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STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



JANET T. MILLS
GOVERNOR

HEATHER JOHNSON
COMMISSIONER

January 10, 2025

TO: Senator Chip Curry, Senate Chair, Committee on Housing and Economic Development
Representative Traci Gere, House Chair, Committee on Housing and Economic Development
Jill Tompkins, Executive Director, Maine Indian Tribal-State Commission

FROM: Heather Johnson, Commissioner

CC: Jerry Reid, Chief Legal Counsel for Governor Mills

RE: DECD Tribal Collaboration Report January 2025

This report is submitted pursuant to 5 M.R.S. 11055(2), which requires the Department of Economic & Community Development to file biennial reports with this Committee describing our implementation of the Tribal-State Implementation Act.

Background:

In 2022, representatives of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation, and the Governor's Office negotiated the terms of legislation intended to expand economic opportunities for, and improve the welfare of, the Wabanaki Nations and their citizens, and to make structural changes in certain state agency decision-making to promote government-to-government dialogue with the Wabanaki Nations. That legislation, enacted as Public Law 2021, c. 681, contains three parts. First, it amends Maine's tax laws both to provide financial benefits to Tribal citizens residing on Tribal lands, and to encourage economic development on Tribal lands. Second, it provides each of the four Wabanaki Nations located in Maine the exclusive opportunity to conduct mobile sports wagering operations within the state. Third, it establishes in law a Tribal-State collaboration process designed to promote meaningful communication on issues of particular significance to the Tribes and their citizens.

The Tribal-State Collaboration Act:

The Tribal-State Collaboration Act, 5 M.R.S. 11051 *et seq.*, requires 15 agencies identified in the statute to engage in a Tribal collaboration process regarding contemplated programs, rules, or services that substantially and uniquely affect Maine's four federally recognized Tribes or their citizens. It is intended to be a user-friendly process free from unnecessary bureaucracy that will be implemented within existing resources.

Title 5 M.R.S. 11053(1) requires each agency covered by the statute to adopt a collaboration policy. The Department of Economic & Community Development adopted its collaboration policy, which is appended to this report, on December 12, 2022. The Department's Tribal liaison, as required by 5



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On December 6, 2022, the Governor’s Office provided training on how to implement the statute in a manner that promotes effective communication and positive government-to-government relations with the Tribes. The Governor’s Office has also requested that the Maine Indian Tribal State Commission (MITSC) help to facilitate training of state agency Tribal liaisons on issues of cultural competency, and MITSC has agreed to do so. The request to the Maine Indian Tribal-State Commission to arrange for the cultural competency training remains pending.

The Tribal-State Collaboration Act became law on August 8, 2022. The Department of Economic & Community Development has engaged in Tribal collaboration under the statute through work at the Office of Tourism (MOT) and the Office of Outdoor Recreation (MOOR) and work at the Maine Connectivity Authority.

Over the past few years, staff at MOT & MOOR have been engaged in the [Wabanaki Cultural Tourism Initiative](#) (WCTI), “a collaborative effort involving the Wabanaki Nations in Maine—the Mi’kmaq Nation, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk (Indian Township), the Passamaquoddy Tribe at Sipayik (Pleasant Point), and the Penobscot Nation—along with community stakeholders, tourism educators, and professionals.”¹ The WCTI recently released the Wabanaki Cultural Tourism Plan.

“The Wabanaki Cultural Tourism Plan 2024–2029 (WCTP) serves as a strategic blueprint, providing direction and guidance for Wabanaki Nations and their Native and non-Native partner organizations to collaboratively and respectfully develop cultural tourism that benefits Wabanaki communities, entrepreneurs, and businesses while offering authentic and educational experiences to visitors.”²

The participatory planning process over the past two years included more than 80 stakeholders from Wabanaki communities, the State of Maine, local and regional municipalities, tourism businesses, natural and cultural heritage organizations, and academic institutions participated in two in-person visioning and planning summits, ten focus groups/interviews, and six virtual work sessions; and over 200 Wabanaki community members participated in the 2023 Wabanaki Cultural Tourism Community Survey.”³

¹ Four Directions Development Corporation – “Wabanaki Cultural Tourism Initiative”
<https://fourdirectionsmaine.org/cultural-tourism/>

² [Wabanaki Cultural Tourism Plan](#), Executive Summary, page 7. https://fourdirectionsmaine.org/wp-content/uploads/2024/10/Wabanaki-Cultural-Tourism-Plan_FULL_FINAL_DIGITAL_9-10-2024.pdf

