the social, economic and legal relationship
 6 between the Passamaquoddy Tribe and the Penobscot Nation and the
 8 State" requires an effort by and is of mutual interest to both
 the State and the Maine Indian Tribes to learn to better respect
 and honor the powers and duties of the State and the Indian
 tribes within the tribes' Indian territories; and

10 **Whereas**, we all pride ourselves on our abilities to listen,
 12 learn, identify and adapt to changing circumstances, especially
 14 with respect to the needs of our youth, both within the State and
 within the tribal territories; now, therefore, be it

16 **Sec. 1. Maine Indian Tribal-State Commission authorized to focus on
 needs of youth. Resolved:** That the Maine Indian Tribal-State
 18 Commission, established by the Maine Revised Statutes, Title 30,
 section 6212, is authorized and directed to undertake a
 20 systematic review of the civil laws of the State to determine the
 manner and extent to which those laws, as enforced, constrict or
 impinge upon the best interests of the children with respect to:

22 1. The traditional culture and way of life as practiced in
 24 the tribal communities;

26 2. The ability of the tribes to regulate their members,
 28 lands, schools and other cultural institutions and communities in
 a manner that honors tribal traditions without jeopardizing the
 30 resources of the State held for the benefit of all or the
 property or other rights of persons who are nonmembers of the
 Tribe; and

32 3. The respect and dignity appropriately given to all
 34 individual citizens in the State and members of the tribes; and
 be it further

36 **Sec. 2. Study organization, objective; consultation, conflict
 resolution. Resolved:** That the Maine Indian Tribal-State
 38 Commission study must be conducted over the next 4 years, in
 40 consultation with appropriate representatives of affected tribes'
 and agencies of the State, including teachers and local law
 42 enforcement, and using conflict resolution techniques, to
 identify policies, programs or provisions that could be
 44 undertaken to foster the social and economic strength of both the
 State and Maine's tribal communities without significant risk of
 46 harm to the resources of the State held for the benefit of all,
 or the property or other rights of persons who are not members of
 48 the tribes and with special attention to the needs of the youth
 of both the State and the tribes.

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2 The commission shall consider the concerns that gave rise to
4 the legislation proposed by the Passamaquoddy Tribe to amend the
6 Act to Implement the Maine Indian Claims Settlement and determine
how those concerns may be addressed; and be it further

8 **Sec. 3. Reporting dates established. Resolved:** That the Maine
10 Indian Tribal-State Commission shall report its findings and
12 legislative recommendations to the Second Regular Session of the
14 118th Legislature by December 15, 1997; to the First Regular
Session of the 119th Legislature by December 15, 1998; and to the
16 First Regular Session of the 120th Legislature by December 15,
2000; and be it further

18 **Sec. 4. Annual Assembly of the Governors and Chiefs. Resolved:**
20 That the Maine Indian Tribal-State Commission shall convene an
annual Assembly of Governors and Chiefs, including the Governors
of the State of Maine and the Passamaquoddy Tribe and the Chiefs
of the Penobscot Nation, Houlton Band of Maliseets and Aroostook
Band of Micmacs.'

22 Further amend the bill by inserting at the end before the
24 summary the following:

26 **FISCAL NOTE**

The Maine Indian Tribal-State Commission will incur some
28 minor additional costs to submit certain required reports to the
Legislature. These costs can be absorbed within the commission's
30 existing budgeted resources.'

32 **SUMMARY**

34 This amendment replaces the bill and creates a resolve that
36 seeks to refocus the Maine Indian Tribal-State Commission to its
statutory obligation to "continually review . . . the social,
38 economic and legal relationship between the Passamaquoddy Tribe
and Penobscot Nation and the State" by directing the Maine Indian
40 Tribal-State Commission to:

42 1. Engage in good faith to continually seek to determine
44 the mutual best interests of both the State and the Maine Indian
Tribes, with special attention given to the needs of youth, both
within the State and within the tribal territories;

46 2. Conduct a study, over the next 4 years, in consultation
48 with appropriate representatives of affected tribes and agencies
of the State, including teachers and local law enforcement, to
50 identify policies, programs or provisions that could be

undertaken to foster the social and economic strength of both the State and Maine's tribal communities;

3. Engage in conflict resolution on those seemingly irreconcilable issues concerning policies and programs and the provisions that could be undertaken to foster the social and economic strength of all involved and, in such process, set measurable goals and objectives and report to the Second Regular Session of the 118th Legislature and to the First Regular Session of the 119th Legislature and the First Regular Session of the 120th Legislature, as to how these goals and objectives could be achieved. The commission shall consider the underlying issues that led to the introduction of several bills affecting the relationships under the Maine Indian Claims Settlement Act; and

4. Annually convene an Assembly of the Governors and Chiefs of the State and the Tribes.

This amendment also adds a fiscal note.