Working Group to Develop Recommendations for
Extending Federal Beneficial Laws to the Wabanaki Nations
Resolve 2025, chapter 165

Meeting #4 — Monday, November 9, 2026 at 10:00 a.m.
Maine State House, Room 438 (Judiciary Committee Room)

AGENDA

10:00 am — **Welcome**

- *Chairs, Senator Rachel Talbot Ross & Representative Amy Kuhn*

Working Group Member Introductions

10:10 am * (approx.) — **Requested Information: State-Tribal Consultation Processes**

- *Legislative staff*

To be followed by * — **Continued Discussion: Pathways to Reform**

- *Review of current proposals and outstanding issues - legislative staff*
- *Review of proposal from tribal attorneys*
- *Discussion by Working Group members*
- *Discussion of next steps*

Future Meetings

- Tuesday, November 17 – 10:00 a.m. (State House Room 438)

**The Working Group may take a lunch break at an appropriate time during the meeting*

Meetings can be livestreamed or viewed as an archived video after the meeting has concluded at the following link by selecting the appropriate meeting date: https://legislature.maine.gov/Audio/#438.

Working Group to Develop Recommendations for
Extending Federal Beneficial Laws to the Wabanaki Nations

State/Tribal Joint Entities and Consultation Policies

The majority of states include within their borders sovereign tribal entities. While Maine is unique in its statutorily established relationship with the Wabanaki Nations, many of the concerns regarding intergovernmental communication and consultation mirror those of other states. While states generally lack established processes for dispute resolution between the state and federally recognized tribes, most states do have offices, policies or procedures in place to facilitate required tribal consultation and communications.

The federal government requires that states consult with tribal entities located within their state borders when using federal funds for certain activities. Examples of required consultation include:

1. *Medicaid consultation*: The Centers for Medicare and Medicaid Services (CMS) requires that states provide the opportunity for meaningful tribal consultation prior to changing a Medicaid program or policy that may have a significant impact on tribes. This requirement is established in Section 5006(e) of the American Recovery and Reinvestment Act[1], which provides that any state with Indian health providers consult tribes prior to submission of a Medicaid State Plan Amendment, waiver request, or proposal for a demonstration project that is likely to have a direct effect on Indians or Indian health care providers (these are the authorities used by states to seek approval to deliver federally matched Medicaid services). CMS's Tribal Consultation Policy (revised in 2015)[2] and State Medicaid Direct Letter #01-024[3] detail the process states must use when seeking consultation with tribes. These policy documents do not establish a process to determine a pathway forward in the event of an intractable dispute between the state and tribes. Notably, CMS's own policy states "Nothing in this policy shall be construed to preclude Indian tribes from raising issues to responsible officials outside of the consultation process."[4]

2. *State-Based Marketplace consultation:* CMS regulations[5] require that states with both federally facilitated and state-based Marketplaces for the purchase of health insurance consult on a regular basis with stakeholders, including federally recognized tribes.

[1] American Recovery and Reinvestment Act of 2009, Sec. 5006.
[2] Centers for Medicare & Medicaid Services Tribal Consultation Policy. Revised 2015. Online at cmstribalconsultationpolicy2015.pdf.
[3] State Medicaid Director Letter #01-024. Online at https://www.medicaid.gov/federal-policy-guidance/downloads/SMD-01-024.pdf.
[4] Centers for Medicare & Medicaid Services Tribal Consultation Policy. At 11.
[5] 45 C.F.R. § 155.130(f).

3. *ESSA consultation*: Section 8538 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) requires that state and local educational agencies consult with tribes on issues affecting Native students.[6]

4. *National Historic Preservation Act*: The National Historic Preservation Act (NHPA) requires that states wishing to receive certain funds for historic preservation must appoint a State Historic Presentation Officer and engage in tribal consultation in accordance with federal regulations.[7]

The federal government has additional consultation obligations, for example, consultation related to environmental laws. Some states also have state-level consultation requirements included in statute,[8] and many states have published agency level consultation policies. Maine has itself established a tribal consultation policy; the Legislature passed the Tribal-State Collaboration Act in 2022.[9] (A copy of this law is included as Attachment A.) This law, which is similar to statutes in several other states, such as New Mexico, requires certain state agencies to designate tribal liaisons and consult with the Wabanaki Nations prior to taking action that substantially and uniquely affects the Tribes or tribal members. This law also requires the Governor to meet annually with tribal leaders to address issues of mutual concern.

In order to coordinate required tribal consultation, many states have established cabinet level or other executive branch offices or positions to serve as liaisons between the state and tribes. Examples include the following:

Alabama has one federally recognized tribe and nine state recognized tribes. The state Indian Affairs Commission was established by the state legislature in 1984. The Commission includes one member representing each tribe, a member appointed by the Governor, a member appointed by the Speaker of the House, a member appointed by the Lieutenant Governor and one member appointed by the commission itself. It acts as a liaison between state government agencies and tribal communities.[10]

Arizona has 22 federally recognized tribes. The Governor's Office on Tribal Relations was established by the state legislature in 1953. The Office is tasked with assisting state agencies in carrying out tribal outreach and tribal consultation and is available to assist tribal nations on

[6] United States Department of Education letter dated Sept. 26, 2016. Online at https://www.ed.gov/sites/ed/files/policy/elsec/leg/essa/faq/essafaqtribalconsultation.pdf.
[7] 36 C.F.R. §61 et. seq.
[8] The Environmental Law Institute maintains a searchable database of tribal, state and federal level consultation policies. Online at: https://www.eli.org/tribal-policies?field_citation_date%5Bmin%5D=&field_citation_date%5Bmax%5D=&field_jurisdiction=&field_level_of_government%5B0%5D=1000728&search_api_fulltext=.
[9] 5 M.R.S. §11051 to §11056. Online at https://legislature.maine.gov/legis/statutes/5/title5ch376sec0.html.
[10] https://aiac.alabama.gov/.

tribal lands at the request of the tribe. In addition to the Office, the state maintains tribal liaisons in each state agency.[11]

California has 109 federally recognized tribes. The Governor's Office of Tribal Affairs oversees tribal consultation, serves as a liaison between tribes and the Governor, advises other branches of government and reviews state legislation impacting tribes.[12]

Nevada has 28 federally recognized tribes, bands, nations and communities. The Nevada Department of Native American Affairs is an executive branch agency established by the state legislature in 1965. It is tasked with improving communication between the state and tribes for the purpose of improving socioeconomic well-being of tribal members while enhancing tribal sovereignty.[13]

North Dakota has five federally recognized tribes. The North Dakota Indian Affairs Commission was established by the state legislature in 1949 and serves as the liaison between the Executive Branch and the Tribes in North Dakota. The Commission provides mediation services for the tribes and the state, though the extent to which any resolution reached in mediation is binding is unclear. These mediation duties may relate to the Commission's charge under N.D. Stat. Ch. 54-40.2 to assist in the negotiation of cooperative agreements between tribes and state and local government entities.

With the exception of North Dakota, it does not appear that states typically provide a dedicated mechanism for tribes and states to engage in mediation or arbitration. However, ***Washington's*** Millenium Agreement (which updated the Centennial Accord), requires each state department and agency to establish alternative dispute mechanisms and protocols to resolve tribal-state disputes.[14] Copies of the Centennial Accord Plans adopted by Washington's Office of the Attorney General, Department of Revenue and State Patrol are included in Attachment B for your review. Although these plans take different approaches to dispute resolution, they leave open the possibility that agreement will not be reached and do not contemplate the imposition on either the state or the tribes of a final decision reached by a neutral or decisionmaker.

For a detailed list of joint state/tribal entities and state/tribal consultation policies, please refer to the 50-state chart posted on the Working Group's webpage. It should be noted that this chart reflects information staff was able to locate online and that additional alternative dispute mechanisms may exist.

[11] https://gotr.azgovernor.gov/.
[12] https://tribalaffairs.ca.gov/.
[13] https://dnaa.nv.gov/about-dnaa/.
[14] See Washington State Millenium Agreement and Part III of the Implementation Guidelines.

CHAPTER 376

TRIBAL-STATE COLLABORATION

§11051. Short title

This chapter may be known and cited as "the Tribal-State Collaboration Act." [PL 2021, c. 681, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. A, §1 (NEW).

§11052. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 681, Pt. A, §1 (NEW).]

1. Agency. "Agency" means the following:

A. The Department of Agriculture, Conservation and Forestry; [PL 2021, c. 681, Pt. A, §1 (NEW).]

B. The Department of Corrections; [PL 2021, c. 681, Pt. A, §1 (NEW).]

C. The Department of Economic and Community Development; [PL 2021, c. 681, Pt. A, §1 (NEW).]

D. The Department of Education; [PL 2021, c. 681, Pt. A, §1 (NEW).]

D-1. The Department of Energy Resources; [PL 2025, c. 597, Pt. B, §4 (NEW).]

E. The Department of Environmental Protection; [PL 2021, c. 681, Pt. A, §1 (NEW).]

F. The Department of Health and Human Services; [PL 2021, c. 681, Pt. A, §1 (NEW).]

G. The Department of Inland Fisheries and Wildlife; [PL 2021, c. 681, Pt. A, §1 (NEW).]

H. The Department of Labor; [PL 2021, c. 681, Pt. A, §1 (NEW).]

I. The Department of Public Safety; [PL 2021, c. 681, Pt. A, §1 (NEW).]

J. The Department of Administrative and Financial Services; [PL 2021, c. 681, Pt. A, §1 (NEW).]

K. The Department of Professional and Financial Regulation; [PL 2021, c. 681, Pt. A, §1 (NEW).]

L. The Department of Defense, Veterans and Emergency Management; [PL 2021, c. 681, Pt. A, §1 (NEW).]

M. The Department of Marine Resources; [PL 2021, c. 681, Pt. A, §1 (NEW).]

N. The Department of Transportation; [PL 2021, c. 681, Pt. A, §1 (NEW).]

O. The Office of the Public Advocate; and [PL 2021, c. 681, Pt. A, §1 (NEW).]

P. The Public Utilities Commission. [PL 2021, c. 681, Pt. A, §1 (NEW).]
[PL 2025, c. 597, Pt. B, §4 (AMD).]

2. Indian tribe. "Indian tribe" means a federally recognized Indian tribe within the State of Maine. [PL 2021, c. 681, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. A, §1 (NEW). PL 2025, c. 597, Pt. B, §4 (AMD).

§11053. Collaboration between agencies and Indian tribes

1. Required policies. An agency shall develop and implement a policy that:

A. Promotes effective communication and collaboration between the agency and the Indian tribes; [PL 2021, c. 681, Pt. A, §1 (NEW).]

B. Promotes positive government-to-government relations between the State and the Indian tribes; [PL 2021, c. 681, Pt. A, §1 (NEW).]

C. Promotes cultural competency in the agency's interactions with the Indian tribes and tribal members; [PL 2021, c. 681, Pt. A, §1 (NEW).]

D. Establishes a process for collaboration between the agency and the Indian tribes regarding the agency's programs, rules and services that substantially and uniquely affect the Indian tribes or tribal members. In the context of emergency rulemaking pursuant to section 8054, the policy must require notice and collaboration to the extent practicable. Collaboration under this paragraph must be in addition to any process available to members of the general public and must include:

(1) Providing the Indian tribes reasonable written notice of the contemplated program, rule or service;

(2) Allowing the Indian tribes a reasonable opportunity to provide information, advice and opinions on the contemplated program, rule or service;

(3) Requiring the agency to consider the information, advice and opinions it receives from the Indian tribes under subparagraph (2); and

(4) Requiring the agency to make reasonable efforts to complete the collaboration process before taking final action on the contemplated program or service or, in the case of a rule, before publication of the proposed rule pursuant to section 8053, subsection 5; and [PL 2021, c. 681, Pt. A, §1 (NEW).]

E. Establishes a method for informing employees of the agency of the provisions of this Act and the policy that the agency adopts pursuant to this section. [PL 2021, c. 681, Pt. A, §1 (NEW).]
[PL 2021, c. 681, Pt. A, §1 (NEW).]

2. Consultation in policy development. An agency shall request comments from each Indian tribe and the Maine Indian Tribal-State Commission, and consider each comment received, before adopting a policy under subsection 1.
[PL 2021, c. 681, Pt. A, §1 (NEW).]

3. Tribal liaison. An agency shall designate an individual who reports directly to the head of the agency to serve as the agency's tribal liaison. The tribal liaison shall:

A. Assist with developing and ensuring the implementation of the policy required by subsection 1; [PL 2021, c. 681, Pt. A, §1 (NEW).]

B. Serve as a contact person responsible for facilitating effective communication between the agency and the Indian tribes; and [PL 2021, c. 681, Pt. A, §1 (NEW).]

C. Coordinate the training of agency employees as provided in section 11054. [PL 2021, c. 681, Pt. A, §1 (NEW).]
[PL 2021, c. 681, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. A, §1 (NEW).

§11054. Mandatory training

An agency shall ensure that the tribal liaison designated pursuant to section 11053, subsection 3, other employees responsible for tribal collaboration under this Act and other employees whose work substantially and uniquely affects Indian tribes or tribal members receive training designed to promote:
[PL 2021, c. 681, Pt. A, §1 (NEW).]

1. Communication and collaboration. Effective communication and collaboration between the agency and the Indian tribes;
[PL 2021, c. 681, Pt. A, §1 (NEW).]

2. Government-to-government relations. Positive government-to-government relations between the State and Indian tribes; and
[PL 2021, c. 681, Pt. A, §1 (NEW).]

3. Cultural competency. Cultural competency in tribal issues.
[PL 2021, c. 681, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. A, §1 (NEW).

§11055. Tribal-State Summit; reports by agencies and Indian tribes

1. Annual Tribal-State Summit. The Governor shall meet at least annually with the leaders of Indian tribes in a Tribal-State Summit to address issues of mutual concern, which may include:

A. Implementation of the Maine Native American study provisions of Title 20-A, section 4706; [PL 2021, c. 681, Pt. A, §1 (NEW).]

B. Implementation of the provisions of this Act; and [PL 2021, c. 681, Pt. A, §1 (NEW).]

C. Improving communication between the State and the Indian tribes. [PL 2021, c. 681, Pt. A, §1 (NEW).]
[PL 2021, c. 681, Pt. A, §1 (NEW).]

2. Biennial agency reports. Beginning January 10, 2023 and biennially by January 10th thereafter, an agency shall file a report with the joint standing committee or committees of the Legislature having jurisdiction over the agency and with the Maine Indian Tribal-State Commission on the activities of the agency pursuant to this Act. The report must include:

A. A copy of the current policy adopted under section 11053, subsection 1 and a description of any changes that have been made to that policy since the filing of the previous report. If the agency has not yet adopted a policy under section 11053, subsection 1, the agency must describe the steps the agency has taken to adopt such a policy; [PL 2021, c. 681, Pt. A, §1 (NEW).]

