

MAINE STATE LEGISLATURE

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JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF CORRECTIONS
111 STATE HOUSE STATION
AUGUSTA MAINE
04333-0111

RANDALL A. LIBERTY
COMMISSIONER

Memo

To: Senator Pinny Beebe-Center, Senate Chair, Committee on Criminal Justice and Public Safety
Representative Tavis Hasenfus, House Chair, Committee on Criminal Justice and Public Safety

From: Randall A. Liberty, Commissioner, Maine Department of Corrections

Cc: Jerry Reid, Chief Legal Counsel, Governor Janet T. Mills
Mary Anne Turowski, Senior Policy Advisor, Governor Janet T. Mills

Date: January 10, 2025

Re: Biennial Report on Tribal-State Collaboration Act Implementation

This report is submitted pursuant to 5 MRS §11055(2), requiring state agencies to file a biennial report to the joint standing committee of the Legislature having jurisdiction over the agency and the Maine Indian Tribal-State Commission on the activities of the agency as they relate to the agency's activity implementing the Tribal-State Implementation Act. This report is submitted by the Maine Department of Corrections to the Joint Standing Committee on Criminal Justice and Public Safety, as the department's committee of jurisdiction.

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 processes 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.

Tribal-State Collaboration Act:

The Tribal-State Collaboration Act, 5 MRS §11051 et seq., came into effect on August 8, 2022, and 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 the four federally recognized tribes or their citizens in Maine. It is intended to be a user-friendly process free from

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unnecessary bureaucracy that will be implemented within existing resources. Title 5 MRS §11053(1) requires each agency covered by the statute to adopt a collaboration policy. The Department of Corrections adopted its collaboration policy, which is appended to this report, on December 20, 2022. The Department's tribal liaison, as required by 5 MRS §11053(3), is Sam Prawer, Director of Government Affairs, who can be reached by email at samuel.w.prawer@maine.gov or by phone at 207-592-2000.

On November 20, 2024, the Governor's Office most recently provided an annual training on how to implement the statute in a manner that promotes effective communication and positive government-to-government relations with the Wabanaki Nations. The Department's tribal liaison attended that training. 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. MITSC applied for and was awarded a two-year grant from the Broad Reach Foundation to develop and deliver the "Wabanaki Cultural Competency Training." MITSC is working on the training in collaboration with the tribal communities and Wabanaki Public Health and Wellness.

This report demonstrates Maine Department of Corrections' ongoing collaboration with the Wabanaki Nations in Maine.

Collaboration Activities:

Since its last report, the Department of Corrections has not engaged in activity triggering the requirement for collaboration under 5 MRS §11053(1)(D), however, the Department has taken a number of proactive steps to collaborate with the Wabanaki Nations in Maine in order to better serve residents with tribal heritage or affiliation within the corrections system.¹

Events and Trainings

Over the last two years the Department has hosted a number of Wabanaki heritage events in collaboration with Wabanaki Public Health and Wellness.

Annually the Department, through a collaboration funded and supported by the Permanent Commission on the Status of Racial, Indigenous, & Tribal Populations, hosts members of Wabanaki Public Health and Wellness at five facilities for events designed to help residents deepen their understanding of tribal culture, language, spiritual practices, and traditions. These events provide residents with expanded knowledge and meaningful content that serves them in their personal religious and cultural practices. These events also help residents establish and maintain a palatable connection to Wabanaki community and aspects of their heritage that they can carry forward.

Each year, these presentations were attended by more than 30 women, 75 men, and multiple interested teenagers. In 2023, the focus was on cultural practices and included sharing of foods and braiding of sweetgrass. In 2024, the presentations provided insight into appropriate language and prayers for use in

¹ Demographic Note: As of December 10, 2024, those identified as "Native American" make up approximately 3.04% of the Department's adult male population and approximately 2.80% of the Department's adult female population. Currently, the Department's data reports do not provide separate demographic categories representing residents from each of the Wabanaki Nations in Maine. These numbers are available on the Department's website and updated on a monthly basis as part of the Monthly Adult Data Report. For similar juvenile data, the Juvenile Division Overview Report is also available on the Department's website.



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daily practice. Each event also included instruction for carrying out smudge ceremonies, something that has become a weekly practice for residents at most of the Department's facilities. The Department has also worked closely with Wabanaki Public Health and Wellness to ensure that facility libraries are stocked with books written by authors with tribal heritage.

In 2024, the Department invited staff to attend a training provided by Wabanaki REACH and the Permanent Commission on the Status of Racial, Indigenous & Tribal Populations, on "Interaction with Wabanaki-Maine Shared History." This event provided great benefit to those who attended by informing staff with cultural context that is essential to facilitating an increased appreciation and understanding of Wabanaki-Maine history.

The Department also hosted Professor John Bear Mitchell as part of its featured speaker series for staff. John's presentation focused on Wabanaki heritage and history on the land that is now within the boundaries of the State of Maine, discussing important language and cultural concepts, as well as his personal experience. A recording of his presentation, as well as his PowerPoint, remains available to Department staff as an ongoing resource.

Finally, the Department has built into its training curriculum a module that focuses on the Wabanaki Nations and is designed to increase the overall cultural competency of its staff.

Religious Practice

The Department works closely with outside partners to ensure that residents from all religions and cultures are able to practice their respective traditions. In addition to the weekly smudge ceremonies and study hours at most facilities, the Department has worked closely with Brian Altvater Sr., a member of the Passamaquoddy Tribe, and Wellness Coordinator for Wabanaki REACH, to provide Sweat Lodge Ceremonies at each facility during both the spring and fall in the past two years. This initiative is fostered with the active involvement and support of Department staff and could not have been accomplished without the considerable effort put forward by Mr. Altvater. In the fall of 2024, Mr. Altvater completed his 100th lodge and ceremony for Department of Corrections residents. A truly noteworthy milestone in supporting residents in their cultural practices.

Future Opportunities

Looking to 2025 and beyond, the Department aspires to expand the religious and cultural practices available for residents with tribal heritage or affiliation. A few forward-looking initiatives are listed below.

1. Sacred Pipe Ceremonies. Residents have expressed interest in Sacred Pipe Ceremonies and the Department has made efforts to reach out to Wabanaki community resources to discern the feasibility of offering regular ceremonies each facility. A key factor is identifying qualified sacred pipe carriers for the ceremonies. In 2023, the Department was not successful in identifying any available pipe carriers. However, the Department is currently planning to hold a sacred pipe ceremony with the help of Newell Lewey, from Wabanaki Public Health and Wellness, at the Maine State Prison in March, 2025, and is hopeful that this event will provide

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avenues for more regular practice and expansion to other facilities. There is also a sacred pipe carrier who provided a ceremony for the women at Maine Correctional Center in the winter of 2024 that the Department is hoping to host again in February of 2025.

2. Community Collaboration. The Department is also in preliminary conversations regarding collaboration with Wabanaki Public Health and Wellness for providing trail improvements and landscaping of the organization's forty-acre Wellness and Education Center in Machias.

Maine Department of Corrections remains committed to continuing the collaboration it has pursued with various entities affiliated the Wabanaki Nations, as well as uncovering further opportunities for collaboration in the future.

Conclusion

This concludes the Maine Department of Corrections 2025 Biennial Report on Tribal-State Collaboration Act Implementation. The Department has no recommendations for statutory changes at this time.

Randall A. Liberty
Commissioner
Maine Department of Corrections

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