

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1263

H.P. 891

House of Representatives, March 8, 2007

Resolve, To Continue the Tribal-State Work Group

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BLANCHARD of Old Town.
Cosponsored by Senator MITCHELL of Kennebec and
Representatives: CLEARY of Houlton, HILL of York, LORING of the Penobscot Nation,
NASS of Acton, PERRY of Calais, SIMPSON of Auburn, SOCTOMAH of the
Passamaquoddy Tribe, Senator: RAYE of Washington.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas,** this resolve needs to take effect before the expiration of the 90-day period
4 in order for the tribal-state work group originally created by Executive Order 19 FY
5 06/07 to continue working during and after the First Regular Session of the 123rd
6 Legislature and for its study and report to be completed in time for submission to the next
7 legislative session; and

8 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore, be it

12 **Sec. 1. Tribal-State Work Group established. Resolved:** That the Tribal-
13 State Work Group, referred to in this resolve as "the work group," is established; and be it
14 further

15 **Sec. 2. Work group membership. Resolved:** That the work group consists of
16 17 members appointed as follows:

17 1. Two members of the Senate, one belonging to the political party holding the
18 largest number of seats in the Senate and one belonging to the political party holding the
19 second largest number of seats in the Senate, appointed by the President of the Senate;

20 2. Six members of the House of Representatives, 3 belonging to the political party
21 holding the largest number of seats in the House and 3 belonging to the political party
22 holding the second largest number of seats in the House, appointed by the Speaker of the
23 House;

24 3. Seven representatives of the Native American community, one appointed by each
25 of the top elected leaders of the 5 Wabanaki Tribal Governments: the Chief of the
26 Aroostook Band of Micmacs, the Chief of the Houlton Band of Maliseet Indians, the
27 Governor of the Passamaquoddy Tribe at Indian Township, the Governor of the
28 Passamaquoddy Tribe at Pleasant Point and the Chief of the Penobscot Nation; the
29 Passamaquoddy Tribal Representative to be appointed by the Joint Tribal Council of the
30 Passamaquoddy Tribe; and the Penobscot Tribal Representative appointed by the Chief of
31 the Penobscot Nation;

32 4. One member appointed by the Governor; and

33 5. One representative of the Maine Indian Tribal-State Commission; and be it further

34 **Sec. 3. Cooperation and participation of the Attorney General. Resolved:**
35 That the Attorney General is requested to have a representative attend all meetings of the
36 work group and respond to requests during the work group's deliberations regarding the
37 Attorney General's opinion concerning the constitutionality and legal interpretation of any
38 possible changes to AN ACT to Implement the Maine Indian Claims Settlement or
39 related statutes and agreements; and be it further

1 **Sec. 4. Chair. Resolved:** That the first-named Senate member is the Senate chair
2 of the work group and the first-named House of Representatives member is the House
3 chair of the work group; and be it further

4 **Sec. 5. Duties. Resolved:** That the work group may hold up to 6 meetings and
5 shall examine the issues identified in the framework document prepared for the Assembly
6 of the Governors and Chiefs held May 8, 2006, the minutes for that meeting, Tribal-
7 Maine Issues: Issues That Have Been Litigated or Are in Litigation, and Tribal-Maine
8 Issues: Macro Issues prepared for the May 31, 2006 review of AN ACT to Implement
9 the Maine Indian Claims Settlement, the federal Maine Indian Claims Settlement Act of
10 1980 and other settlement acts pertaining to the Wabanaki Tribes for the meeting held at
11 Indian Island May 31, 2006, the minutes for the May 31, 2006 meeting and the final
12 report of the tribal-state work group created by Executive Order 19 FY 06/07; and be it
13 further

14 **Sec. 6. Staff assistance. Resolved:** That, upon adequate appropriation by the
15 Legislature, the Maine Indian Tribal-State Commission shall provide necessary staffing
16 services to the work group; and be it further

17 **Sec. 7. Compensation. Resolved:** That the legislative members of the work
18 group are entitled to receive the legislative per diem, as defined in the Maine Revised
19 Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses
20 related to their attendance at authorized meetings of the work group. Public members not
21 otherwise compensated by their employers or other entities that they represent are entitled
22 to receive reimbursement of necessary expenses and, upon a determination of financial
23 hardship, a per diem equal to the legislative per diem for their attendance at authorized
24 meetings of the work group; and be it further

25 **Sec. 8. Report. Resolved:** That no later than January 2, 2008, the work group
26 shall submit a report that includes its findings and recommendations, including suggested
27 legislation, for presentation to the Second Regular Session of the 123rd Legislature, the
28 Governor, the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the
29 Passamaquoddy Tribe at Indian Township, the Passamaquoddy Tribe at Pleasant Point
30 and the Penobscot Nation. The work group is authorized to introduce legislation related
31 to its report to the Second Regular Session of the 123rd Legislature at the time of
32 submission of its report; and be it further

33 **Sec. 9. Extension. Resolved:** That, if the work group requires a limited
34 extension of time to complete its study and make its report, it may apply to the
35 Legislative Council, which may grant an extension; and be it further

36 **Sec. 10. Work group budget. Resolved:** That the chairs of the work group,
37 with assistance from the work group staff, shall administer the work group's budget.
38 Within 10 days after its first meeting, the work group shall present a work plan and
39 proposed budget to the Legislative Council for its approval. Upon notice to the Executive
40 Director of the Legislative Council that all seats on the work group have been filled, the
41 personal services portion of the work group budget must be paid in full to the Maine
42 Indian Tribal-State Commission. The work group may not incur expenses that would

1 result in the work group's exceeding its approved budget. Upon request from the work
 2 groups, the Executive Director of the Legislative Council shall promptly provide the
 3 work group chairs and staff with a status report on the work group's budget, expenditures
 4 incurred and paid and available funds; and be it further

5 **Sec. 11. Appropriations and allocations. Resolved:** That the following
 6 appropriations and allocations are made.

7 **MAINE INDIAN TRIBAL-STATE COMMISSION**

8 **Tribal-State Work Group**

9 Initiative: Provides funds for administrative and staffing support for the Tribal-State
 10 Work Group.

11			
12	GENERAL FUND	2007-08	2008-09
13	Personal Services	\$4,400	\$4,400
14	All Other	\$670	\$670
15			
16	GENERAL FUND TOTAL	\$5,070	\$5,070

17 **MAINE INDIAN TRIBAL-STATE**
 18 **COMMISSION**

19	DEPARTMENT TOTALS	2007-08	2008-09
20	GENERAL FUND	\$5,070	\$5,070
21			
22	DEPARTMENT TOTAL - ALL FUNDS	\$5,070	\$5,070

23 **LEGISLATURE**

24 **Tribal-State Work Group**

25 Initiative: Provides funds for the legislative per diem and other expenses for 6 meetings
 26 of the Tribal-State Work Group.

27			
28	GENERAL FUND	2007-08	2008-09
29	Personal Services	\$9,930	\$9,930
30	All Other	\$670	\$670
31			
32	GENERAL FUND TOTAL	\$10,600	\$10,600

33 **LEGISLATURE**

34	DEPARTMENT TOTALS	2007-08	2008-09
35	GENERAL FUND	\$10,600	\$10,600
36			

