

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Resolve, To Continue the Tribal-State Work Group

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve needs to take effect before the expiration of the 90-day period in order for the tribal-state work group originally created by Executive Order 19 FY 06/07 to continue working during and after the First Regular Session of the 123rd Legislature and for its study and report to be completed in time for submission to the next legislative session; and

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

Sec. 1 Tribal-State Work Group established. Resolved: That the Tribal-State Work Group, referred to in this resolve as "the work group," is established; and be it further

Sec. 2 Work group membership. Resolved: That the work group consists of 17 members appointed as follows:

1. Two members of the Senate, one belonging to the political party holding the largest number of seats in the Senate and one belonging to the political party holding the second largest number of seats in the Senate, appointed by the President of the Senate;

2. Six members of the House of Representatives, 3 belonging to the political party holding the largest number of seats in the House and 3 belonging to the political party holding the second largest number of seats in the House, appointed by the Speaker of the House;

3. Seven representatives of the Native American community, one appointed by each of the top elected leaders of the 5 Wabanaki Tribal Governments: the Chief of the Aroostook Band of Micmacs, the Chief of the Houlton Band of Maliseet Indians, the Governor of the Passamaquoddy Tribe at Indian Township, the Governor of the Passamaquoddy Tribe at Pleasant Point and the Chief of the Penobscot Nation; the Passamaquoddy Tribal Representative to be appointed by the Joint Tribal Council of the Passamaquoddy Tribe; and the Penobscot Tribal Representative appointed by the Chief of the Penobscot Nation;

4. One member appointed by the Governor; and

5. One representative of the Maine Indian Tribal-State Commission; and be it further

Sec. 3 Cooperation and participation of the Attorney General. Resolved: That the Attorney General is requested to have a representative attend all meetings of the work group and respond to requests during the work group's deliberations regarding the Attorney General's opinion concerning the constitutionality and legal interpretation of any possible changes to AN ACT to Implement the Maine Indian Claims Settlement or related statutes and agreements; and be it further

Sec. 4 Chair. Resolved: That the first-named Senate member is the Senate chair of the work group and the first-named House of Representatives member is the House chair of the work group; and be it further

Sec. 5 Duties. Resolved: That the work group may hold up to 6 meetings and shall examine the issues identified in the framework document prepared for the Assembly of the Governors and Chiefs held May 8, 2006, the minutes for that meeting, Tribal-Maine Issues: Issues That Have Been Litigated or Are in Litigation, and Tribal-Maine Issues: Macro Issues prepared for the May 31, 2006 review of AN ACT to Implement the Maine Indian Claims Settlement, the federal Maine Indian Claims Settlement Act of 1980 and other settlement acts pertaining to the Wabanaki Tribes for the meeting held at Indian Island May 31, 2006, the minutes for the May 31, 2006 meeting and the final report of the tribal-state work group created by Executive Order 19 FY 06/07; and be it further

Sec. 6 Staff assistance. Resolved: That, upon adequate appropriation by the Legislature, the Maine Indian Tribal-State Commission shall provide necessary staffing services to the work group; and be it further

Sec. 7 Compensation. Resolved: That the legislative members of the work group are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the work group. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a determination of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the work group; and be it further

Sec. 8 Report. Resolved: That no later than January 2, 2008, the work group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature, the Governor, the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Indian Township, the Passamaquoddy Tribe at Pleasant Point and the Penobscot Nation. The work group is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature at the time of submission of its report; and be it further

Sec. 9 Extension. Resolved: That, if the work group requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 10 Work group budget. Resolved: That the chairs of the work group, with assistance from the work group staff, shall administer the work group's budget. Within 10 days after its first meeting, the work group shall present a work plan and proposed budget to the Legislative Council for its approval. Upon notice to the Executive Director of the Legislative Council that all seats on the work group have been filled, the personal services portion of the work group budget must be paid in full to the Maine Indian Tribal-State Commission. The work group may not incur expenses that would result in the work group's exceeding its approved budget. Upon request from the work groups, the Executive Director of the Legislative Council shall promptly provide the work group chairs and staff with a status report on the work group's budget, expenditures incurred and paid and available funds; and be it further

Sec. 11 Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

MAINE INDIAN TRIBAL-STATE COMMISSION

Tribal-State Work Group

Initiative: Provides funds for administrative and staffing support for the Tribal-State Work Group.

GENERAL FUND	2007-08	2008-09
Personal Services	\$4,400	\$4,400
All Other	\$670	\$670
GENERAL FUND TOTAL	\$5,070	\$5,070

MAINE INDIAN TRIBAL-STATE COMMISSION DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$5,070	\$5,070
DEPARTMENT TOTAL - ALL FUNDS	\$5,070	\$5,070

LEGISLATURE

Tribal-State Work Group

Initiative: Provides funds for the legislative per diem and other expenses for 6 meetings of the Tribal-State Work Group.

GENERAL FUND	2007-08	2008-09
Personal Services	\$9,930	\$9,930
All Other	\$670	\$670
GENERAL FUND TOTAL	\$10,600	\$10,600

LEGISLATURE DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	\$10,600	\$10,600
DEPARTMENT TOTAL - ALL FUNDS	\$10,600	\$10,600

SECTION TOTALS	2007-08	2008-09
GENERAL FUND	\$15,670	\$15,670
SECTION TOTAL - ALL FUNDS	\$15,670	\$15,670

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

SUMMARY

This resolve establishes the Tribal-State Work Group to continue the work of the body created by Executive Order 19 FY 06/07. The work group is charged with examining potential changes to AN ACT to Implement the Maine Indian Claims Settlement and other issues affecting tribal-state relations. It is required to report its findings to the Legislature, Governor and Wabanaki Tribes by January 2, 2008.