B. The name and contact information of the tribal liaison designated by the agency under section 11053, subsection 3; [PL 2021, c. 681, Pt. A, §1 (NEW).]

C. A description of training provided pursuant to section 11054; [PL 2021, c. 681, Pt. A, §1 (NEW).]

D. A statement of programs, rules or services, to the extent known at the time of the report, that the agency intends to adopt, amend or provide in the coming reporting period that substantially and uniquely affect Indian tribes or tribal members; and [PL 2021, c. 681, Pt. A, §1 (NEW).]

E. A summary of tribal collaboration activities the agency has engaged in under the provisions of this Act during the prior biennium and any recommendations for improving the effectiveness of this Act, including recommendations regarding other agency actions for which it may be appropriate to require collaboration under this Act. [PL 2021, c. 681, Pt. A, §1 (NEW).]
[PL 2021, c. 681, Pt. A, §1 (NEW).]

3. Reports by Indian tribes. Beginning January 10, 2023 and biennially by January 10th thereafter, an Indian tribe may file a report with the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Maine Indian Tribal-State Commission that includes a summary of the collaboration between the Indian tribe and agencies under this Act during the prior biennium and any recommendations for improving the effectiveness of this Act, including recommendations regarding other agency actions for which it may be appropriate to require collaboration under this Act.
[PL 2021, c. 681, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. A, §1 (NEW).

§11056. Cause of action and right of review not conferred; savings clause

1. Cause of action and right of review not conferred. An agency's failure to comply with the requirements of this Act does not:

A. Create a cause of action or a right of judicial review of any action by an agency; [PL 2021, c. 681, Pt. A, §1 (NEW).]

B. Constitute grounds for a court to invalidate an agency rule under section 8058; or [PL 2021, c. 681, Pt. A, §1 (NEW).]

C. Constitute grounds for a court to reverse or modify an agency action under section 11007, subsection 4, paragraph C or to direct an agency to engage in any further action under section 11007, subsection 4, paragraph B. [PL 2021, c. 681, Pt. A, §1 (NEW).]
[PL 2021, c. 681, Pt. A, §1 (NEW).]

2. Federal funding requirements. Nothing in this Act affects, modifies or replaces any tribal collaboration or consultation requirement imposed on or assumed by an agency as a condition of the acceptance of federal funding.
[PL 2021, c. 681, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 681, Pt. A, §1 (NEW).

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Attachment B-1

Tribal Consent & Consultation Policy

CENTENNIAL ACCORD PLAN

Washington State Office of the Attorney General

I. The Role of the Attorney General in State Government

The Attorney General for the state of Washington is an independent constitutional officer and the legal adviser to state agencies, officers and officials. Among the duties assigned to the Attorney General by law is the duty to "represent the state and all officials, departments, boards, commissions and agencies of the state . . . in all legal or quasi legal matters . . . and advise all officials, departments, boards, commissions, or agencies of the state In all matters involving legal or quasi legal questions . . ." RCW 43.10.040. With few exceptions, the Attorney General is the exclusive source of legal counsel and representation for state officers and agencies.

Because of its role in state government and its comprehensive legal duties and responsibilities, the Attorney General's Office (AGO) is involved In a wide array of issues which potentially impact state agencies and tribal governments in their relations with one another. Because of this unique role, the AGO may be in a position to assist with communications and the facilitation of solutions that employ the diverse expertise and resources of multiple agencies and officials.

II. Overview of the Centennial Accord Plan

This plan covers AGO commitments and the process for consent, consultation and notice. Section IV describes the specific situations where the AGO will request consent from Tribes. Consent in this plan entails receipt of free, prior and informed consent prior to taking the actions specified in this plan that directly and tangibly affect Tribes, rights or tribal lands. Section V and VI describe the consultation between the AGO and Tribes. Consultation is a process where the AGO will share information regarding AGO actions with affected Tribes to ensure a complete understanding of the action and to identify and address tribal concerns. Specifically, Section V describes consultation prior to the AGO Initiating litigation and Section VI states that Tribes may request consultation with the AGO. Section VII describes situations where the AGO will provide notice of AGO actions to Tribes.

In this plan, "Tribe" refers to the federally recognized American Indian Tribes in Washington State or the governing body of that Tribe. "Tribal land" includes "Indian Country" as defined in federal law as well as trust lands and lands which have been identified by a Tribe to the AGO as containing cultural, historic or archaeological resources.

III. Contact Within the Attorney General's Office

- **Asa Washines**
  - Tribal Liaison
  - 1125 Washington Street SE
  - P.O. Box 40100
  - Olympia, WA 98504-0100
  - Phone: (360) 878-0664
  - Email: Asa.Washines@atg.wa.gov (mailto:Asa.Washines@atg.wa.gov)

IV. Consent from Tribes on Certain AGO Actions

The AGO will receive free, prior and informed consent prior to taking certain actions specified in this section that directly and tangibly affect Tribes, rights or tribal lands.

A. Actions Subject to Consent

1) Unless prior consent is received, the AGO will not initiate an AGO program or project that directly affects a Tribe that the AGO undertakes under the independent authority of the Attorney General. Consent will not be requested related to AGO investigations, litigation, employment and other internal business decisions, or in circumstances where a failure to act may subject the AGO to sanction from a court.

2) AGO actions on behalf of any other entity in the AGO's role as legal counsel to state officials, agencies, departments, boards and commissions are not subject to consent. Consent also will not, and cannot, be requested on statutory duties and functions of the AGO, including but not limited to issuing legal opinions and formulating ballot titles for state initiatives or referendum measures.

3) Consent will not be requested on broad issues that impact many or all Washington Tribes, because a requirement for "consensus" from all affected Tribal governments would be both impractical and inconsistent with the independent sovereignty of each Tribe.

4) Actions specifically covered in the consultation and notice requirements of this plan are not subject to consent. The requirements for notice and consultation are covered in Sections V, VI and VII of this plan. However, the AGO may choose to request consent for programs and projects outside the scope of this section.

B. Request for Consent

1) The AGO will request consent by sending notification to the chair of the Tribe's governing body or to any person identified by the Tribes to receive the request. The AGO will send a copy of the request to each member of the Tribe's governing body.

2) The request will provide clear information about the AGO program or project and describe its potential impact to the Tribe.

3) Tribes may identify persons to receive the request by sending the name, address and contact information to an AGO Tribal Liaison.

C. Consent

1) Consent is a written resolution from the governing body of the affected Tribe.

2) If a Tribe does not respond within the timeframe designated in the request then the AGO will interpret that as a grant of consent.

3) If a Tribe responds to a request for consent by objecting to the project or program, the AGO may request consultation with the Tribe to see if issues raised by the Tribe can be addressed.

V. Consultation with Tribes Prior to Litigation Initiated by the AGO

The goal of consultation is to further the government-to-government relationship between Tribes and the State, and ensure the mutual respect for the rights, interests and obligations of each sovereign. A further goal of consultation is to share information regarding AGO actions to ensure a complete understanding of the action and to identify and address tribal concerns. Consultation is independent of and in addition to any other public participation process required by law.

A. Litigation Consultation

1) To the extent consistent with the Rules of Professional Conduct, and with the goal to avoid litigation whenever possible, the AGO will consult with a Tribe prior to filing civil litigation against a Tribe or a business owned by a Tribe. The AGO may request consultation on other issues to further the goals of this plan.

B. Consultation Request

1) The AGO will request consultation by sending notification to the chair of the Tribe's governing body or to any person identified by the Tribe to receive notice. The AGO will send a copy of the notice to each member of the Tribe's governing body. Tribes may identify persons to receive notice by sending contact information to an AGO Tribal Liaison.

2) The notice will provide clear information about the dispute or issue.

3) The notice will provide a time of no less than thirty days for the Tribe to respond to the AGO accepting the invitation to consult or declining consultation. Thirty days will run from the date of actual receipt or five days after date of mailing for notices sent by first class mail. The notice will clearly state the timeframe for response and how to respond.

4) If a statute of limitations, court rule, or other factor requires the AGO to provide less than 30 days notice, the AGO will clearly identify the deadline in the notice and make every reasonable effort to consult within the time available.

5) If the Tribe does not respond within thirty days of receipt of the notice, or the amount of time provided under (4), the AGO may conclude that the Tribe has declined consultation on the project.

C. Consultation Process

1) Where a Tribe accepts the invitation to consult, the AGO will contact the Tribe to establish a mutually agreed timeline for completion of consultation. The AGO will communicate any time constraints on the process.

2) The AGO and the Tribe will identify to each other a point of contact and persons who will participate in the consultation. The AGO and Tribe's point of contact will schedule any necessary meetings. Whenever feasible, the Attorney General or Chief Deputy will personally participate in the consultation.

3) The AGO will work in good faith during the consultation process to identify and address the Tribe's concerns.

4) The Tribe may choose how to provide feedback and identify concerns including whether in writing, verbally during a meeting or in other form.

5) The AGO will provide a response to the Tribe detailing how the AGO will respond to the Tribe's feedback and concerns.

VI. Consultation with the AGO at the Request of Tribes

The AGO is always open to consultation at the request of Tribes on any issue or topic contemplated by the Centennial Accord. The AGO is also amenable to assisting Tribes in resolving disputes with state agencies or officials or with the AGO itself. The nature and extent of the consultation or dispute resolution process may vary depending on the role the AGO occupies in relation to the issue or topic. Tribes may request consultation with the AGO or AGO participation or assistance with dispute resolution by contacting the Attorney General or an AGO Tribal Liaison.

VII. Notice to Tribes of Other AGO Actions

The AGO will provide notice to Tribes prior to:

- Proposing legislation that may directly affect Tribes, rights or tribal lands;
- Filing an amicus brief that may directly affect Tribes, rights or tribal lands.

The AGO will provide notice to Tribes after:

- Filing a ballot title for a state initiative or referendum measure with the Office of Secretary of State on an initiative or referendum measure that directly affects Tribes, rights or tribal lands.

A. Notice to Tribes

1) The AGO will send notice to the chair of the Tribe's governing body or to any person identified by the Tribes to receive notice. The AGO will send a copy of the notice to each member of the Tribe's governing body. Tribes may identify persons to receive notice by sending the name, address and contact information to an AGO Tribal Liaison.

2) The notice will provide clear information about the action, the timelines associated with the action and will provide information for the Tribe to contact the AGO for additional information.

DATED this 10th day of May, 2019.

Attachment B-2

Washington
Department of Revenue
State Centennial Accord Plan - 2009

Introduction
The Department of Revenue is an executive agency under the Governor, charged with the duties and responsibilities of the state's chief tax collector. The Department collects approximately 94 percent of state General Fund tax revenues from about 60 different taxes. Revenue employs over 1000 employees, the majority of whom are directly involved in enforcement and compliance activities such as conducting audits, collecting delinquent taxes, locating unregistered businesses, and finding unpaid taxes.

Mission and Goals
The Department of Revenue's mission is to fairly and efficiently collect revenues and administer programs to fund public services, and advocate sound tax policy. Its goals are to: make conducting business with the Department as clear, simple, and efficient as possible; develop, retain and value a high quality, diverse workforce; promote fairness and consistency in the development and application of tax law; and promote correct and timely reporting and payment of taxes.

Doing Business in Indian Country
The Department has adopted an administrative rule, WAC 458-20-192 (Rule 192), which pertains to excise taxes and their application in Indian Country. Rule 192 contains rules of construction regarding treaties and statutory construction, and includes the following statement: "This rule reflects the harmonizing of federal law, Washington state tax law, and the policies and objectives of the Centennial Accord and the Millennium Agreement. It is consistent with the mission of the department of revenue, which is to achieve equity and fairness in the application of the law."

Commitment to Centennial Accord Principles
The Department is fully committed to the principals of consultation and cooperation memorialized in the Centennial Accord. The sovereign status of Tribes and the complex nature of jurisdictional issues regarding Indian Reservations, Tribal and member trust land, and Tribal land in general, require a sound working relationship between Tribes and the State. The Department acknowledges that implementation of the Centennial Accord is an on going process and pledges to work on a day to day basis to foster our government-to-government relationship with individual Tribes.

Tribal Liaison
The Department of Revenue has a designated Tribal Liaison who serves as a point of contact, functions in a clearinghouse role, as well as acts as a policy adviser to the Director. The Tribal Liaison is responsible for assisting Tribes and the Department with implementing effective government-to-government relations. The Tribal Liaison is also responsible for providing opportunities for Tribes and Department staff to meet, share input, and develop understandings of positions and interests. A key aspect of the Tribal Liaison's job is to be accessible to Department staff, Tribal government

staff, Tribal members, and other interested parties, regarding issues impacting Indian country. In addition, the Department has a team of employees working on Indian issues, lead by the Tribal Liaison. The Department encourages face to face discussions of issues with Tribal representatives and team members will travel to Tribal offices to meet. The Director provides clear delegation of authority to team members involved in discussions. Team members will carefully express their authority and limitations prior to the initiation of discussions.

Consultation

The Department of Revenue is committed to consulting with Tribes on all issues that affect our respective governments. The Department's goal is to provide early notification regarding any issues and an open invitation for consultation on all decisions that may affect Tribal rights and interests. Consultation with Tribal governments will occur independent of any public participation process but representatives of Tribal governments and Tribal members have equal access to the Department's public participation processes as well.

Programs

The Department of Revenue is responsible for the administration of most of the state's excise taxes and provides oversight and guidance to county governments regarding property taxes. The Department administers the statutory tax exemption for Tribal property used exclusively for essential government services. The Department does not administer the Motor Vehicle Fuel tax.

The Department provides the following programs/services to Tribes:

- Determination of tax applications and tax treatment.
- Estimates of revenue resulting from proposed tax changes.
- Administrative appeal process for tax disputes.
- Development of cigarette tax compacts.
- Legislation consultation.

The Department encourages Tribes and members to contact the Tribal Liaison regarding tax treatment and tax jurisdiction issues.

Dispute Resolution Process

Tribal disputes are immediately brought to the attention of the Director. Specific Indian tax issues are routinely routed to the Tribal Liaison for coordination and facilitation.



Publications and Information

The Department of Revenue website, http://dor.wa.gov/, has information on doing business in the state of Washington. The Department has prepared a special guide regarding Indian Country, and has developed forms specific to Tribal issues, which can be accessed at
http://dor.wa.gov/Content/FindTaxesAndRates/RetailSalesTax/Indians/IndianTaxGuide/default.aspx

Attachment B-3

2012 CENTENNIAL ACCORD PLAN

WASHINGTON STATE PATROL

The Washington State Patrol (WSP) has established processes and procedures by which government-to-government policies are implemented. These processes and procedures, outlined in the "Centennial Accord Plan", are the structure by which the WSP communicates, partners, and works with each of the state's federally recognized tribes.