³ [Wabanaki Cultural Tourism Plan](#), Executive Summary, page 7. https://fourdirectionsmaine.org/wp-content/uploads/2024/10/Wabanaki-Cultural-Tourism-Plan_FULL_FINAL_DIGITAL_9-10-2024.pdf



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MOT and MOOR will continue to work in collaboration with FDDC and the WCTI Leadership Team focusing on implementation over the next five years to ensure all goals are met. There are a total of 22 strategic initiatives outlined in the WCTP that seek to achieve the following five outcomes:⁴

- Effective regional collaboration for advancement of cultural tourism;
- Enhanced support and local leadership for cultural tourism;
- Increased entrepreneurship and diverse Wabanaki cultural tourism experiences;
- Community-driven infrastructure and creative partnerships;
- Wabanaki brand development and promotion.

⁴ [Wabanaki Cultural Tourism Plan](https://fourdirectionsmaine.org/wp-content/uploads/2024/10/Wabanaki-Cultural-Tourism-Plan_FULL_FINAL_DIGITAL_9-10-2024.pdf), Executive Summary, page 8. https://fourdirectionsmaine.org/wp-content/uploads/2024/10/Wabanaki-Cultural-Tourism-Plan_FULL_FINAL_DIGITAL_9-10-2024.pdf

MCA Wabanaki Collaboration

2023-2024 Overview of Activities

Submitted Jan 7, 2025



Overview

The Maine Connectivity Authority (MCA) is pleased to submit this report detailing activities undertaken by the Authority in collaboration with the Wabanaki Tribes in 2023-2024. Primary areas of collaboration and communication with the Tribal partners include technical assistance, funding, information sharing, and consultation within the Get Ready Program, Regional & Wabanaki Partners Program, outreach and engagement conducted in service of creating the Maine Digital Equity Plan and Broadband Action Plan, and ongoing communication and coordination on Wabanaki broadband infrastructure and digital equity priorities.

Brief Program Descriptions

- Get Ready: Community Support The Get Ready: Community Support program, launched in 2022, supported twenty communities to build knowledge, capacity, political will, and partnership to bring a community-driven broadband solution to their community. Of the twenty communities, over half have seen public and private investments made to bring universal broadband to their residents and businesses. The Passamaquoddy Tribe within the community of Sipayk is among these communities.
- Regional & Wabanaki Partners Launched in 2023, the Regional and Wabanki Broadband Partners (RWBP) has built a strong, statewide cohort of partners throughout twelve regions and five Wabanaki tribal communities to enable and support the deployment, sustainability, and maximized benefits of broadband and digital equity investments throughout the State of Maine. The RWBP program has been critical in developing and implementing the Maine Digital Equity Plan. Over two years, MCA worked with the Four Directions Corporations to invest and build the capacity within the relationships and connectivity issues of the tribal communities in Maine. Heading into year three, we will be funding and partnering directly with all five Wabanaki communities to expand digital equity resources and sustain capacity in 2025.
- Connectivity Hubs: MCA launched the Connectivity Hubs Grant Program in early 2024 to make capital investments in new and existing community anchor institutions in alignment with the Maine Digital Equity Plan. This program is funded by Capital Projects Funds (CPF) and requires grantees to provide education, workforce, and telehealth programming in addition to digital inclusion support - such as device programs, digital skills training, and technical support - to priority populations impacted by the digital divide. Two of the twelve projects funded in June 2024 are Wabanaki projects, including projects with the Houlton Band of Maliseets and Passamaquoddy Tribe at Motahkomikuk.
- Digital Equity Act & BEAD Program Outreach & Engagement: As Administering Entity for the Broadband Equity Access and Deployment (BEAD) and Digital Equity Act (DEA) programs within the bi-partisan Infrastructure bill, MCA completed the planning stages for both programs in 2023. This effort involved significant outreach and engagement efforts, including with the Wabanaki tribal leadership, tribal communities, and tribal citizens. The Maine Digital Equity Plan and Broadband Action Plan, and the subsequent BEAD Plan (volumes 1 & 2) were approved by the National Telecommunications & Information Administration (NTIA) in 2024, and MCA continues to coordinate and work with the Wabanaki Nations as implementation begins in earnest in 2025. In addition, MCA has supported Tribal applications to other federal funding sources for broadband infrastructure and digital equity, resulting

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in two successful Tribal Broadband Connectivity Program applications and pending applications under review for the Digital Equity Competitive Grant Program facilitated by NTIA.

