

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1315

H.P. 912

House of Representatives, April 4, 2017

**An Act Regarding the Maine Indian Tribal-State Commission and
Directing the Commission To Address Issues To Improve the
Relationship between the State and the Penobscot Nation,
Passamaquoddy Tribe, Houlton Band of Maliseet Indians and
Aroostook Band of Micmacs**

(EMERGENCY)

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BEAR of the Houlton Band of Maliseet Indians.

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 legislation must take effect before the expiration of the 90-day period
4 in order to allow the Maine Indian Tribal-State Commission to complete its work and
5 report in time to the Second Regular Session of the 128th Legislature; and

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

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

11 **Sec. 1. 30 MRSA §6212, sub-§3,** as amended by PL 2009, c. 384, Pt. F, §3 and
12 affected by §4, is further amended to read:

13 **3. Responsibilities.** In addition to the responsibilities set forth in this Act, the
14 commission shall continually review the effectiveness of this Act and the social,
15 economic and legal relationship between the Houlton Band of Maliseet Indians, the
16 Passamaquoddy Tribe and the Penobscot Nation and the State and shall make such
17 reports and recommendations to the Legislature, the Houlton Band of Maliseet Indians,
18 the Passamaquoddy Tribe and the Penobscot Nation as it determines appropriate. The
19 commission may submit legislation with its reports and recommendations.

20 Nine members constitute a quorum of the commission and a decision or action of the
21 commission is not valid unless 7 members vote in favor of the action or decision.

22 **Sec. 2. Maine Indian Tribal-State Commission.** The Maine Indian Tribal-
23 State Commission under the Maine Revised Statutes, Title 30, section 6212, referred to in
24 the section as "the commission," shall convene within 30 days following the effective
25 date of this Act to study the issues under this section.

26 **1. Study.** The commission shall study:

- 27 A. The final passage of the Act to Implement the Maine Indian Claims Settlement;
- 28 B. The recognition of the Kineo Band of Maliseet Indians and the transfer of a 500-
29 acre parcel of state-owned land at Mount Kinio to the Kinio Band of Maliseet Indians
30 for its exclusive use;
- 31 C. The right of the Maliseet Indians to exist free from environmental, cultural,
32 economic, political and social harm and from trespasses within their tribal trust lands
33 and traditional homelands, comprising the entire St. John River watershed, including
34 Aroostook County;
- 35 D. Memorializing the President of the United States and the Congress of the United
36 States to provide to the Houlton Band of Maliseet Indians just and equitable
37 compensation for negative impacts upon Maliseet tribal lands comparable to the land
38 claim settlement provided to the Penobscot Nation and the Passamaquoddy Tribe in
39 the federal Maine Indian Land Claims Settlement Act of 1980;

1 E. Establishing a commission to investigate the causes and effects of the oil tanker
2 train derailment in Lac-Megantic, Quebec, Canada and the threat that incident and
3 such oil transports represent to the Maliseet and other people of the entire St. John
4 River watershed and those who reside along oil transport corridors;

5 F. The State's apologizing to the Houlton Band of Maliseet Indians for the improper
6 removal of Maliseet children from Maliseet tribal communities and establishing a
7 commission to conduct fact-finding hearings and to determine compensation for
8 damages; and

9 G. Authorizing the Aroostook Band of Micmacs to benefit from the operation of an
10 existing casino.

11 **Sec. 3. Report; legislation.** No later than December 6, 2017, the commission
12 shall submit a report that includes its findings and recommendations, including legislation
13 pursuant to the Maine Revised Statutes, Title 30, section 6212, subsection 3, for
14 presentation to the Second Regular Session of the 128th Legislature.

15 **Emergency clause.** In view of the emergency cited in the preamble, this
16 legislation takes effect when approved.

17 **SUMMARY**

18 This bill amends the law establishing the Maine Indian Tribal-State Commission to
19 allow the commission to submit legislation and directs the commission to study a number
20 of unresolved issues between the State and the Passamaquoddy Tribe, the Penobscot
21 Nation, the Aroostook Band of Micmacs and Maliseet Indians.