Programs and Services

- **Field Operations Bureau** – Provides traffic law enforcement on roadways designated as interstates and state routes.
- **Officer Assistance** – Backup to tribal police officers upon request.
- **Communications Division** – Operates a 24-hour-a-day, 365-day-a-year statewide emergency communications system from eight WSP communication centers around the state.
- **Fire Protection Bureau** - Provides fire investigation, fire and life-safety code consultation, fire prevention and public education, Firefighter 1 training, live–fire training and hazardous materials training upon request.
- **Forensic Laboratory Services Bureau** – Provides laboratory and crime scene response services, toxicology, drug, and other criminal case analysis; along with crime scene processing.
- **Investigative Services Bureau** – Provides specialized investigative services upon request.
- **SWAT Response** – SWAT provides tactical and clandestine methamphetamine laboratory response upon request.
- **Bomb Response** – The Bomb Unit disables and renders safe explosive devices upon request.

- **ACCESS/WACIC** – Terminals, training, and audits.

- **Technical Services Bureau** – Provides Emergency Vehicle Operation instruction and Collision Investigation training at the WSP Academy through the Criminal Justice Training Commission.

Agency Contact

Captain Wes Rethwill
Field Operations Bureau
Washington State Patrol
PO Box 42600
Olympia WA 98504-2600
Phone: 360-596-4130
Email: Wes.Rethwill@wsp.wa.gov

Funding Distribution

- The WSP does not distribute funds for daily activities on tribal lands.

- The WSP does not charge tribes for services requested on tribal lands, regardless of services requested.

Consultation Process

The WSP remains committed to the consultation process as outlined in the Centennial Accord between the federally recognized tribes within Washington State and the state of Washington governmental agencies.

The Chief or his command designee shall be present to represent the WSP at all government-to-government meetings.

The FOB commander or designee and/or the applicable district commander shall represent the WSP at all meetings that address WSP and tribal issues in their area of responsibility.

WSP district commanders shall contact local tribal chairpersons or their designees at least semi-annually to foster partnerships and maintain open lines of communication, and discuss issues and areas of mutual concern.

Dispute Resolution Process

Disputes between parties shall be processed in the following manner for quick and expedient resolution:



Step 1 – The aggrieved entity shall submit the disputed issue(s) in writing to the other party within a reasonable time period after an issue(s) has been identified, stating the facts in dispute, and the recommended remedy(s) sought. If the subject of the dispute involves day-to-day operational issues within a specific WSP district, the affected WSP district commander and a representative from the identified tribal government involved shall meet within 30 days at a mutually agreed upon location to discuss the issues(s) in an attempt to mutually resolve the dispute.

Step 2 – If the dispute concerns a matter of policy outside the scope of the affected WSP district commander, and/or the representative from the identified tribal government are unable to reach a mutually agreeable resolution, the dispute shall be advanced to the executive level of the WSP. The Chief of the WSP or his command designee, shall meet with the representative from the identified tribal government at a mutually agreed upon location in an attempt to mutually resolve the dispute. This meeting shall occur within 15 days calendar days after the dispute has been moved to Step 2 of the dispute resolution process.

Step 3 – If the dispute continues to be unresolved within 45 days after the dispute has been moved to the executive level, either party may elect to request mediation. If mediation is requested, a mediator shall be selected by the parties who is experienced in tribal and law enforcement mediation. If the parties cannot mutually agree on a mediator within 30 days after the request for mediation, then either party may petition the reigning United States District Court to appoint a mediator. Any costs associated with the mediation process shall be borne equally by the parties involved. A mediator may not impose a solution on either party, and will have no authority to add to, subtract from, alter, or modify any prior agreements between the involved parties without the written agreement of both parties.

Step 4 – If the dispute resolution process is unsuccessful, and either party elects to proceed to litigation, the parties agree, in an effort to reduce time and costs involved, to consider stipulating to facts, witnesses, exhibits, and discovery cut-off outside the perimeters of court rules.

Conclusion

The WSP continues partnering with community coalitions and tribes across the state in an effort to reduce fatality and serious injury collisions and promote public safety.

Agency Acronyms

ACCESS	A Central Computerized Enforcement Service System
CAD	Computer Aided Dispatch
CALEA	Commission on Accreditation for Law Enforcement Agencies
CDIU	Cooperative Disability Investigation Unit
CJTC	Criminal Justice Training Commission
CID	WSP Criminal Investigation Division
CIU	WSP Criminal Investigation Unit
CPU	WSP Criminal Proceeds Unit

Agency Acronyms Continued

CSRT	WSP Crime Scene Response Team
CVD	WSP Commercial Vehicle Division
District 1	WSP Tacoma District in Parkland – Encompasses Pierce and Thurston counties
District 2	WSP Seattle District in Bellevue – Encompasses King County
District 3	WSP Yakima District in Union Gap – Encompasses Asotin, Benton, Columbia, Franklin, Garfield, Yakima, and Walla Walla counties
District 4	WSP Spokane District in Spokane – Encompasses Adams, Ferry, Lincoln, Pend Oreille, Stevens, Spokane, and Whitman counties
District 5	WSP Vancouver District in Vancouver – Encompasses Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties
District 6	WSP Wenatchee District in Wenatchee – Encompasses Chelan, Douglas, Grant, Kittitas, and Okanogan counties
District 7	WSP Everett District in Marysville – Encompasses Island, San Juan, Skagit, Snohomish, and Whatcom counties
District 8	WSP Bremerton District in Bremerton – Encompasses Clallam, Grays Harbor, Jefferson, Kitsap, Mason, and Pacific counties
DOT	Washington State Department of Transportation
DSHS SIU	Department of Social and Health Services Special Investigation Unit
EVOC	Emergency Vehicle Operators Course
FLSB	Forensic Laboratory Services Bureau
FOB	WSP Field Operations Bureau
FPB	WSP Fire Protection Bureau
FTA	WSP Fire Training Academy
GIU	WSP General Investigation Unit
HRD	WSP Human Resource Division
HTCU	WSP High Tech Crime Unit
IA	WSP Internal Affairs
IAD	WSP Investigative Assistance Division
ITU	WSP Identity Theft Unit
ISB	WSP Investigative Services Bureau
MAIT	WSP Major Accident Investigation Team
MCN	Mobile Computer Network
MECTF	WSP Missing and Exploited Children's Task Force
MIDU	WSP Mobile Impaired Driving Unit
MOP	Mobile Office Platform
MUPU	WSP Missing and Unidentified Persons Unit
NCIC	National Crime Information Center
OCIU	WSP Organized Crime Intelligence Unit
OIC SIU	Office of the Insurance Commissioner Special Investigation Unit
OOC	WSP Office of the Chief
OPS	WSP Office of Professional Standards
POPS	Problem Oriented Public Safety
TSB	WSP Technical Services Bureau

Agency Acronyms Continued

SAR	Suspicious Activity Report
SWAT	WSP Special Weapons and Tactics Unit
WACIC	Washington Crime Information Center
WASIS	Washington State Identification System
WSFC	Washington State Fusion Center
WSIN	Western States Information Network

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
Alabama	Poarch Band of Creek Indians	The State of Alabama Indian Affairs Commission was established in 1984 by the state legislature. The Commission serves a liaison/ advocacy role between state government agencies and tribal communities. It does not appear to mediate disputes involving state and tribal conflicts.	Ala. Code § 41-9-708	
Alaska	* *NV = Native Village.* Addaagux Tribe of King Cove, Akiachak Native Community, Akiak Native Community, Alatna Village, Algaaciq NV, Allakaket Village, Alutiq Tribe of Old Harbor, Angoon Community Association, Anvik Village, Arctic Village, Asa'carsarmiut Tribe, Beaver Village, Birch Creek Tribe, Central Council of the Tlingit and Haida Indian Tribes, Chalkyitsik Village, Cheesh-Na Tribe, Chevak NV, Chickaloon NV, Chignik Bay Tribal Council, Chignik Lake Village, Chilkat Indian Village, Chilkoot Indian Association, Chinik Eskimo Community, Chuloonawick NV, Circle Native Community, Craig Tribal Association, Curyung Tribal Council, Douglas Indian Association, Egegik Village, Eklutna NV, Emmonak Village, Evansville Village, Galena Village, Gulkana Village Council, Healy Lake Village, Holy Cross Tribe, Honnah Indian Association, Hughes Village, Huslia Village, Hydaburg Cooperative Association, Igiugig Village, Inupiat Community of the Arctic Slope, Igugmiut Traditional Council, Ivanof Bay Tribe, Kaguyak Village, Kaktovik Village, Kasigluk Traditional Elders Council, Kenaitze Indian Tribe, Ketchikan Indian Communitty, King Island Native Community, King Salmon Tribe, Klawock Cooperative Association, Knik Tribe, Kokhanok Village, Koyukuk NV, Levelock Village, Lime Village, Manley Hot Springs Village, Manokotak Village, McGrath NV, Mentasta Traditional Council, Metlakatla Indian Community, Nahnek NV, NV of Afognak, NV of Akhiok, NV of Akutan, NV of Aleknagik, NV of Ambler, NV of Atka, NV of Atqasuk, NV of Barrow Inupiat Traditional Government, NV of Belkofski, NV of Brevig Mission, NV of Buckland, NV of Cantwell, NV of Chenega, NV of Chignik Lagoon, NV of Chitina, NV of Chuathbaluk, NV of Council, NV of Deering, NV of Diomede, NV of Eagle, NV of Eek, NV of Ekuk, NV of Ekwok, NV of Elim, NV of Eyak, NV of False Pass, NV of Fort Yukon, NV of Gakona, NV of Gambell, NV of Georgetown, NV of Godnews Bay, NV of Hamilton, NV of Hooper Bay, NV of Kanatak, NV of Karluk, NV of Kiana, NV of Kipnuk, NV of Kivalina, NV of Kluti Kaah, NV of Kobuk, NV of Kongiganak, NV of Kotzebue, NV of Koyuk, NV of Kwigillingok, NV of Kotzebue, NV of Koyuk, NV of Kwigillingok, NV of Kwinhagak, NV of Larsen Bay, NV of Marshall, NV of Mary's Igloo, NV of Mekoryuk, NV of Minto, NV of Nanwalek, NV of Napaimute, NV of Napakiak, NV of Napaskiak, NV of Nelson Lagoon NV of Nightmute, NV of Nikolski, NV of Noatak, NV of Nuisqut, NV of Nunam Iqua, NV of Nunapitchuk, NV of Ouzinkie, NV of Paimiut, NV of Perryville, NV of Pilot Point, NV of Point Hope, NV of Point Lay, NV of Port Graham, NV of Port Heiden, NV of Port Lions, NV of Ruby, NV of Saint Michael, NV of Savoonga, NV of Scammon Bay, NV of Selawik, NV of Shaktoolik, NV of	No single entity handles relations between the state and Alaska Native entities. However, there are formal consultation policies in various state agencies, including the Dept of Health, the Office of Children's Services, and the Dept. of Transportation		Alaska Medicaid Tribal Consultation Policy (based on federal requirements) Alaska Dept of Transportation tribal consultation policy (original and draft update)

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
	Shishmaref, NV of Shungnak, NV of Stevens, NV of Tanacross, NV of Tanana, NV of Tatitlek, NV of Tazlina, NV of Teller, NV of Tetlin, NV of Tuntutuliak, NV of Tununak, NV of Tyonek, NV of Unalakleet, NV of Unga, NV of Venetie Tribal Government, NV of Wales, NV of White Mountain, Nenana Village Association, New Koliganek Village Council, New Stuyahek Village, Newhalen Village, Newtok Village, Nikolai Village, Ninilchik Village, Nome Eskimo Community, Nondalton Village, Noorvik Native Community. Northway Village, Nulato Village, Nunakauyarmiut Tribe, Organized Village of Grayling, Organized Village of Kake, Organized Village of Kasaan, Organized Village of Kwethluk, Organized Village of Saxman, Orutsararmiut Traditional Native Council, Oscarville Traditional Village, Pauloff Harbor Village, Pedro Bay Village, Petersburg Indian Association, Pilot Station Traditional Village, Pitka's Point Traditional Council, Platinum Traditional Village, Portage Creek Village, Probilof Islands Aleut Comunities of St. Paul and St. George Islands, Qagan Tayagungin Tribe of Sand Point, Qawalangin Tribe of Unalaska, Rampart Village, Saint George Island, Saint Paul Island, Salamatof Tribe, Seldovia Village Tribe, Shageluk NV, Sitka Tribe of Alaska, Skagway Village, South Naknek Village, Stebbins Community Association, Sun'aq Tribe of Kodiak, Takotna Village, Tangirnaq NV, Telida Village, Traditional Village of Togiak, Tulusak Native Community, Twin Hills Village, Ugashik Village, Umkumiut NV, Village of Alakanuk, Village of Anaktuvuk Pass, Village of Aniak, Village of Atmautluak, Village of Bill Moore's Slough, Village of Chefornak, Village of Clarks Point, Village of Crooked Creek, Village of Dot Lake, Village of Iliamna, Village of Kalskag, Village of Kaltag, Kotlik, Village of Lower Kalskag, Village of Ohogamiut, Village of Red Devil, Village of Sleetmute, Village of Solomon, Village of Stony River, Village of Venetie, Village of Wainwright, Wrangell Cooperative Association, Yakutat Tlingit Tribe, Yupiit of Andreafski			
Arizona	Ak-Chin Indian Community, Cocopah Tribe of Arizona, Fort McDowell Yavapai Nation, Gila River Indian Community of the Gila River Indian Reservation, Havasupai Tribe of the Havasupai Reservation, Hopi Tribe of Arizona, Hualapai Tribe of the Hualapai Indian Reservation, Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Pascua Yaqui Tribe of Arizona, Salt River Pima-Maricopa Indian Community of the Salt River Reservation, San Carlos Apache Tribe of the San Carlos Reservation, San Juan Southern Paiute Tribe of Arizona, Tohono O'odham Nation of Arizona, Tonto Apache Tribe of Arizona, White Mountain Apache Tribe of the Fort Apache Reservation, Arizona, Yavapai-Apache Nation of the Camp Verde Indian Reservation, Yavapai-Prescott Tribe of the Yavapai Reservation, Colorado River Indian Tribes of the Colorado River Indian Reservation, Fort Mojave Indian Tribe, Navajo Nation, Quechen Tribe of the Fort Yuma Indian Reservation, Zuni Tribe of the Zuni Reservation	The Governor's Office on Tribal Relations manages state/tribal consultation and relations. The Office does not appear to serve as a mediator between tribes and the state.	A.R.S. § 41-2051	State of Arizona Tribal Consultation policies; State of Arizona Health Care Cost Containment System Tribal Consultation Policy; State of Arizona Office of Indian Education Tribal Consultation Guide
Arkansas	None			