- Working Internet ASAP (WIA): The Working Internet ASAP Program (launched in Fall 2024) provides a low Earth orbit satellite internet access option for qualified remote and rural locations in Maine. These homes and businesses are extremely difficult to reach and currently have no service or technology option. MCA staff and consultants are coordinating with the Wabanaki Nations to identify homes and businesses on remote fee and trust lands that may benefit from this program.
- Affordable Connectivity Program (ACP): The ACP is a federal program that offered eligible households a discount on their monthly internet bill and a one-time discount off the purchase of a laptop, desktop computer, or tablet. The ACP was a \$14.2 billion program that launched in December 2021, but after two-and-a-half years of offering discounts on internet service and connected devices to low-income consumers, the funding Congress initially made available for the ACP has since run out. Due to a lack of additional funding from Congress, the Program has ended for now. Effective June 1, 2024, households will no longer receive an ACP discount. MCA staff and consultants are currently working with ISPs that serve the Wabanaki communities to create alternative pricing and billing models including bulk purchase agreements, single payer models, etc.
- MOOSE Net & BEAD Construction Projects: MCA staff and consultants are working with the Wabanaki Nations leadership and environmental departments to determine if any proposed construction scopes for the new 500 miles of middle mile network (Moose Net) or other infrastructure projects involve activity on Tribal reservation, fee, or trust lands and facilitating official consultations accordingly to seek approval and guidance.

Related 2023 Activities

- Get Ready
 - Fall 2022: The Passamaquoddy Tribe at Sipayk was awarded a Get Ready: Community Support grant of \$10,000 to invest in community outreach to increase connectivity opportunities and digital access.
 - Summer/Fall 2024: Partnership and investment by Consolidated Communications resulted in universal broadband connectivity throughout the community.
- Regional & Wabanaki Partners Program
 - Four Directions Development Corporation (FDDC) applied for and was awarded funding (\$250K) to support broadband and digital equity capacity development and coordination with the Wabanaki partners in Maine.
 - FDDC participated in monthly meetings and hired a consultant to support activities undertaken by and with the Tribes as part of the program. The organization also provided quarterly reports and administered funding stipends to each of the Tribes, and contracted with the National Digital Equity Center to support tribal digital navigators in each community.
 - MCA provided funding for 10 Wabanaki tribal members to participate in Net Inclusion in Feb 2023 in San Antonio Texas, a national event hosted by the National Digital Inclusion Alliance.
- MCA Development of the Maine Digital Equity Plan & Broadband Action Plan

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- MCA funded consultants to work with tribal members and FDDC to develop digital equity plans for each Wabanaki nation, which were included in and submitted as part of the Maine Digital Equity Plan to NTIA September 2023.
- Three formal Tribal consultations were held jointly by MCA and NTIA as part of the planning process: Passamaquoddy at Motahkomikuk, Passamaquoddy at Sipayik, and Mi'kmaq Nation (March-April 2023).
- MCA & Mi'kmaq Nation collaborated on a focus group held in Presque Isle with tribal members (April 2023), and FDDC and MCA worked with tribal members to generate responses to the Maine Broadband Survey. Focus group and survey data was collected to inform the plans.
- MCA hosted the first Statewide Digital Equity Workshop to conclude the planning process and gather recommendations from partners and stakeholders, and the event included members from every Wabanaki community (May 2023).
- The Maine Digital Equity Plan and Broadband Action Plan were submitted for review and approval by NTIA in Fall 2023, and included recommendations developed in collaboration with Wabanaki partners and all Regional and Wabanaki Digital Equity Plans.
- MCA Staff and consultants facilitated a regional FCC Office of Native Affairs and Policy Tribal workshop hosted by Penobscot Nation (Oct 2023)
- MCA supported the Maine Broadband Summit, hosted by Maine Broadband Coalition, and Wabanaki Partners from Four Directions Development Corporation as well as digital navigators from each tribal community participated in the event (Nov 2023).
- Infrastructure Initiatives
 - MCA staff and consultants supported the Passamaquoddy at Sipayik in the Eastport/Perry/Pleasant Point ISP outreach to bring broadband access options to the area.
 - MCA staff and consultants supported the Passamaquoddy at Motahkomikuk with administrative and deployment processes in their network operations as a member of the Downeast Broadband Utility.
- Additional Resource Development
 - MCA funded a consultant to FDDC/Wabanaki Nations to develop and write grant proposals to secure additional federal funding for broadband and digital equity.
 - FDDC was awarded \$200K under the Affordable Connectivity Outreach Grant Program - Tribal Competitive Outreach Program (TCOP).
 - The MCA consultant also supported curing and rescopeing on applications submitted to NTIA by tribal partners for Tribal Broadband Connectivity Program awards for the Passamaquoddy at Motahkomikuk and the Passamaquoddy at Sipayik.

