

MAINE STATE LEGISLATURE

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4/11/22
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L.D. 1626

Date: 5/9/22

(Filing No. S-62)

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STATE OF MAINE
SENATE
130TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H.P. 1210,
L.D. 1626, "An Act Implementing the Recommendations of the Task Force on Changes to
the Maine Indian Claims Settlement Implementing Act"

Amend the amendment by inserting after the title the following:

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

**'Resolve, Directing Further Negotiations To Advance the Sovereignty of the
Wabanaki Nations'**

Amend the amendment by striking out everything after the title and inserting the
following:

'Amend the bill by striking out everything after the title and inserting the following:

Preamble. Whereas, on June 10, 2019, the members of the 129th Legislature
adopted Joint Resolution 2019, S.P. 622, recognizing that the federally recognized Indian
tribes within the State of Maine, referred to in this resolve as "the Wabanaki Nations,"
should enjoy the same rights, privileges, powers and immunities as other federally
recognized Indian tribes within the United States and supporting a collaborative process to
develop amendments to An Act to Implement the Maine Indian Claims Settlement, referred
to in this resolve as "the Maine Implementing Act," to clarify that the Wabanaki Nations
enjoy the same rights, privileges, powers and immunities as other federally recognized
Indian tribes within the United States; and

Whereas, the 129th Legislature subsequently passed Joint Order 2019, H.P. 1307,
recognizing that the Maine Implementing Act has hindered the Wabanaki Nations' ability
to exercise tribal sovereignty for the benefit of their people and establishing the Task Force
on Changes to the Maine Indian Claims Settlement Implementing Act, composed of
members of the Legislature and the chiefs of the 4 federally recognized Indian tribes in the
State or their designees as well as nonvoting representatives from the Office of the
Governor, the Office of the Attorney General and the Maine Indian-Tribal State
Commission, to review the Maine Implementing Act and to propose consensus
recommendations for suggested changes to that Act; and

Whereas, in January 2020, the Task Force on Changes to the Maine Indian Claims
Settlement Implementing Act submitted a report to the Legislature setting forth 22

1 consensus recommendations for amending the Maine Implementing Act related to
2 alternative dispute resolution, tribal-state collaboration and consultation, the allocation of
3 criminal jurisdiction, regulation of fishing and hunting on tribal lands, regulation of natural
4 resources and land use on tribal lands, taxation authority, the allocation of civil legislative
5 and adjudicatory jurisdiction, the application in the State of federal laws enacted for the
6 benefit of Indian country and tribal land acquisition; and

7 **Whereas**, the members of the 130th Legislature are encouraged by the common
8 ground identified during the discussions that took place over the past year between
9 representatives of the Office of the Attorney General, the Office of the Governor and the
10 Chiefs of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of
11 Maliseet Indians. The discussions were convened by the Attorney General and led to
12 legislation proposing a process for enhanced tribal-state collaboration, reforming the
13 State's tax laws to provide economic and financial benefits to tribal governments, tribal
14 members and tribal entities and providing the Wabanaki Nations the exclusive opportunity
15 to engage in the new mobile sports betting market in this State as a mechanism of economic
16 development; and

17 **Whereas**, the members of the 130th Legislature continue to support a collaborative
18 process to identify common ground and develop proposed legislation including
19 amendments to the Maine Implementing Act to enhance the sovereignty of the Wabanaki
20 Nations and to increase the degree to which the Wabanaki Nations enjoy the same rights,
21 privileges, powers and immunities as other federally recognized Indian tribes within the
22 United States; now, therefore, be it

23 **Sec. 1. Attorney General to invite interested parties to continue discussions**
24 **of tribal sovereignty. Resolved:** That the Attorney General shall invite the Chiefs of
25 the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians
26 as well as representatives of the Office of the Governor to improve relations between the
27 Wabanaki Nations and state and local governments and to develop recommendations for
28 proposed legislation including amendments to the Maine Implementing Act to enhance the
29 sovereignty of the Wabanaki Nations. The recommendations may relate to:

- 30 A. Application in this State of federal laws enacted for the benefit of Indian country;
31 B. Tribal land acquisition;
32 C. Jurisdiction over natural resources on tribal lands;
33 D. Criminal jurisdiction; and
34 E. Civil legislative and adjudicatory jurisdiction, including tribal sovereign immunity
35 and state court recognition and enforcement of tribal court child support orders and
36 other orders in family matters proceedings.

37 **Sec. 2. Facilitation and consultation. Resolved:** That representatives of the
38 Office of the Attorney General shall facilitate the discussions between the Office of the
39 Governor and the Chiefs of the Wabanaki Nations that participate in the discussions
40 pursuant to section 1 and shall seek the advice and consultation of representatives of
41 affected state agencies, as necessary.

42 **Sec. 3. Updating the Legislature. Resolved:** That the chairs of the Joint Standing
43 Committee on Judiciary shall request periodic updates on the progress of the discussions

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pursuant to section 1 from the Attorney General, the Office of the Governor and the Chiefs of the Wabanaki Nations.

Sec. 4. Report. Resolved: That the Attorney General, the Governor and the Chiefs of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians may individually or together submit a report summarizing the progress of the discussions pursuant to section 1, along with any recommended legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 1, 2023. The committee is authorized to submit legislation to any session of the 131st Legislature related to the report or reports.''

Amend the amendment by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment amends Committee Amendment "A" to replace the bill with a resolve directing the Attorney General to invite the Chiefs of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians as well as representatives of the Office of the Governor to improve relations between the federally recognized Indian tribes within the State and state and local governments and to develop recommendations for proposed legislation including amendments to An Act To Implement the Maine Indian Claims Settlement to enhance the sovereignty of the federally recognized Indian tribes within the State related to the application in this State of federal laws enacted for the benefit of Indian country; tribal land acquisition; jurisdiction over natural resources on tribal lands; criminal jurisdiction; and civil legislative and adjudicatory jurisdiction, including tribal sovereign immunity and state court recognition and enforcement of tribal court child support orders and other orders in family matters proceedings.

SPONSORED BY: 

(Senator BREEN, C.)

COUNTY: Cumberland 

FISCAL NOTE REQUIRED
(See attached)

SENATE AMENDMENT

**130th MAINE LEGISLATURE****LD 1626****LR 1341(05)****An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act****Fiscal Note for Senate Amendment "A" to Committee Amendment "A" (S-652)****Sponsor: Sen. Breen of Cumberland****Fiscal Note Required: Yes**

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	(\$44,650)	(\$218,000)	(\$201,400)
Appropriations/Allocations				
General Fund	\$0	\$0	(\$66,000)	\$0
Other Special Revenue Funds	\$0	(\$1,000)	(\$1,000)	(\$1,000)
Revenue				
General Fund	\$0	\$44,650	\$152,000	\$201,400
Other Special Revenue Funds	\$0	\$2,350	\$59,500	\$62,100

Fiscal Detail and Notes

This amendment replaces the bill, eliminating the General Fund revenue loss and costs in the bill. Any additional costs resulting from the amendment are assumed to be minor and can be absorbed within existing budgeted resources.