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
California	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, Alturas Indian Rancheria, Augustine Band of Cahuilla Indians, Bear River Band of the Rohnerville Rancheria, Berry Creek Rancheria of Maidu Indians of California, Big Lagoon Rancheria, Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, Big Sandy Rancheria of Mono Indians of California, Big Valley Band of Pomo Indians of the Big Valley Rancheria, Blue Lake Rancheria, Bridgeport Paiute Indian Colony of California, Buena Vista Rancheria of Me-Wuk Indians of California, Cabazon Band of Cahuilla Indians, Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, Cahto Tribe of the Laytonville Rancheria, Cahuilla Band of Mission Indians of the Cahuilla Reservation, California Valley Miwok Tribe, Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, Capitan Grande Band of Diegueno Mission Band of Indians, Cedarville Rancheria, Chemehuevi Tribe of the Chemehuevi Reservation, Cher-Ae Heights Indian Community of the Trinidad Rancheria, Chicken Ranch Rancheria of Me-Wuk Indians of California, Cloverdale Rancheria of Pomo Indians of California, Cold Springs Rancheria of Mono Indians of California, Cortina Indian Rancheria of Wintun Indians of California, Coyote Valley Band of Pomo Indians of California, Death Valley Timbi-Sha Shoshone Band of California, Dry Creek Rancheria Band of Pomo Indians of California, Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, Elk Valley Rancheria, Enterprise Rancheria of Maidu Indians of California, Ewiiaapaayp Band of Kumeyaay Indians, Federated Indians of Graton Rancheria, Fort Bidwell Indian Community of the Fort Bidwell Reservation of California, Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, Greenville Rancheria of Maidu Indians of California, Grindstone Indian Rancheria of Wintun-Wailaki Indians of California, Guidiville Rancheria of California, Habematolel Pomo of Upper Lake, Hoopa Valley Tribe, Hopland Band of Pomo Indians of the Hopland Rancheria, Inaja Band of Diegueño Mission Indians of the Inaja and Cosmit Reservation, Ione Band of Miwok Indians of California, Jackson Rancheria of Me-Wuk Indians of California, Jamul Indian Village of California, Karuk Tribe of California, Kashia Band of Pomo Indians of the Stewarts Point Rancheria, Kletsel Dehe Wintun Nation of the Cortina Rancheria, Koi Nation of Northern California, La Jolla Band of Luiseño Mission Indians of the La Jolla Reservation, La Posta Band of Diegueño Mission Indians of the La Posta Indian Reservation, Los Coyotes Band of Cahuilla & Cupeño Indians of the Los Coyotes Reservation, Lytton Rancheria of California, Manchester Band of Pomo Indians of the Manchester Rancheria, Manzanita Band of Diegueño Mission Indians of the Manzanita Reservation, Mechoopda Indian Tribe of Chico Rancheria, Mesa Grande Band of Diegueno Mission Indians of the Mesa Grade Reservation, Middletown Rancheria of Pomo Indians of California, Middletown Rancheria of Pomo Indians of California, Mooretown Rancheria of Maidu Indians of California, Morongo Band of Cahuilla Mission Indians of the Morongo Reservation,	The Governor's Office of Tribal Affairs oversees tribal/ state relations and facilitates communication and consultation between tribes and state agencies. It does not appear to directly mediate disputes between the state and tribes. California also has tribal relations offices within many state agencies.	Cal. Gov. Code. §12012.3	California Department of General Services Tribal Consultation Policy and Consultation Protocol; Tribal Consultation Policy of the California Public Utilities Commission; California Environmental Protection Agency Tribal Consultation Policy; California Air Resources Board Tribal Consultation Policy; California State Water Resources Control Board Tribal Consultation Policy; California State Parks Native American Consultation Policy and Implementation Procedures; California State Land Commission

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
	North Fork Rancheria of Mono Indians of California, Paite-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, Pala Band of Luiseno Mission Indians of the Pala Reservation, Paskenta Band of Nomlaki Indians, Pauma Band of Luiseño Indians of the Pauma and Yuima Reservation, Pechanga Band of Indians, Picayune Rancheria of Chuchansi Indians of California, Pinoleville Pomo Nation, Pit River Tribe, Potter Valley Tribe, Pulikla Tribe of Yorok People, Quartz Valley Indian Community of the Quartz Valley Reservation of California, Redding Rancheria, Redwood Valley Rancheria of Pomo Indians of California, Rincon Band of Luiseño Mission Indians of Rincon Reservation, Robinson Rancheria of Pomo Indians of California, Round Valley Indian Tribes of the Round Valley Reservation, Rumsey Indian Rancheria of Wintun Indians of California, San Pasqual Band of Diegueno Mission Indians of California, Santa Rosa Band of Cahuilla Indians, Santa Rosa Indian Community of the Santa Rosa Rancheria, Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation, Scotts Valley Band of Pomo Indians of California, Sherwood Valley Rancheria of Pomo Indians of California, Shingle Springs Band of Miwok Indians, Smith Rivera Rancheria, Soboba Band of Luiseño Indians, Susanville Indian Rancheria, Sycuan Band of the Kumeyaay Nation, Table Mountain Rancheria of California, Tejon Indian Tribe, Torres Martinez Desert Cahuilla Indians, Tule River Indian Tribe of the Tule River Reservation, Tuolumne Band of Me-Wuk Indians of the Tuolomne Rancheria of California, Twenty-Nine Palms Band of Mission Indians, Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, Wilton Rancheria, Wiyot Tribe, Yuhaaviatam of San Manuel Nation, Yurok Tribe of the Yoruk Reservation, Colorado River Indian Tribes of the Colorado River Indian Reservation, Fort Mojave Indian Tribe of Arizona, California and Nevada, Quechen Tribe of the Fort Yuma Indian Reservation, Washoe Tribe of Nevada and California			Tribal Consultation Policy; California Natural Resources Agency Tribal Consultation Policy; California Department of Health Care Services Tribal Engagement Plan
Colorado	Southern Ute Indian Tribe, Ute Mountain Tribe	The Colorado Commission of Indian Affairs acts as a liaison between tribes and the state. It does not appear to directly mediate disputes.	C.R.S. §24-44-101 to C.R.S. §24-44-108	State of Colorado Framework for Engagement with Tribal Governments and American Indian/Alaska Native Communities; An Introduction for Colorado State Agencies to Conducting Formal Consultations with

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
				Federally Recognized American Indian Tribes
Connecticut	Mashantucket Pequot Tribe of Connecticut, Mohegan Indian Tribe of Connecticut	The Connecticut Indian Affairs Council was established by statute in 1973 as a state entity but does not appear to be currently active. The Tribal Affairs Team within the Connecticut Department of Energy & Environmental Protection's Office of Equity and Environmental Justice currently works toward "rebuilding and enhancing the government-to-government relations" with the state's tribes.	CT Gen. Stat. § 47-59b. (Indian Affairs Council); CT Gen. Stat. §47-65 (DEEP responsibility)	Connecticut Health Insurance Exchange Tribal Consultation Policy
Delaware	None			
Florida	Miccosukee Tribe of Indians, Seminole Tribe of Florida	The Florida Governor's Council on Indian Affairs encourages communication between the state and tribal entities but does not appear to directly mediate disputes. It appears to be largely an employment and workforce program.		Florida DOT Office of Environmental Management Native American Tribal Consultation (based on federal requirements)
Georgia	None			
Hawaii	None			
Idaho	Coeur D'Alene Tribe, Kootenai Tribe, Nez Perce Tribe, Shoshone-Bannock Tribes of the Fort Hall Reservation, Shoshone-Paiute Tribes of the Duck Valley Reservation	The Idaho Council on Indian Affairs was established in 1999 to act as a formal liaison between the tribes and the state. It appears to serve an advisory role.	Idaho Code, Title 67, ch. 40	Idaho Medicaid Tribal Consultation Policy & Procedures (based on federal requirements)
Illinois	Prairie Band of Potawatomi Nation			Federal, State and Tribal MOU Re: Consultation Requirements for Ill. Federal Transportation Program (based on federal requirements)
Indiana	Pokagon Band of Potawatomi Indians			Federal, State and Tribal MOU Re: Consultation Requirements for Ind. Federal Transportation Program (based on federal requirements)
Iowa	Sac and Fox Tribe of the Mississippi in Iowa			

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
Kansas	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, Iowa Tribe of Kansas and Nebraska, Prairie Band of Potawatomi Nation, Sac and Fox Nation of Missouri	The Kansas Native American Affairs Office in the Office of the Governor provides assistance to state agencies in implementing tribal consultation and outreach to ensure equitable access to state services. The Office does not appear to mediate disputes.		
Kentucky	None			
Louisiana	Chitimacha Tribe of Louisiana, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Tinica-Biloxi Indian Tribe of Louisiana	The Office of Indian Affairs acts as a resource and liaison for tribes and members seeking assistance navigating local, state and national policies. It does not appear to mediate disputes.		La. Admin. Code tit. 50, §I-105, (Medicaid) Tribal Consultation Process (based on federal requirements)
Maryland	None	The Maryland Commission on Indian Affairs advises state government on matters affecting Native peoples and facilitating the process of obtaining state and federal recognition.		
Massachusetts	Mashpee Wampanoag Tribe, Wampanoag Tribe of Gay Head (Aquinnah) of Massachusetts	The Massachusetts Commission on Indian Affairs was established in 1974 within the Dept. of Housing and Community Development to assist tribes and tribal members in their relationships with state and local agencies and in accessing services. It does not appear to mediate disputes.	Mass. Gen. Laws Ch. 6A, §8A	
Michigan	Bay Hills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, Hannahville Indian Community, Keweenaw Bay Indian Community, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Little River Band of Ottawa Indians, Little Traverse Bay Band of Odawa Indians, Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan, Nottawaseppi Huron Band of the Potawatomi, Saginaw Chippewa Indian Tribe of Michigan, Sault Ste. Marie Tribe of Chippewa Indians, Pokagon Band of Potawatomi Indians	No single entity handles relations between the state and Michigan tribes. However, there are formal consultation policies in various state agencies.		State of Michigan: State Agency Tribal Consultation Polices (required by 2019 Governor Executive Directive)
Minnesota	Bois Forte Band of Chippewa; Fond du Lac Band of Lake Superior Chippewa; Grand Portage Band of Lake Superior Chippewa; Leech Lake Band of Ojibwe; Lower Sioux Indian Community; Mille Lacs Band of Ojibwe; Prairie Island Indian Community; • Red Lake Nation; Shakopee Mdewakanton Sioux Community; Upper Sioux Community; and White Earth Nation.	The Minnesota Indian Affairs Council serves as a liaison between the tribes and the state. The council also advises the executive branch and the legislature, though it does not appear directly mediate disputes. In addition, legislation enacted in 2021 promotes a government-to-government relationship with tribal governments by requiring state departments and agencies (a) to designate tribal liaisons and (b) to implement policies for consulting with the governing bodies of tribes at least annually and on all rules, legislative proposals and other actions that have substantial direct effects on tribal governments or "the	Minn. Stat. 3.922 See also Minn. Stat. 10.65 (government-to-government relationship, consultation duties of state agencies)	Dept. of Education Tribal Consultation Policy; Dept. of Health Tribal Consultation Policy and Roles and Responsibilities; Bureau of Mediation Services Tribal

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
		distribution of power and responsibilities between the state and [tribal governments]."		Nations Consultation Policy
Mississippi	Mississippi Band of Choctaw Indians			16 Miss. Code. R. 3-12.12.0 & 12.12.1 - tribal consultation in archaeological investigations (outlines federal requirements)
Missouri	None			
Montana	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, Chippewa-Cree Indians of the Rocky Boy's Reservation, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Crow Tribe of Montana, Fort Belhnap Indian Community of the Fort Belknap Reservation of Montana, Little Shell Tribe of Chippewa Indians of Montana, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Turtle Mountain Band of Chippewa Indians of North Dakota	The Montana Office of Indian Affairs was established by the legislature in 1951 to facilitate tribal- state communications. It does not appear to mediate disputes. In 2003, the Legislature enacted HB 608 (codified in part at §2-15-143) to promote government-to-government relationships by requiring state agency training and consultation with tribes in developing and implementing programs directly affecting tribes.	Mont. Code Ann. §2-15-143	Montana Medicaid Tribal Consultation (based on federal requirements)
Nevada	Duckwater Shoshone Tribe of the Duckwater Reservation, Ely Shoshone Tribe of Nevada, Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Lovelock Paiute Tribe of the Lovelock Indian Colony, Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Reno-Sparks Indian Colony, Summit Lake Paiute Tribe of Nevada, Te-Moak Tribe of Western Shoshone Indians of Nevada, Walker River Paiute Tribe of the Walker River Reservation, Winnemucca Indian Colony of Nevada, Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch, Yombo Shoshone Tribe of the Yombo Reservation, Confederated Tribes of the Goshute Reservation, Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Fort Mojave Indian Tribe of Arizona, California and Nevada, Shoshone-Paiute Tribes of the Duck Valley Reservation, Washoe Tribe of Nevada and California	The Nevada Department of Native American Affairs is a state agency established in 1965. Initially it operated as a liaison between the tribes and state and has expanded its scope to include improving, education, employment, health, well-being and socio-economic status of Nevada's American Indian citizens and enhancing Tribal sovereignty, economic opportunities and community development. However, the Department does not serve as a neutral mediator.	Nev. Rev. Stat. Chapter 233A §§1003 to 1023	Nevada Department of Transportation Tribal Engagement — Tribal Best Practices & Recommendations
New Hampshire	None			
New Jersey	None	The New Jersey Commission on American Indian Affairs serves as a liaison between members of state-recognized tribes and the state and federal governments. It appears to focus primarily on projects related to Indian history and culture.		
New Mexico	Jicarilla Apache Nation, Mescalero Apache Tribe of the Mescalero Reservation, Ohkay Owingeh, Pueblo of Acoma, Pueblo of Cochiti, Pueblo of Isleta, Pueblo of Jemez, Pueblo of Laguna, Pueblo of Nambe, Pueblo of Picuris, Pueblo of Pojoaque, Pueblo of San Felipe, Pueblo of San Ildefonso, Pueblo of Sandia, Pueblo of Santa Ana, Pueblo of	The New Mexico Indian Affairs Department is a cabinet-level agency. It investigates and addresses the health, economy, education and the effect of local, state and federal legislative, executive and judicial actions affecting Indian conditions and	N.M. Stat. ch. 9, Art. 21 (Indian Affairs	New Mexico Public Education Department Tribal Consultation site;