2024 Activities

- Regional & Wabanaki Partners Program
 - Four Directions Development Corporation was awarded a second year of funding (\$250K) to support broadband and digital equity capacity development and coordination with the Wabanaki partners in Maine.

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- FDDC continued to participate in monthly meetings as part of the program and supported activities undertaken with Tribes as part of the program, as well as completed quarterly reporting, provided stipends to the Tribes, and continued contracts for digital navigators..
- Wabanaki digital equity leaders attended Net Inclusion in Philadelphia to champion their communities and engage heavily on ACP awareness and barrier reduction for tribal participants. MCA coordinated and hosted a discussion at the event between tribal members and staff from the Federal Reserve Bank of New York and Federal Reserve Bank of Kansas City.
- MCA engaged frequently throughout the year with Wabanaki tribal leadership and digital equity partners to build capacity, establish the Wabanki Broadband Consortium, and support the applications of each tribal community to the third year of the RWBP program.
- Connectivity Hubs
 - Two Wabanaki projects were funded by MCA in June 2024, proposed by the Houlton Band of Maliseets (\$1.2M) and the Passamaquoddy at Motahkomikuk (\$545K). These projects are now under contract and under construction or in pre-construction stage, with completion dates estimated for late 2025.
 - Both Tribes participate in monthly grant cohort meetings hosted by MCA, and will complete quarterly reporting. Connectivity Hub projects are capital projects, but are required to sustain programming and reporting for 5 years following completion of construction.
- Government Relations
 - MCA's tribal consultant participated as an advisor to the Passamaquoddy Tribal Government Congressional Delegation in legislator meetings on Capitol Hill. (March 2024).
- Infrastructure Initiatives
 - MCA staff and consultants provided guidance and oversight with the Passmaquoddy at Sipayik to Fidium/CCI in the construction of a Fiber to the Home network on Tribal Lands (the build is now complete and subscribers are being connected).
 - MCA staff and consultants coordinated a Tribal consultation and project approval between Penobscot Nation and TDS regarding future build proposals on Tribal lands.
 - MCA staff and consultants conducted an official Tribal consultation and project approval with the Penobscot Nation regarding the Moose Net construction proposal crossing Tribal lands.
- Additional Resource Development
 - MCA continued to support curing, grant writing support, and deployment of funds for NTIA Tribal Broadband Connectivity Program (TBCP) awards for the Passamaquoddy at Motahkomikuk and the Passamaquoddy at Sipayik.
 - MCA funded consultant support resulted in a successful TBCP round 2 application for the Mi'kmaq and Penobscot Nations. These awards were announced in December 2024.
 - The consultant also supported a Wabanaki consortium application to the NTIA Digital Equity Competitive Grant Program in Fall 2025 (currently pending). In addition, the consultant facilitated a partnership for the Wabanaki as part of two other proposals submitted, by GPCOG and National Digital Equity Center (currently pending).

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Looking Ahead to 2025

MCA will continue to work closely with Wabanaki partners in 2025. Each of the tribal nations has been funded directly through the Regional & Wabanaki Partners Program, and this grant period runs through the calendar year. The tribal Connectivity Hub projects will continue to work with MCA through the end of their five year period of performance following construction, and all construction must be completed by August 2026. With the awarded and pending federal funding for the Wabanaki partners supporting digital inclusion and broadband activities for the next 3-5 years, MCA will continue to coordinate efforts to track progress and align activities to have the maximum impact to close the digital divide for tribal members and communities in Maine.



