

MAINE STATE LEGISLATURE

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L.D. 1834

Date: 3/6/24 Majority

(Filing No. H-889)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1166, L.D. 1834, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish an Officer on Tribal Relations"

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

'An Act to Establish the Office of Tribal-State Affairs'

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

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

Sec. 1. 5 MRSA c. 5, sub-c. 3 is enacted to read:

SUBCHAPTER 3

OFFICE OF TRIBAL-STATE AFFAIRS

§90-X. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Advisory council. "Advisory council" means the Advisory Council on Tribal-State Affairs under section 90-Z.

2. Deputy Secretary of State for Tribal-State Affairs. "Deputy Secretary of State for Tribal-State Affairs" means the person appointed pursuant to section 90-Y, subsection 2.

3. Indian tribe. "Indian tribe" means a federally recognized Indian tribe within the State of Maine.

4. Office. "Office" means the Office of Tribal-State Affairs established in section 90-Y, subsection 1.

COMMITTEE AMENDMENT

1 5. Quasi-independent state entity. "Quasi-independent state entity" has the same
2 meaning as in section 12021, subsection 5.

3 6. Tribal liaison. "Tribal liaison" means an individual designated to serve as the tribal
4 liaison of an agency under section 11053, subsection 3. For purposes of this subsection,
5 "agency" has the same meaning as in section 11052, subsection 1.

6 **§90-Y. Office established; powers**

7 1. Office established. The Office of Tribal-State Affairs is established within the
8 Department of the Secretary of State to promote positive government-to-government
9 relations between the State and the Indian tribes in a neutral manner, including by
10 facilitating collaboration between the Indian tribes and the Legislature, the judicial branch
11 and the executive branch, and without advocating either for or against the interests of the
12 State or of the Indian tribes.

13 2. Deputy Secretary of State for Tribal-State Affairs. After consulting with the
14 chiefs of each of the Indian tribes, the Secretary of State shall appoint a Deputy Secretary
15 of State for Tribal-State Affairs to direct the work of the office. The Deputy Secretary of
16 State for Tribal-State Affairs serves at the pleasure of the Secretary of State.

17 3. Powers. The office may, in a neutral manner and without advocating either for or
18 against the interests of the State or of the Indian tribes:

19 A. Monitor proposed legislation and identify proposed legislation that expressly
20 references or that substantially and uniquely affects the Penobscot Nation, the
21 Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation
22 or their members and proposed legislation that expressly references federally
23 recognized Indian tribes;

24 B. Notify the chief or chiefs of each affected Indian tribe as expeditiously as possible
25 of proposed legislation identified under paragraph A and, upon request of an Indian
26 tribe and without advocating either for or against such legislation, facilitate the
27 participation of the affected Indian tribe in the legislative process. Nothing in this
28 paragraph limits the authority of the Secretary of State and other employees of the
29 Department of the Secretary of State to propose legislation or to advocate either for or
30 against pending legislation;

31 C. Collaborate with the Maine Indian Tribal-State Commission to promote positive
32 government-to-government relations between the State and the Indian tribes, including
33 by:

34 (1) At the request of an Indian tribe or the judicial branch, facilitating effective
35 communication and collaboration between the Indian tribes and the judicial branch
36 on any matter except an issue currently pending in state court or tribal court in
37 which an Indian tribe is a party; and

38 (2) Serving as a resource to promote effective communication and collaboration
39 between the Indian tribes and all departments, agencies, boards and commissions
40 within the executive branch as well as all quasi-independent state entities;

41 D. Develop or identify, and promote, training programs, resources and educational
42 opportunities for Legislators, judges and tribal liaisons as well as employees of the
43 Legislature, executive branch, judicial branch and quasi-independent state entities that

1 are designed to promote effective communication and collaboration between the State
 2 and the Indian tribes; positive government-to-government relations between the State
 3 and the Indian tribes; and cultural competency in tribal issues; and

4 E. Monitor the effectiveness of the Tribal-State Collaboration Act.

5 **4. Report.** By February 1, 2027, and biennially thereafter, the office shall submit a
 6 report to the Governor and the joint standing committee of the Legislature having
 7 jurisdiction over judiciary matters. The report must first be reviewed by the advisory
 8 council and must include recommendations for improving tribal-state collaboration and
 9 positive government-to-government relations between the State and the Indian tribes. The
 10 joint standing committee of the Legislature having jurisdiction over judiciary matters may
 11 report out legislation on matters related to the report.

12 **§90-Z. Advisory Council on Tribal-State Affairs**

13 **1. Establishment; membership.** The Advisory Council on Tribal-State Affairs as
 14 established by section 12004-I, subsection 87-A consists of the following members:

15 A. Two members appointed by the Chief of the Houlton Band of Maliseet Indians;

16 B. Two members appointed by the Chief of the Mi'kmaq Nation;

17 C. One member appointed by the Chief of the Passamaquoddy Tribe at Sipayik;

18 D. One member appointed by the Chief of the Passamaquoddy Tribe at Motahkomikuk;

19 E. Two members appointed by the Chief of the Penobscot Nation;

20 F. One member appointed by the Maine Indian Tribal-State Commission; and

21 G. The Deputy Secretary of State for Tribal-State Affairs, as an ex officio, nonvoting
 22 member.

23 **2. Terms; chair.** The members of the advisory council serve 3-year terms and may be
 24 reappointed. If the appointing authority fails to make an appointment prior to the expiration
 25 of a member's term, that member continues to serve until the appointing authority makes
 26 an appointment for the remainder of the subsequent term. In the event of a vacancy, the
 27 appointing authority may fill the vacancy for the unexpired term. At the first meeting and
 28 annually thereafter, the advisory committee shall select a chair from among its members.

29 **3. Powers and duties.** The advisory council:

30 A. May meet as often as necessary but not fewer than 4 times a year. A meeting may
 31 be called by the chair or by any 4 members;

32 B. Shall advise the office on matters of tribal-state affairs, including activities
 33 undertaken by the office pursuant to the authority in section 90-Y, subsection 3; and

34 C. Shall review the biennial report of the office required by section 90-Y, subsection
 35 4.

36 **4. Staffing.** The office shall provide staffing services as necessary to the advisory
 37 council.

38 **Sec. 2. 5 MRSA §12004-I, sub-§87-A is enacted to read:**

39 **87-A.**



131st MAINE LEGISLATURE

LD 1834

LR 5(02)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish an Officer on Tribal Relations

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-809)

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$0	\$108,136	\$196,655	\$202,858
Appropriations/Allocations				
General Fund	\$0	\$108,136	\$196,655	\$202,858

Fiscal Detail and Notes

This bill establishes the Office of Tribal-State Affairs within the Department of Secretary of State. The bill includes a General Fund appropriation of \$108,136 in fiscal year 2024-25 to the Department of Secretary of State for one limited-period Deputy Secretary of State position and related costs to oversee and manage the new Office. The position begins January 1, 2025 and ends June 30, 2027.