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
	Santa Clara, Pueblo of Taos, Pueblo of Tesuque, Pueblo of Zia, Santo Domingo Pueblo, Fort Sill Apache Tribe, Navajo Nation, Ute Mountain Tribe of the Ute Mountain Reservation, Zuni Tribe of the Zuni Reservation	relations in New Mexico. While not a neutral arbiter, it appears to have significant authority to influence state decision making. The State-Tribal Collaboration Act, enacted in 2009, promotes government-to-government relationships by requiring state agency training and consultation with tribes in developing and implementing programs directly affecting tribal members.	Department Act) N.M. Stat. ch. 11, Art. 18 (State-Tribal Collaboration Act)	Definitions and Best Practices Guidance
New York	Cayuga Nation, Oneida Indian Nation, Onondaga Nation of New York, Saint Regis Mohawk Tribe, Seneca Nation of New York, Shinnecock Nation, Tonawanda Band of Seneca Indians of New York, Tusccrora Nation of New York	The New York Office of Indian Nation Affairs was established in 2022 within the Department of Environmental Conservation, and to address environmental concerns, cultural resources, historic preservation, and advance shared knowledge through consultation with state and federally recognized Indian nations. It does not appear to mediate disputes.		Dept. of Env'tl Conservation Commissioner's Policy 42: Contact, Cooperation and Consultation with Indian Nations
North Carolina	Eastern Bank of Cherokee Indians, Lumbee Tribe of North Carolina	The North Carolina Commission of Indian Affairs provides support to tribal communities, including by preventing reviewing proposed legislation affecting Indians in the state, promoting state and federal recognition, holding land in trust for state-recognized tribes, promoting the right of Indians to pursue cultural and religious traditions and assisting Indian communities in social and economic development. It does not appear to mediate disputes.	N.C. G.S. Chapter 143B, Part 15 (§143B-404 to §143B-411).	N.C. DOT Federally Recognized Tribes Coordination Protocol (based on federal requirements)
North Dakota	Spirit Lake Tribe, Three Affiliated Tribes of the Fort Berthold Reservation, Standing Rock Sioux Tribe of North and South Dakota, Turtle Mountain Band of Chippewa Indians of North Dakota, Sisseton Wahpeton Oyat	The North Dakota Indian Affairs Commission was established in 1949. It acts as a liaison between the state and tribes by assisting the development of state, federal and tribal programs to improve the standard of living, assisting tribes in developing effective institutions of self-government, increasing tribal participation in local and state affairs, conferring with agencies and official on Indian needs and goals, and encouraging (and issuing fact finding about) cooperative agreements and accords between the tribes and federal, state and local agencies. Its duties including providing a mediation service for the tribes and the State (which may relate to the Commission's duties under N.D. Stat. Ch. 54-40.2 to assist in the negotiation of cooperative agreements between tribes and state and local government entities).	N.D. Century Code Ch. 54-36 (Indian Affairs Commission) N.D. Century Code Ch. 54-40.2 (agreements between public agencies and Indian tribes)	N.D. Dept. of Human Services: Medicaid and Children's Health Insurance Program Tribal Consultation Policy (based on federal requirements)
Ohio	None			

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
Oklahoma	Absentee-Shawnee Tribe of Indians, Alabama-Quassarte Tribal Town, Apache Tribe of Oklahoma, Caddo Nation of Oklahoma, Cherokee Nation, Cheyenne and Arapaho Tribes, Citizen Potawatomi Nation, Comanche Nation, Delaware Nation, Delaware Tribe of Indians, Eastern Shawnee Tribe of Oklahoma, Fort Sill Apache Tribe of Oklahoma, Iowa Tribe of Oklahoma, Kaw Nation, Kialegee Tribal Town, Kickapoo Tribe of Oklahoma, Kiowa Indian Tribe of Oklahoma, Miami Tribe of Oklahoma, Modoc Nation, Otoe-Missouria Tribe of Indians, Ottawa Tribe of Oklahoma, Pawnee Nation of Oklahoma, Peoria Tribe of Indians of Oklahoma, Ponca Tribe of Indians of Oklahoma, Quapaw Nation, Sac and Fox Nation, Seneca-Cayuga Tribe of Oklahoma, Shawnee Tribe, The Chickasaw Nation, The Choctaw Nation of Oklahoma, the Muscogee (Creek) Nation, The Osage Nation, The Seminole Nation of Oklahoma, Thlopthlocco Tribal Town, Tonkawa Tribe of Indians of Oklahoma, United Keetoowah Band of Cherokee Indians in Oklahoma, Wichita and Affiliated Tribes, Wyandotte Nation	No single entity handles state and tribal relations, nor is there an entity that mediates tribal-state disputes. However the Legislature has established a statutory Joint Committee on State-Tribal Relations responsible for overseeing and approving cooperative agreements between tribal governments and the State (negotiated by the Governor) and political subdivisions. There is also a Tribal Government Relations Unit embedded in the Oklahoma Health Care Authority that manages tribal consultations.	74 Okla. Stat. §1222 (Joint Committee on State-Tribal Relations) 74 Okla. Stat. §1221 (cooperative agreements)	Oklahoma Health Care Authority Tribal Consultation
Oregon	Burns Paiute Tribe, Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Confederated Tribes of the Grand Ronde Community of Oregon. Confederated Tribes of Siletz Indians, Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of Warm Springs, Coquille Indian Tribe, Cow Creek Band of Umpqua Tribe of Indians, Klamath Tribes, Fort McDermitt Paiute and Shoshone Tribe	The Legislative Commission on Indian Services was created in 1975 to advise the Legislative Assembly and other state agencies and officials on the needs of Indians in the state. The Commission's duties include informing Indians of available services, educating the public about Indian needs and concern, recommending to state agencies improvements to programs for the benefit of Indians, and annually reporting to the Legislature and Governor on all matters of concern to Indians in the state. It does not appear to mediate disputes.	ORS 172.100 to 172.140.	Oregon Dept. of Human Services Tribal Consultation and Urban Indian Health Care Program Confer Policy (based on federal requirements)
Pennsylvania	None			
Rhode Island	Narragansett Indian Tribe of Rhode Island	Rhode Island's Commission on Indian Affairs was established in 1976 but disbanded in 1987. There does not appear to be a successor entity responsible for tribal-state relations.		
South Carolina	Catawba Indian Nation	The South Carolina Commission for Community Advancement and Engagement reviews proposed legislation to determine its impacts on tribal communities. It does not serve as a mediator.	S.C. Code § 1-31-40.	
South Dakota	Cheyenne River Sioux Tribe of the Cheyenne River Reservation, Crow Creek Sioux Tribe of the Crow Creek Reservation, Flandreau Santee Sioux Tribe of South Dakota, Lower Brule Sioux Tribe of the Lower Brule Reservation, Oglala Sioux Tribe of the Pine Ridge Reservation, Rosebud Sioux Tribe of the Rosebud Indian Reservation, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Yankton Sioux Tribe of South Dakota, Standing Rock Sioux Tribe of North and South Dakota, Turtle Mountain Band of Chippewa Indians of North Dakota	The South Dakota Department of Tribal Relations works to secure and coordinate federal, state and local resources for Native American people and to advance government-to-government partnerships through consultation and collaboration between state agencies and Indian tribes. It does not appear to serve as a mediator.	SDCL Title 1, chapter 54	S.D. Dept. of Social Services – Medicaid Tribal Consultation (based on federal requirements)
Tennessee	None			

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
Texas	Alabama-Coushatta Tribes of Texas, Kickapoo Traditional Tribe of Texas, Ysleta Del Sur Pueblo of Texas	The Texas Commission on Indian Affairs was established in 1965 but ceased to operate in 1989. *See* John R. Wunder, "Texas Indian Commission," *Handbook of Texas Online*, accessed Nov.5, 2026, https://www.tshaonline.org/handbook/entries/texas-indian-commission		Texas Historical Commission: Tribal Consultation Guidelines (based on federal requirements)
Utah	Northwestern Band of Shoshoni Nation, Paiute Indian Tribe, Skull Valley Band of Goshute Indians, Ute Indian Tribe of the Uintah and Ouray Reservation, Confederated Tribes of the Goshute Reservation, Navajo Nation, Ute Mountain Tribe of the Ute Mountain Reservation	The Utah Division of Indian Affairs acts as a liaison between the state and tribes, by coordinating tribal-state consultation policies, developing programs allowing Indian citizens to share in the progress of Utah, promoting tribal member and tribe self-determination and promoting government-to-government relations. It does not appear to serve as a mediator.	Utah Code Tit. 9, ch. 9 Executive Order EO/2014/005 (agency consultation policy req'mt)	Utah Division of Indian Affairs – Consultation Policies (Pursuant to EO/2014/005, these policies do not cover "litigation or settlement negotiations")
Vermont	None	The Vermont Commission on Native American Affairs advocates for an addresses the needs of Native American communities in the State, including by coordinating the state recognition process.	1 V.S.A. Chapter 23	
Virginia	Chickahominy Indian Tribe, Chickahominy Indian Tribe - Eastern Division, Monacan Indian Nation, Nansemond Indian Nation, Pamunkey Indian Tribe, Rappahannock Tribe, Inc., Upper Mattaponi Tribe	By law, the Secretary for the Commonwealth serves as the "Governor's liaison to the Virginia Indian tribes" and must designate an Ombudsman for Tribal Consultation, who facilitates communication between tribes and relevant state agencies and local governments.	Va. Code §2.2-401.01	Statutes specifically require the Dept. of Historic Resources, Marine Resources Commission, Dept. of Environmental Quality & Dept. of Conservation and Recreation to establish tribal consultation polices
Washington	Confederated Tribes of the Chehalis Reservation, Confederated Tribes of the Colville Reservation, Confederated Tribes and Bands of the Yakama Nation, Cowlitz Indian Tribe, Hoh Indian Tribe, Jamestown S'Klallam Tribe, Kalispel Indian Community of the Kalispel Reservation, Lower Elwha Tribal Community, Lummi Tribe of the Lummi Reservation, Makah Indian Tribe of the Makah Indian Reservation, Muckleshoot Indian Tribe, Nisqually Indian Tribe, Noonsack Indian Tribe, Port Gamble S'Klallam Tribe, Puyallup Tribe of the Puyallup Reservation, Quileute Tribe of the Quileute Reservation, Quinault Indian Nation, Samish Indian Nation, Sauk-Suiattle Indian Tribe of Washington, Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation, Skokomish Indian Tribe of the Skokomish Reservation, Snoqualmie Indian Tribe, Spokane Tribe of the Spokane Reservation, Squaxin Island Tribe of the Squaxin Island Reservation, Stillaguamish Tribe of Washington, Suquamish Indian Tribe of the Port	The Governor's Office of Indian Affairs is a cabinet-level agency that promotes government-to-government relationships between the State of Washington and Indian Tribes by serving as a liaison between the tribes and the governor/state agencies; providing trainings for tribal liaisons, and regularly convening meetings between Indian tribes and state parties to discuss issues of mutual interest. Agencies also have duties to collaborate and consult with Indian tribes on policies, agreements and programs that directly affect Indian tribes. Section III of the Implementation Guidelines for "The Agreement to institutionalize the Government -to-Government	Chapter 43.376 of the Revised Code of Washington (Governor's Office of Indian Affairs)	List of State Centennial Accord Plans Example: the plan of the Attorney General's Office requires it to, in good faith, "consult with a Tribe prior to filing civil litigation against a Tribe or a

State	Federally Recognized Tribes	Tribal/State Entity	Statutory Authority	Tribal Consultation Policies (examples)
	Madison Reservation, Swinomish Indians of the Swinomish Reservation, Tulalip Tribes of Washington, Upper Skagit Indian Tribe	Relationship for the New Millenium" (the Millenium Agreement, a follow-up to the Centennial Accord) requires each state and tribal government, department and agency to establish alternative dispute resolution mechanisms and protocols.		business owned by a Tribe." The plan does not prevent the Office from bringing litigation if the process is unsuccessful.
West Virginia	None			
Wisconsin	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Forest County Potawatomi Community, Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin, Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin, Menominee Indian Tribe of Wisconsin, Oneida Nation, Red Cliff Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokaogon Chippewa Community, Stockbridge Munsee Community, Ho-Chunk Nation of Wisconsin, Minnesota Chippewa Tribe,	No single entity handles relations between the state and tribal entities. However, Executive Order #18 issued by Governor Evers in 2019 required each cabinet agency to engage with tribal governments on a government-to-government basis and to develop/update tribal-state consultation policies. *See* Dept. of Administration website on State-Tribal Relations. Several departments also have Tribal Affairs Offices, including Dept. of Children and Families, Dept. of Health Services, Dept. of Workforce Development and Dept. of Transportation.		List of Agency State-Tribal Consultation Policies
Wyoming	Arapahoe Tribe of the Wind River Reservation, Shoshone Tribe of the Wind River Reservation	No single entity handles state and tribal relations, nor is there an entity that mediates tribal-state disputes. However the Legislature has established a statutory Select Committee on Tribal Relations responsible for developing expertise on matters pertaining to Indian tribes in the state and their services and needs; facilitating and fostering working relationships among state, tribal, federal and local entities, including by pursuing opportunities for economic growth; and developing and introducing legislation as necessary.	Wyo. Stat. §28-11-601	

Working Group Duties — Resolve 2025, ch. 165, §5:

"The working group … shall develop and recommend legislative mechanisms for extending the benefits of federal beneficial laws to the [Wabanaki Nations] notwithstanding [§6(h) and §16(b) of the] federal Maine Indian Claims Settlement Act. The recommendations may"

- *"Identify particular federal beneficial laws that should not apply within the State or"*
- *"Propose a review process to be employed when the application of a particular federal beneficial law within the State would have a specific and substantial disruptive and harmful effect on the State and its citizens."*

Current Proposed Recommendations & Outstanding Questions

1. Ensure that all federal beneficial laws, regardless of date of enactment, apply to each of the Wabanaki Nations within the State.

Mechanism A: **Amend the Maine Implementing Act (MIA) and Mi'kmaq Nation Restoration Act (MNRA) to provide that federal beneficial laws do not affect or preempt Maine law.**

Outstanding Questions: This proposal has always been discussed as similar to the original draft of LD 395 (attached) and would apply to all laws enacted before, on or after Oct. 10, 1980.

- Should there be any exceptions — *i.e.,* federal beneficial laws that would **not** apply in Maine? Would exceptions be implied (under the Supremacy Clause and based on other provisions of MICSA) or made explicit in the legislation? *See list in* §6215(4) of LD 395:
  - Federal criminal jurisdiction laws;
  - Federal gaming laws, including the Indian Gaming Regulatory Act; and/or
  - Certain federal environmental laws, including federal Clean Water Act, federal Water Quality Act of 1987, federal Clean Air Act, federal Indian Mineral Development Act of 1982, and any future amendments to these laws.

- What tribal lands are affected? LD 395 refers to "Indian territory or trust land" for each Wabanaki Nation. Should this be:
  - Passamaquoddy Tribe and Penobscot Nation: "Indian territory" (includes reservations and current/future trust lands)
  - Houlton Band of Maliseet Indians and Mi'kmaq Nation: all trust land **or** only "jurisdiction land" (trust lands in existence in 2023 as well as later-acquired trust lands within Aroostook County and within 50 miles of existing trust lands).

- How to account for the possibility that application of certain federal beneficial laws tribal lands in Maine may have impacts ("specific and substantial disruptive and harmful effect on the State and its citizens") off of those tribal lands? Possible solutions:
  - Limit the language of the legislation to indicate that federal beneficial laws apply, and conflicting state laws do not apply, only on the specified tribal lands; and/or
  - Create a mechanism for the State and the affected Wabanaki Nations to work through these issues when they arise (see proposed recommendation #2 below).