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TRIBAL COLLABORATION POLICY

This policy governs the Department of Economic & Community Development's implementation of the *Tribal-State Collaboration Act*, 5 M.R.S. §§ 11051 *et seq.* The purpose of the Act is to promote respectful, government-to-government dialogue, and improve communication between state agencies and the Houlton Band of Maliseet Indians, the Mi'kmaq Nation, the Passamaquoddy Tribe, and the Penobscot Nation. Staff should interpret and apply the provisions of the law consistent with this purpose. The Act is intended to be implemented within existing resources, and therefore should be administered in a way that is practical, user-friendly, and efficient. The goal is to ensure the Tribes are afforded a reasonable opportunity to be heard – in addition to the public process – during the development of programs, rules and services that substantially and uniquely affect them or their citizens, while minimizing administrative burdens for both state and tribal staff. This policy incorporates *Tribal-State Collaboration Agency Guidance* of November 29, 2022, which is attached and incorporated herein.

I. Collaboration Required

Staff shall engage in tribal collaboration regarding a contemplated program, rule or service that substantially and uniquely affects an Indian Tribe or its members. In determining whether a contemplated action triggers the need for collaboration, staff should consider whether it will have a meaningful and significant impact on an Indian Tribe or its members that is distinct from the general population. This will always be a subjective determination, and should be informed by the Act's purpose of improving communication between the State and the Tribes. When in doubt, staff should consider whether some initial, informal communication with potentially affected Tribes would assist in making this determination. If the standard for collaboration is not met, but some communication with one or more Tribes would nonetheless be beneficial, staff should ensure that occurs. Decisions about whether and how to engage in collaboration should not be formalistic, but should be driven by common sense and good judgement. The overarching goal is to increase and improve communication with the Tribes, rather than technical compliance with the Act for its own sake.



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A. The Process of Collaboration

The Act requires the agency to provide the Tribes with written notice of the contemplated action, allow the Tribes a reasonable opportunity to provide information, advice and opinions on the contemplated action, and consider the comments it receives.

1. **Notice (sub-§ 11053(1)(D)(1)).** Once the determination has been made that collaboration is appropriate, the tribal liaison or project manager should email the point of contact that each of the four Tribes has provided for the purpose of collaboration. This email should explain that the agency is initiating the collaboration process, provide a description of the proposed action, identify the date within which comments are requested, and offer to answer any questions.
2. **Opportunity to Comment (sub-§ 11053(1)(D)(2)).** There is no statutorily required comment period for tribal collaboration. The schedule should take into account the nature of the proposed action, its relative complexity, the magnitude of its impact, the relative urgency to act, and other factors. The schedule may be extended or truncated as appropriate, depending on the level of interest the Tribes may express. Comments may be submitted in writing, or provided orally in a meeting or via teleconference. The comment period and the manner in which information is exchanged should be flexible to accommodate the needs of tribal and state agency staff, and to promote efficiency and good communication. The agency must use reasonable efforts to complete the process before taking final action.
3. **Consideration of Comments (sub-§ 11053(1)(D)(3)).** The agency must consider in good faith the information, advice, and opinions it receives from the Tribes in the course of collaboration. The agency is not required to provide a written response to submissions it receives from the Tribes, but it may choose to provide feedback, including informally, in the interests of respectful dialogue. The agency should include any written materials received or generated in the collaboration process in the record of its decision-making. To the extent the Tribes provide comments orally, the agency should prepare a memorandum summarizing those comments for its record.
4. **Collaboration in Rulemaking (sub-§§ 11053(1)(D) & (D)(4)).** In the context of rulemaking, agencies must engage in collaboration consistent with applicable



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provisions of the Administrative Procedures Act, 5 M.R.S. §§ 8051 *et seq.* (APA), as well as the Tribal-State Collaboration Act, 5 M.R.S. §§ 11051 *et seq.* The Act directs the agency to use reasonable efforts to complete collaboration before formal publication of a proposed rule pursuant to 5 M.R.S. § 8053(5). Completing collaboration before publication of a proposed rule will also avoid procedural confusion that could arise from collaboration occurring at the same time as the public notice and comment process under the APA. If it is necessary to engage in collaboration following publication of the proposed rule, the agency should work closely with the Attorney General's Office to ensure compliance with both statutes.

In the context of emergency rulemaking pursuant to 5 M.R.S. § 8054, the agency must provide notice and engage in collaboration to the extent practicable.

Informing Agency Staff (sub-§ 11053(1)(E)). The tribal liaison shall promote awareness of the Tribal-State Collaboration Act and this policy within the agency by conspicuously posting this policy on the agency's website and ensuring appropriate references are made to the policy in agency employment manuals and training materials.

No changes have been made to this policy since its adoption.