- Risk, if a court concludes this legislation is ineffective in applying (some or all) federal beneficial laws in Maine, that the portions of this legislation repealing related State laws might still be effective, creating gaps in authority.
    - LD 395 proposed to address this concern in §6215(6), and analogous provisions for other Wabanaki Nations, by providing for **contingent repeal** of §6215 if a court enters a final judgment finding that "no part of [§6215] is effective in causing [federal beneficial laws] to apply to the Passamaquoddy Tribe and its Indian territory or trust land."
    - Question: Does this mean a court ruling that §6215 is ineffective in applying a particular federal beneficial law in Maine causes the contingent repeal of the entire section for all federal beneficial laws? Or, is the contingent repeal of §6215 triggered only if a court concludes that §6215 is ineffective with respect to all federal beneficial laws? If the former, then gaps may still exist with respect to a particular federal beneficial law – see the possible solution below.

- Risk, even in the absence of a court judgment finding this legislation to be ineffective, that the federal government may nevertheless decline to apply or enforce (some or all) federal beneficial laws in Maine, which could create regulatory gaps because this legislation will still provide that related state laws do not apply to tribes/lands in Maine.
    - LD 395 proposed to address this concern in §6215(2)(C), and analogous provisions for other Wabanaki Nations, by providing that state laws *do not apply* to the Passamaquoddy Tribe *only* if the application of those state laws "would conflict or interfere with the *actual* operation, application or implementation of a [federal beneficial law]." If the [actual?] operation, application or implementation of a federal beneficial law "would result in the absence of any law or regulation applicable to the Passamaquoddy Tribe relating to a matter of public health or safety, including without limitation laws relating to land use or environmental matters," the corresponding state law must apply to fill the regulatory gap. Is this approach sufficient?

- Is there a way to streamline the language from LD 395 to make it easier to follow – defining "federal beneficial law," for example?

~~**Mechanism B: Amend MIA and MNRA to expand definition of "internal tribal matters … not subject to regulation by the State."**~~ — no longer being proposed

Mechanism C: Express the State of Maine's support for federal legislation amending MICSA.

Drafting Questions:

- Vehicle for expressing support:
    - Working Group sends a letter and/or requests that the Governor send a letter to the Congressional delegation;
    - Joint Resolution of the Legislature (does not involve the Governor);
    - Separate Resolve (passed by Legislature with opportunity for Governor to sign); or
    - Unallocated language included within legislation to implement mechanism A (enacted by Legislature with opportunity for Governor to sign).

- Substance of what is requested:
  - *In the absence of state legislation amending MIA/MNRA under mechanism A,* request Congress either:
    - Repeal §6(h) and §16(b) of MICSA; or
    - Enact prospective-only legislation like that proposed by Rep. Golden in H.R. 6707 from 2022.
  - *If state legislation is amending MIA/MNRA under mechanism A moves forward*, request Congress (a) enact legislation recognizing that the state legislation under mechanism A constituted a valid agreement of the State and Wabanaki Nations authorized by Congress in the settlement acts and (b) amend MICSA §6(h) and §16(b) to remove any potential confusion about when federal beneficial laws apply in Maine by utilizing language that conforms to the state legislation under mechanism A.

2. In addition to creating a new default rule through 1(A) and/or 1(C) — that all federal beneficial laws apply to each of the Wabanaki Nations within the State — establish a mechanism through which the State may object to the application of specific federal beneficial laws within the State.

Note: If a new default rule is established through 1(A) and/or 1(C) above, recommendation 2 is only necessary if the Working Group concludes that the State's ability to lobby Congress to expressly exclude Maine from specific existing and future federal beneficial laws is insufficient.

Outstanding Questions:

- Timing:
  - May the State use this mechanism to object to having previously enacted federal beneficial laws apply within Maine? If so, is there a deadline for invoking the mechanism, or may the State invoke the mechanism whenever a concern arises?
  - If Congress enacts a new federal beneficial law (or amends an existing federal beneficial law) in the future, is there a deadline for the State to invoke the mechanism, or may the State invoke the mechanism whenever a concern arises?
- Standard: What standard must be met for the State to successfully invoke the mechanism and prevent the application of a specific federal beneficial law within Maine?
  - Must there be a showing that application of the law would "have a specific and substantial disruptive and harmful effect on the State and its citizens" or is a different standard preferable?
  - Must those detrimental effects be felt off of of tribal lands?
- Effect: If the State meets its burden, is the result that the federal beneficial law does not apply in Maine at all **or** is the result that the federal beneficial law continues to apply in Maine except to the extent that it causes detrimental effects outside of tribal lands?
- Process: How will the mechanism work?

Current Proposed Recommendations & Outstanding Questions

- How does the State initiate the process? Request by the Governor? Should the Legislature weigh in?
- Does the process involve only negotiations between the State and Wabanaki Nations, with agreement required to move forward?

  Or, is arbitration (perhaps by MITSC or another agreed-to arbitrator) involved?
- Are there deadlines for completing the process?
- If the ultimate decision (agreed to in negotiations or decided by an arbitrator or other decisionmaker) is that the State has met its burden, how will this be implemented?

  If legislation amending the MIA and MNRA specifying the extent to which the specific federal beneficial law applies in Maine is required, this necessarily requires both the State and the Wabanaki Nation(s) to agree to that legislative change.

Backup approach?

If the Working Group is unable to reach consensus on a state-objection mechanism, does the Working Group wish to include in the legislation developed under 1(A) language that limits the jurisdiction of the Wabanaki Nations outside of tribal lands under federal beneficial laws?

For example, in the MIA/MNRA provisions applying the federal Safe Drinking Water Act in Maine, language is specifically included providing that each Wabanaki Nation's jurisdiction "does not extend beyond" the relevant Indian territory or jurisdiction land. *See the final sentences of* 30 M.R.S. §6207(10) & (11); §6207-A; §6207-B; §6207-C(10); §6207-D; §7206(8); and §7207. (The latter two examples, from the MNRA, are attached for your review.)

The remaining potential recommendations considered at earlier Working Group meetings are no longer being proposed.

~~**3. Expand the list of federal beneficial laws that apply in the State on a case-by-case basis.**~~

~~**4. Require the State and Wabanaki Nations to provide input whether future federal beneficial laws should apply in the State.**~~

~~**5. Renegotiate the federal-state-tribal jurisdictional framework in the settlement acts.**~~

132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document	**No. 395**
S.P. 181	In Senate, February 4, 2025

An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations

Reference to the Committee on Judiciary suggested and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TALBOT ROSS of Cumberland.
Cosponsored by Representative DANA of the Passamaquoddy Tribe and
Senators: BENNETT of Oxford, CARNEY of Cumberland, HARRINGTON of York, MARTIN of Oxford, MOORE of Washington, Representatives: FAULKINGHAM of Winter Harbor, KUHN of Falmouth, LEE of Auburn.

Printed on recycled paper

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

Sec. 1. 30 MRSA §6215 is enacted to read:

§6215. Application of statutes and regulations of the United States to the Passamaquoddy Tribe

1. Further legislative findings regarding the application of statutes and regulations of the United States to the Passamaquoddy Tribe. Sections 6(h) and 16(b) of United States Public Law 96-420 provide that the laws and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians are applicable within this State unless such law or regulation affects or preempts the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters.

A. The amendments to this Act enacted in 2025 modify the application of the laws of this State with respect to the Passamaquoddy Tribe and its Indian territory or trust land to the limited extent that such laws, in the absence of these amendments, would be affected or preempted by the application of the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by these amendments.

B. The amendments to this Act enacted in 2025 confirm, establish and enable, with respect to the Passamaquoddy Tribe and its Indian territory or trust land, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, including such statutes and regulations enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and statutes and regulations that accord a special status or right to or that relate to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land or other natural resources held in trust for Indians, except as otherwise provided by these amendments.

C. The amendments to this Act enacted in 2025 do not:

(1) Extend the general body of federal common law known as federal Indian law to the Passamaquoddy Tribe and its Indian territory or trust land; or

(2) Adjust the jurisdictional relationship set forth in this Act and in United States Public Law 96-420 between this State and the Passamaquoddy Tribe, except as provided by these amendments.

2. Federal statutes and regulations apply to the Passamaquoddy Tribe. Notwithstanding any provision of this Act to the contrary:

A. The State and the Passamaquoddy Tribe agree and intend pursuant to United States Public Law 96-420 that any law of this State that would be affected or preempted by the operation, application or implementation of any statute or regulation of the United

States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians does not apply to the Passamaquoddy Tribe, except as provided in subsection 4;

B. The State and the Passamaquoddy Tribe agree and intend pursuant to United States Public Law 96-420 that any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians is applicable to the Passamaquoddy Tribe within this State, without regard to any effect on the application of the laws of this State, except as provided in subsection 4; and

C. Modification of the application of the laws of this State to the Passamaquoddy Tribe under this section is limited to those particular circumstances in which the application of the laws of this State to the Passamaquoddy Tribe would conflict or interfere with the actual operation, application or implementation of a statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians. If the operation, application or implementation of any statute or regulation of the United States to the Passamaquoddy Tribe would result in the absence of any law or regulation applicable to the Passamaquoddy Tribe relating to a matter of public health or safety, including without limitation laws relating to land use or environmental matters, the corresponding laws of the State with respect to that health or safety matter must apply to the Passamaquoddy Tribe to fill any regulatory gap. For the purposes of this paragraph, "corresponding laws of the State" means laws of the State that apply to similar activities outside of Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians.

3. Notice regarding applicability of federal and state law to the Passamaquoddy Tribe. Whenever the Passamaquoddy Tribe believes that a law of this State does not apply to the Passamaquoddy Tribe, its citizens or its tribal territory or trust lands as a result of subsection 2 and the application of a statute or regulation of the United States, the Passamaquoddy Tribe shall provide written notice to the Attorney General. The Attorney General shall use reasonable efforts to respond in writing to the Passamaquoddy Tribe within 30 days if the State disagrees with the Passamaquoddy Tribe's position regarding the application of the laws of the State. The failure of the Passamaquoddy Tribe to provide notice under this subsection does not limit the application to the Passamaquoddy Tribe of any statute or regulation of the United States. The failure of the Attorney General to provide notice under this subsection does not limit the authority of the State to dispute the application of any statute or regulation of the United States or the application of any law of this State to the Passamaquoddy Tribe.

4. Gaming activities; criminal jurisdiction; environmental laws; application to the Passamaquoddy Tribe. Notwithstanding any provision of this Act to the contrary:

A. The Passamaquoddy Tribe may conduct gaming activities only in accordance with the laws of this State and may not conduct gaming activities under the authority of the federal Indian Gaming Regulatory Act or under any regulations promulgated under the

federal Indian Gaming Regulatory Act by the chair of the National Indian Gaming Commission or its successor organization;

B. The laws of this State applicable to the crimes and juvenile crimes described in this Act apply to the Passamaquoddy Tribe as provided in this Act. The statutes and regulations of the United States that conflict with or affect or preempt the jurisdiction of this State over crimes and juvenile crimes described in this Act do not apply to the Passamaquoddy Tribe, unless such provisions are specifically made applicable within the State of Maine. The federal laws identified in Section 6(c) of United States Public Law 96-420 do not apply to the Passamaquoddy Tribe; and

C. The provisions of the federal Clean Water Act, the federal Water Quality Act of 1987, the federal Clean Air Act and the federal Indian Mineral Development Act of 1982, including all future amendments and reauthorizations of those Acts, do not apply with respect to the Passamaquoddy Tribe and its Indian territory or trust land to the extent the provisions affect or preempt the application of the laws of this State and directly or indirectly extend the jurisdiction of the Passamaquoddy Tribe beyond its Indian territory or trust land, unless such provisions are specifically made applicable within the State of Maine.

5. Powers of Passamaquoddy Tribe relating to federal statutes and regulations. Notwithstanding any provision of law to the contrary, the State and the Passamaquoddy Tribe agree and intend pursuant to United States Public Law 96-420 that the Passamaquoddy Tribe has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians, except as otherwise provided in subsection 4.

6. Contingent repeal. Notwithstanding Title 1, section 71, subsection 8, this section is repealed if a court of competent jurisdiction enters a final judgment concluding that no part of this section is effective in causing the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians to apply to the Passamaquoddy Tribe and its Indian territory or trust land. For purposes of this subsection, "final judgment" does not include a judgment that is the subject of a pending appeal or for which the time period for taking an appeal has not yet expired. If this contingency is met, the Attorney General or the Joint Tribal Council of the Passamaquoddy Tribe shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

Sec. 2. 30 MRSA §6216 is enacted to read:

§6216. Application of statutes and regulations of the United States to the Penobscot Nation

1. Further legislative findings regarding the application of statutes and regulations of the United States to the Penobscot Nation. Sections 6(h) and 16(b) of United States Public Law 96-420 provide that the laws and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special

status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians are applicable within this State unless such law or regulation affects or preempts the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters.

A. The amendments to this Act enacted in 2025 modify the application of the laws of this State with respect to the Penobscot Nation and its Indian territory or trust land to the limited extent that such laws, in the absence of these amendments, would be affected or preempted by the application of the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by these amendments.

B. The amendments to this Act enacted in 2025 confirm, establish and enable, with respect to the Penobscot Nation and its Indian territory or trust land, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, including such statutes and regulations enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and statutes and regulations that accord a special status or right to or that relate to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land or other natural resources held in trust for Indians, except as otherwise provided by these amendments.

C. The amendments to this Act enacted in 2025 do not:

(1) Extend the general body of federal common law known as federal Indian law to the Penobscot Nation and its Indian territory or trust land; or

(2) Adjust the jurisdictional relationship set forth in this Act and in United States Public Law 96-420 between this State and the Penobscot Nation, except as provided by these amendments.

2. Federal statutes and regulations apply to the Penobscot Nation. Notwithstanding any provision of this Act to the contrary:

A. The State and the Penobscot Nation agree and intend pursuant to United States Public Law 96-420 that any law of this State that would be affected or preempted by the operation, application or implementation of any statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians does not apply to the Penobscot Nation, except as provided in subsection 4;

B. The State and the Penobscot Nation agree and intend pursuant to United States Public Law 96-420 that any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for

Indians is applicable to the Penobscot Nation within this State, without regard to any effect on the application of the laws of this State, except as provided in subsection 4; and

C. Modification of the application of the laws of this State to the Penobscot Nation under this section is limited to those particular circumstances in which the application of the laws of this State to the Penobscot Nation would conflict or interfere with the actual operation, application or implementation of a statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians. If the operation, application or implementation of any statute or regulation of the United States to the Penobscot Nation would result in the absence of any law or regulation applicable to the Penobscot Nation relating to a matter of public health or safety, including without limitation laws relating to land use or environmental matters, the corresponding laws of the State with respect to that health or safety matter must apply to the Penobscot Nation to fill any regulatory gap. For the purposes of this paragraph, "corresponding laws of the State" means laws of the State that apply to similar activities outside of Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians.

3. Notice regarding applicability of federal and state law to the Penobscot Nation. Whenever the Penobscot Nation believes that a law of this State does not apply to the Penobscot Nation, its citizens or its tribal territory or trust lands as a result of subsection 2 and the application of a statute or regulation of the United States, the Penobscot Nation shall provide written notice to the Attorney General. The Attorney General shall use reasonable efforts to respond in writing to the Penobscot Nation within 30 days if the State disagrees with the Penobscot Nation's position regarding the application of the laws of the State. The failure of the Penobscot Nation to provide notice under this subsection does not limit the application to the Penobscot Nation of any statute or regulation of the United States. The failure of the Attorney General to provide notice under this subsection does not limit the authority of the State to dispute the application of any statute or regulation of the United States or the application of any law of this State to the Penobscot Nation.

4. Gaming activities; criminal jurisdiction; environmental laws; application to the Penobscot Nation. Notwithstanding any provision of this Act to the contrary:

A. The Penobscot Nation may conduct gaming activities only in accordance with the laws of this State and may not conduct gaming activities under the authority of the federal Indian Gaming Regulatory Act or under any regulations promulgated under the federal Indian Gaming Regulatory Act by the chair of the National Indian Gaming Commission or its successor organization;

B. The laws of this State applicable to the crimes and juvenile crimes described in this Act apply to the Penobscot Nation as provided in this Act. The statutes and regulations of the United States that conflict with or affect or preempt the jurisdiction of the State over crimes and juvenile crimes described in this Act do not apply to the Penobscot Nation, unless such provisions are specifically made applicable within the State of Maine. The federal laws identified in Section 6(c) of United States Public Law 96-420 do not apply to the Penobscot Nation; and

C. The provisions of the federal Clean Water Act, the federal Water Quality Act of 1987, the federal Clean Air Act and the federal Indian Mineral Development Act of 1982, including all future amendments and reauthorizations of those Acts, do not apply with respect to the Penobscot Nation and its Indian territory or trust land to the extent the provisions affect or preempt the application of the laws of this State and directly or indirectly extend the jurisdiction of the Penobscot Nation beyond its Indian territory or trust land, unless such provisions are specifically made applicable within the State of Maine.

5. Powers of Penobscot Nation relating to federal statutes and regulations. Notwithstanding any provision of law to the contrary, the State and the Penobscot Nation agree and intend pursuant to United States Public Law 96-420 that the Penobscot Nation has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians, except as otherwise provided in subsection 4.

6. Contingent repeal. Notwithstanding Title 1, section 71, subsection 8, this section is repealed if a court of competent jurisdiction enters a final judgment concluding that no part of this section is effective in causing the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians to apply to the Penobscot Nation and its Indian territory or trust land. For purposes of this subsection, "final judgment" does not include a judgment that is the subject of a pending appeal or for which the time period for taking an appeal has not yet expired. If this contingency is met, the Attorney General or the Governor and the Council of the Penobscot Nation shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

Sec. 3. 30 MRSA §6217 is enacted to read:

§6217. Application of statutes and regulations of the United States to the Houlton Band of Maliseet Indians

1. Further legislative findings regarding the application of statutes and regulations of the United States to the Houlton Band of Maliseet Indians. Sections 6(h) and 16(b) of United States Public Law 96-420 provide that the laws and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians are applicable within this State unless such law or regulation affects or preempts the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters.

A. The amendments to this Act enacted in 2025 modify the application of the laws of this State with respect to the Houlton Band of Maliseet Indians and its Indian territory or trust land to the limited extent that such laws, in the absence of these amendments, would be affected or preempted by the application of the statutes and regulations of the

United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by these amendments.

B. The amendments to this Act enacted in 2025 confirm, establish and enable, with respect to the Houlton Band of Maliseet Indians and its Indian territory or trust land, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, including such statutes and regulations enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and statutes and regulations that accord a special status or right to or that relate to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land or other natural resources held in trust for Indians, except as otherwise provided by these amendments.

C. The amendments to this Act enacted in 2025 do not:

(1) Extend the general body of federal common law known as federal Indian law to the Houlton Band of Maliseet Indians and its Indian territory or trust land; or

(2) Adjust the jurisdictional relationship set forth in this Act and in United States Public Law 96-420 between this State and the Houlton Band of Maliseet Indians, except as provided by these amendments.

2. Federal statutes and regulations apply to the Houlton Band of Maliseet Indians. Notwithstanding any provision of this Act to the contrary:

A. The State and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 that any law of this State that would be affected or preempted by the operation, application or implementation of any statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians does not apply to the Houlton Band of Maliseet Indians, except as provided in subsection 4;

B. The State and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 that any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians is applicable to the Houlton Band of Maliseet Indians within this State, without regard to any effect on the application of the laws of this State, except as provided in subsection 4; and

C. Modification of the application of the laws of this State to the Houlton Band of Maliseet Indians under this section is limited to those particular circumstances in which the application of the laws of this State to the Houlton Band of Maliseet Indians would conflict or interfere with the actual operation, application or implementation of a statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian

lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians. If the operation, application or implementation of any statute or regulation of the United States to the Houlton Band of Maliseet Indians would result in the absence of any law or regulation applicable to the Houlton Band of Maliseet Indians relating to a matter of public health or safety, including without limitation laws relating to land use or environmental matters, the corresponding laws of the State with respect to that health or safety matter must apply to the Houlton Band of Maliseet Indians to fill any regulatory gap. For the purposes of this paragraph, "corresponding laws of the State" means laws of the State that apply to similar activities outside of Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians.

3. Notice regarding applicability of federal and state law to the Houlton Band of Maliseet Indians. Whenever the Houlton Band of Maliseet Indians believes that a law of this State does not apply to the Houlton Band of Maliseet Indians, its citizens or its tribal territory or trust lands as a result of subsection 2 and the application of a statute or regulation of the United States, the Houlton Band of Maliseet Indians shall provide written notice to the Attorney General. The Attorney General shall use reasonable efforts to respond in writing to the Houlton Band of Maliseet Indians within 30 days if the State disagrees with the Houlton Band of Maliseet Indians' position regarding the application of the laws of the State. The failure of the Houlton Band of Maliseet Indians to provide notice under this subsection does not limit the application to the Houlton Band of Maliseet Indians of any statute or regulation of the United States. The failure of the Attorney General to provide notice under this subsection does not limit the authority of the State to dispute the application of any statute or regulation of the United States or the application of any law of this State to the Houlton Band of Maliseet Indians.

4. Gaming activities; criminal jurisdiction; environmental laws; application to the Houlton Band of Maliseet Indians. Notwithstanding any provision of this Act to the contrary:

A. The Houlton Band of Maliseet Indians may conduct gaming activities only in accordance with the laws of this State and may not conduct gaming activities under the authority of the federal Indian Gaming Regulatory Act or under any regulations promulgated under the federal Indian Gaming Regulatory Act by the chair of the National Indian Gaming Commission or its successor organization;

B. The laws of this State applicable to the crimes and juvenile crimes described in this Act apply to the Houlton Band of Maliseet Indians as provided in this Act. The statutes and regulations of the United States that conflict with or affect or preempt the jurisdiction of the State over crimes and juvenile crimes described in this Act do not apply to the Houlton Band of Maliseet Indians, unless such provisions are specifically made applicable within the State of Maine. The federal laws identified in Section 6(c) of United States Public Law 96-420 do not apply to the Houlton Band of Maliseet Indians; and

C. The provisions of the federal Clean Water Act, the federal Water Quality Act of 1987, the federal Clean Air Act and the federal Indian Mineral Development Act of 1982, including all future amendments and reauthorizations of those Acts, do not apply with respect to the Houlton Band of Maliseet Indians and its Indian territory or trust land to the extent the provisions affect or preempt the application of the laws of this State and directly or indirectly extend the jurisdiction of the Houlton Band of Maliseet

Indians beyond its Indian territory or trust land, unless such provisions are specifically made applicable within the State of Maine.

5. Powers of Houlton Band of Maliseet Indians relating to federal statutes and regulations. Notwithstanding any provision of law to the contrary, the State and the Houlton Band of Maliseet Indians agree and intend pursuant to United States Public Law 96-420 that the Houlton Band of Maliseet Indians has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians, except as otherwise provided in subsection 4.

6. Contingent repeal. Notwithstanding Title 1, section 71, subsection 8, this section is repealed if a court of competent jurisdiction enters a final judgment concluding that no part of this section is effective in causing the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians to apply to the Houlton Band of Maliseet Indians and its Indian territory or trust land. For purposes of this subsection, "final judgment" does not include a judgment that is the subject of a pending appeal or for which the time period for taking an appeal has not yet expired. If this contingency is met, the Attorney General or the Houlton Band Council of the Houlton Band of Maliseet Indians shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

Sec. 4. 30 MRSA c. 605 is enacted to read:

CHAPTER 605

MI'KMAQ NATION

§7301. Federal statutes and regulations

1. Application of statutes and regulations of the United States. Sections 6(h) and 16(b) of United States Public Law 96-420 provide that the laws and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians are applicable within this State unless such law or regulation affects or preempts the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters.

A. This section modifies the application of the laws of this State with respect to the Mi'kmaq Nation and its Indian territory or trust land to the limited extent that such laws, in the absence of the provisions of this section, would be affected or preempted by the application of the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for

Indians, Indian nations or tribes or bands of Indians, except as otherwise provided by this section.

B. This section confirms, establishes and enables, with respect to the Mi'kmaq Nation and its Indian territory or trust land, the operation, application and implementation in this State of the statutes and regulations of the United States that are generally applicable to Indians, Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians, including such statutes and regulations enacted for the benefit of Indians, Indian nations or tribes or bands of Indians and statutes and regulations that accord a special status or right to or that relate to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land or other natural resources held in trust for Indians, except as otherwise provided by this section.

C. This section does not:

(1) Extend the general body of federal common law known as federal Indian law to the Mi'kmaq Nation and its Indian territory or trust land; or

(2) Adjust the jurisdictional relationship set forth in United States Public Law 102-171 between this State and the Mi'kmaq Nation except as provided by this section.

2. Federal statutes and regulations apply. Notwithstanding any provision of this section to the contrary, the State and the Mi'kmaq Nation agree and intend pursuant to United States Public Law 102-171 that:

A. Any law of this State that would be affected or preempted by the operation, application or implementation of any statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians does not apply to the Mi'kmaq Nation, except as otherwise provided in subsection 4;

B. Any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians is applicable to the Mi'kmaq Nation, without regard to any effect on the application of the laws of this State, except as provided in subsection 4;

C. This modification of the application of the laws of this State to the Mi'kmaq Nation under this section is limited to those particular circumstances in which the application of the laws of this State to the Mi'kmaq Nation would conflict or interfere with the actual operation, application or implementation of a statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians; and

D. If the operation, application or implementation of any statute or regulation of the United States to the Mi'kmaq Nation would result in the absence of any law or regulation applicable to the Mi'kmaq Nation relating to a matter of public health or safety, including without limitation laws relating to land use or environmental matters,

the corresponding laws of the State with respect to that health or safety matter must apply to the Mi'kmaq Nation to fill any regulatory gap. For the purposes of this paragraph, "corresponding laws of the State" means laws of the State that apply to similar activities outside of Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians.

3. Notice regarding applicability of federal and state law. Whenever the Mi'kmaq Nation believes that a law of this State does not apply to the Mi'kmaq Nation, its citizens or its tribal territory or trust land as a result of subsection 2 and the application of a statute or regulation of the United States, the Mi'kmaq Nation shall provide written notice to the Attorney General. The Attorney General shall use reasonable efforts to respond in writing to the Mi'kmaq Nation within 30 days if the State disagrees with the Mi'kmaq Nation's position regarding the application of the laws of this State. The failure of the Mi'kmaq Nation to provide notice under this subsection does not limit the application to the Mi'kmaq Nation of any statute or regulation of the United States. The failure of the Attorney General to provide notice under this subsection does not limit the authority of the State to dispute the application of any statute or regulation of the United States or the application of any law of this State.

4. Gaming activities; criminal jurisdiction; environmental laws. Notwithstanding any provision of this section to the contrary:

A. The Mi'kmaq Nation may conduct gaming activities only in accordance with the laws of this State and may not conduct gaming activities under the authority of the federal Indian Gaming Regulatory Act or under any regulations promulgated under the federal Indian Gaming Regulatory Act by the chair of the National Indian Gaming Commission or its successor organization;

B. The laws of this State applicable to crimes and juvenile crimes apply to the Mi'kmaq Nation. The statutes and regulations of the United States that conflict with or affect or preempt the jurisdiction of this State over crimes and juvenile crimes do not apply to the Mi'kmaq Nation, unless such provisions are specifically made applicable within the State of Maine. The federal laws identified in Section 6(c) of United States Public Law 96-420 do not apply in this State; and

C. The provisions of the federal Clean Water Act, the federal Water Quality Act of 1987, the federal Clean Air Act and the federal Indian Mineral Development Act of 1982, including all future amendments and reauthorizations of those Acts, do not apply with respect to the Mi'kmaq Nation and its Indian territory or trust land to the extent the provisions affect or preempt the application of the laws of this State and directly or indirectly extend the jurisdiction of the Mi'kmaq Nation beyond its Indian territory or trust land, unless such provisions are specifically made applicable within the State of Maine.

5. Powers of Mi'kmaq Nation relating to federal statutes and regulations. Notwithstanding any provision of law to the contrary, the State and the Mi'kmaq Nation agree and intend pursuant to United States Public Law 102-171 that the Mi'kmaq Nation has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian

reservations, Indian country, Indian territory or land held in trust for Indians, except as otherwise provided in subsection 4.

6. Contingent repeal. Notwithstanding Title 1, section 71, subsection 8, this section is repealed if a court of competent jurisdiction enters a final judgment concluding that no part of this section is effective in causing the statutes and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians to apply to the Mi'kmaq Nation and its Indian territory or trust land. For purposes of this subsection, "final judgment" does not include a judgment that is the subject of a pending appeal or for which the time period for taking an appeal has not yet expired. If this contingency is met, the Attorney General or the Mi'kmaq Nation Tribal Council shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

Sec. 5. Contingent effective date. That section of this Act that enacts the Maine Revised Statutes, Title 30, section 6215 takes effect 120 days after adjournment of the First Regular Session of the 132nd Legislature only if, within 90 days after adjournment of the First Regular Session of the 132nd Legislature, the Secretary of State receives written certification from the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of that section, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

That section of this Act that enacts the Maine Revised Statutes, Title 30, section 6216 takes effect 120 days after adjournment of the First Regular Session of the 132nd Legislature only if, within 90 days after adjournment of the First Regular Session of the 132nd Legislature, the Secretary of State receives written certification from the Governor and the Council of the Penobscot Nation that the nation has agreed to the provisions of that section, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

That section of this Act that enacts the Maine Revised Statutes, Title 30, section 6217 takes effect 120 days after adjournment of the First Regular Session of the 132nd Legislature only if, within 90 days after adjournment of the First Regular Session of the 132nd Legislature, the Secretary of State receives written certification from the Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to the provisions of that section, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes. Upon such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians, Title 30, section 6217 constitutes a jurisdictional agreement for purposes of the federal Maine Indian Claims Settlement Act of 1980, United States Public Law 96-420, Section 6(e)(2). Such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians does not constitute an agreement that the contingencies in Public Law 1981, chapter 675 were met or that the provisions of Public Law 1981, chapter 675 ever took effect.

That section of this Act that enacts the Maine Revised Statutes, Title 30, chapter 605 takes effect 120 days after adjournment of the First Regular Session of the 132nd

Legislature only if, within 90 days after adjournment of the First Regular Session of the 132nd Legislature, the Secretary of State receives written certification from the Mi'kmaq Nation Tribal Council that the nation has agreed to the provisions of that chapter, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes. Upon such written certification by the Mi'kmaq Nation Tribal Council, Title 30, chapter 605 constitutes a jurisdictional agreement for purposes of the Aroostook Band of Micmacs Settlement Act, United States Public Law 102-171, Section 6(d). Such written certification by the Mi'kmaq Nation Tribal Council does not constitute an agreement that the contingencies in Public Law 1989, chapter 148 were met or that the provisions of Public Law 1989, chapter 148 ever took effect.

SUMMARY

This bill:

1. Establishes new findings within the Maine Implementing Act to distinguish legislative findings relevant to this bill from the findings made during the enactment of the original 1980 Implementing Act. Separate but identical findings are included for the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians. These findings describe the effect of Section 6(h) and Section 16(b) of the federal Settlement Act, United States Public Law 96-420, in precluding the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians from benefiting from federal laws and regulations that are generally applicable to or enacted for the benefit of Indians or relate to a special status or right of Indian nations or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations or tribes or bands of Indians if such law or regulation affects or preempts the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters. The findings describe the purposes of the amendments to the Maine Implementing Act included in this legislation regarding the application of state and federal law to the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians;

2. Adds separate but identical sections to the Maine Implementing Act that apply to the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians and that describe the application of federal and state law to each. Regarding state law, the language provides that any law of this State that would be affected or preempted by the operation, application or implementation of any statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians does not apply, except as specifically provided in the Act;

3. Regarding federal law, provides that any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians is applicable within this State, without regard to any effect on the application of the laws of this State, except as specifically provided;

4. Provides that modification of the application of the laws of this State is limited to those particular circumstances in which the application of the laws of this State would

conflict or interfere with the actual operation, application or implementation of a statute or regulation of the United States that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians. If the operation, application or implementation of any statute or regulation of the United States in this State would result in the absence of any law or regulation applicable to a matter of public health or safety, including without limitation laws relating to land use or environmental matters, the corresponding laws of the State with respect to that health or safety matter apply to fill any regulatory gap;

5. Describes a process by which the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians are to notify the Attorney General in the event they believe that a law of this State does not apply by virtue of the amendments proposed by this legislation;

6. Provides that the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians may conduct gaming activities only in accordance with the laws of this State and may not conduct gaming activities under the authority of the federal Indian Gaming Regulatory Act or under any regulations promulgated under the federal Indian Gaming Regulatory Act by the chair of the National Indian Gaming Commission or its successor organization;

7. Provides that the laws of this State applicable to the crimes and juvenile crimes described in this legislation apply to the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians as provided in this legislation; the statutes and regulations of the United States that conflict with or affect or preempt the jurisdiction of this State over crimes and juvenile crimes described in this legislation do not apply in this State; and the federal laws identified in Section 6(c) of United States Public Law 96-420 do not apply in this State;

8. Provides that the federal Clean Water Act, the federal Water Quality Act of 1987, the federal Clean Air Act and the federal Indian Mineral Development Act of 1982, as well as all future amendments to those laws, do not apply to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Mi'kmaq Nation and their Indian territory or trust land to the extent the provisions affect or preempt the application of the laws of this State and extend the jurisdiction of the tribe, nation or band beyond their Indian territory or trust land, unless such provisions are specifically made applicable within the State;

9. Provides that, notwithstanding any provision of law to the contrary, the State, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians agree and intend that each tribe, nation or band has the power to enact laws and ordinances relating to the operation, application and implementation of any statute or regulation of the United States enacted before, on or after October 10, 1980 that accords a special status or right to or relates to a special status or right of any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians, except as otherwise provided;

10. Creates a new chapter within the Maine Revised Statutes, Title 30 pertaining to the Mi'kmaq Nation with provisions that mirror those applicable to the Passamaquoddy Tribe, Penobscot Nation and Houlton Band of Maliseet Indians;

11. Adds contingent effective date language specific to each tribe, nation or band; and

12. Adds contingent repeal language.

TITLE 30: FEDERALLY RECOGNIZED INDIAN TRIBES

CHAPTER 603: MI'KMAQ NATION RESTORATION ACT

§7206. Regulation of natural resources

1. Adoption of hunting, trapping and fishing ordinances by Mi'kmaq Nation. Subject to the limitations of subsection 5, the Mi'kmaq Nation has exclusive authority within Mi'kmaq Nation Jurisdiction Land to enact ordinances regulating:

A. Hunting, trapping or other taking of wildlife; and [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

B. Taking of fish on any pond in which all the shoreline and all submerged lands are wholly within Mi'kmaq Nation Jurisdiction Land and that is less than 10 acres in surface area. [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

Ordinances under this subsection must be equally applicable, on a nondiscriminatory basis, to all persons regardless of whether a person is a member of the Mi'kmaq Nation except that, subject to the limitations of subsection 5, ordinances under this subsection may include special provisions for the sustenance of the individual members of the Mi'kmaq Nation. In addition to the authority provided by this subsection, the Mi'kmaq Nation, subject to the limitations of subsection 5, may exercise within Mi'kmaq Nation Trust Land all the rights incident to ownership of land under the laws of the State.
[PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

2. Registration stations. The Mi'kmaq Nation shall establish and maintain registration stations for the purpose of registering bear, moose, deer and other wildlife killed within Mi'kmaq Nation Jurisdiction Land and shall adopt ordinances requiring registration of such wildlife to the extent and in substantially the same manner as such wildlife are required to be registered under the laws of the State. These ordinances requiring registration must be equally applicable to all persons without distinction based on tribal membership. The Mi'kmaq Nation shall report the deer, moose, bear and other wildlife killed and registered within Mi'kmaq Nation Jurisdiction Land to the Commissioner of Inland Fisheries and Wildlife at such times as the commissioner considers appropriate. The records of registration of the Mi'kmaq Nation must be available, at all times, for inspection and examination by the commissioner.
[PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

3. Sustenance fishing within Mi'kmaq Nation Jurisdiction Land. Subject to the limitations of subsection 5 and notwithstanding any other provision of state law to the contrary, the members of the Mi'kmaq Nation may take fish for their individual sustenance within the boundaries of Mi'kmaq Nation Jurisdiction Land to the same extent as authorized under section 6207, subsection 4.
[PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

4. Posting. Lands or waters subject to regulation by the Mi'kmaq Nation must be conspicuously posted in such a manner as to provide reasonable notice to the public of the limitations on hunting, trapping, fishing or other use of those lands or waters.
[PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

5. Supervision by Commissioner of Inland Fisheries and Wildlife. The Commissioner of Inland Fisheries and Wildlife, or the commissioner's successor, is entitled to conduct fish and wildlife surveys within Mi'kmaq Nation Jurisdiction Land to the same extent as the commissioner is authorized to conduct such surveys in other areas of the State. Before conducting any such survey, the commissioner shall provide reasonable advance notice to the Mi'kmaq Nation and afford the nation a reasonable opportunity to participate in that survey. If the commissioner, at any time, has reasonable grounds to believe that a tribal ordinance adopted under this section, or the absence of such a tribal ordinance, is adversely affecting or is likely to adversely affect the stock of any fish or wildlife on lands or waters outside the boundaries of lands or waters subject to regulation by the Mi'kmaq Nation, the commissioner shall inform the governing body

of the nation of the commissioner's opinion and attempt to develop appropriate remedial standards in consultation with the nation. If such efforts fail, the commissioner may call a public hearing to investigate the matter further. Any such hearing must be conducted in a manner consistent with the laws of the State applicable to adjudicative hearings. If, after a hearing, the commissioner determines that any such tribal ordinance or the absence of a tribal ordinance is causing, or there is a reasonable likelihood that it will cause, a significant depletion of fish or wildlife stocks on lands or waters outside the boundaries of lands or waters subject to regulation by the Mi'kmaq Nation, the commissioner may adopt appropriate remedial measures including rescission of any such tribal ordinance and, in lieu thereof, order the enforcement of the generally applicable laws or rules of the State. In adopting any remedial measures, the commissioner shall use the least restrictive means possible to prevent a substantial diminution of the stocks in question and shall take into consideration the effect that non-Indian practices on non-Indian lands or waters are having on those stocks. The remedial measures adopted by the commissioner may not be more restrictive than those that the commissioner could impose if the area in question was not within Mi'kmaq Nation Jurisdiction Land.

In any administrative proceeding under this section, the commissioner has the burden of proof. The decision of the commissioner may be appealed in the manner provided by the laws of the State for judicial review of administrative action and may be sustained only if supported by substantial evidence.
[PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

6. Transportation of game. Fish lawfully taken within Mi'kmaq Nation Jurisdiction Land and wildlife lawfully taken within Mi'kmaq Nation Jurisdiction Land and registered pursuant to ordinances adopted by the Mi'kmaq Nation may be transported within the State.
[PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

7. Fish. As used in this section, "fish" means a cold-blooded, completely aquatic vertebrate animal having permanent fins, gills and an elongated streamlined body usually covered with scales and includes inland fish and anadromous and catadromous fish when in inland water.
[PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

8. Regulation of drinking water. Unless the Mi'kmaq Nation, in its discretion, enters into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues within Mi'kmaq Nation Jurisdiction Land:

A. The Mi'kmaq Nation has exclusive authority to enact ordinances regulating drinking water within Mi'kmaq Nation Jurisdiction Land; [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

B. The State may not exercise primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within Mi'kmaq Nation Jurisdiction Land; and [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

C. The Mi'kmaq Nation may seek to be treated as a state and to obtain primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within Mi'kmaq Nation Jurisdiction Land. [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

* Notwithstanding any other provision of this subsection, the Mi'kmaq Nation's jurisdiction does not extend beyond Mi'kmaq Nation Jurisdiction Land.
[PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

SECTION HISTORY

PL 1989, c. 148, §§3, 4 (NEW). PL 2023, c. 369, Pt. A, §§2, 5 (AFF).

§7207. Jurisdiction of Mi'kmaq Nation over drinking water within Mi'kmaq Nation Jurisdiction Land

Notwithstanding any provision of state law to the contrary, pursuant to the Aroostook Band of Micmacs Settlement Act, Section 6(d), the State and the Mi'kmaq Nation agree and establish that: [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

1. Jurisdiction of Mi'kmaq Nation to administer drinking water-related programs. The Mi'kmaq Nation may seek to be treated as a state pursuant to the federal Safe Drinking Water Act, 42 United States Code, Section 300j-11, and its implementing regulations, as amended, within Mi'kmaq Nation Jurisdiction Land and may otherwise benefit from and exercise jurisdiction under any other federal law enacted after October 10, 1980 that permits a federally recognized Indian tribe to administer drinking water-related programs; and
[PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

2. Administration of drinking water-related programs does not affect or preempt state law. The application of any provision of the federal Safe Drinking Water Act and its implementing regulations, as amended, and of any other federal law enacted after October 10, 1980 that permits a federally recognized Indian tribe to administer drinking water-related programs and the enforcement of such laws and regulations by the Mi'kmaq Nation under subsection 1 does not affect or preempt the laws of the State.
[PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

* Notwithstanding any other provision of this section, the Mi'kmaq Nation's jurisdiction does not extend beyond Mi'kmaq Nation Jurisdiction Land. [PL 1989, c. 148, §§3, 4 (NEW); PL 2023, c. 369, Pt. A, §§2, 5 (AFF).]

SECTION HISTORY

PL 1989, c. 148, §§3, 4 (NEW). PL 2023, c. 369, Pt. A, §§2, 5 (AFF).

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Maine Forest Products Council

The voice of Maine's forest economy

Memorandum

To: Working Group to Develop Recommendations for Extending Federal Beneficial Laws to Wabanaki Nations
From: Maine Forest Products Council
Date: November 5, 2026
Re: Framework for Extending Federal Beneficial Laws While Preserving State Authority Over Collectively Owned Natural Resources

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Purpose

The objective of this framework is to advance tribal self-determination and access to federal programs while preserving the State of Maine's responsibility to regulate and manage natural resources held in common for all Maine citizens. This memorandum presents a framework for the working group's consideration in developing recommendations concerning the extension of federal beneficial laws to the Wabanaki Nations.

This framework is intended to balance:

1. Tribal access to federal benefits, programs and services that are available to federally recognized tribes elsewhere in the United States;
2. Protection of existing State responsibilities and authorities concerning environmental protection and natural resource management; and
3. Avoidance of unintended jurisdictional conflicts that could create uncertainty for tribal governments, state agencies, municipalities, businesses, landowners and the public.

Language for consideration:

The first paragraph is an attempt to provide the working group with language to implement the intent to broadly allow all federal beneficial laws to apply to tribes in Maine, by removing potential conflicts with Maine law, but not affect activities outside tribal lands. This proposal raises questions about unknown consequences of current and future law conflicts. It also raises legal questions about whether it is too vague because it doesn't identify any Maine laws or regulations that are affected, and whether this provision is binding on future legislatures.

1. **Laws and regulations of Maine that would be affected or preempted by the operation, application or implementation of statutes or regulations of the United States that accord special status or rights to Indian Tribes, do not apply within [tribal trust lands as defined in statutes]; except that laws and regulations of Maine apply to activities, land or other natural resources, and environment outside of [tribal trust lands as defined in statute].**

This paragraph is intended to be an exception from a broad state law that would allow all federal beneficial laws to apply to Maine tribes, which is consistent with Federal MICSA.

2. **Statutes and regulations of the United States that authorize Tribes to protect the environment or to regulate the use of land or other natural resources and which affect or preempt Maine state law or**

regulation, do not apply to tribes in Maine. These federal laws include but are not limited to the Clean Water Act, Clean Air Act, Endangered Species Act, and Indian Mineral Development Act.

Thank you for your consideration. Maine Forest Products Council attorney Bill Ferdinand will be present at the meeting on November 9 should the working group have any questions about this proposed language.

Sincerely,

Krysta West

Krysta West
Executive Director