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

---

**Meeting #5 — Tuesday, November 17, 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.) — **Update on Potential Federal Beneficial Laws from 2019 to present**

- *Nicole Friederichs, Human Rights and Indigenous Peoples Clinic, Suffolk Law School*

**10:30 am *** (approx.) — **Requested Information on Tribal-State Collaboration in Maine**

- *Legislative staff*

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

- *Review of draft report: background and committee process – legislative staff*
- *Review of updated proposal from tribal attorneys for adopting "mechanism A"*
- *Discussion of proposal to send a "communique" to Congress*
- *Discussion and* ***voting on consensus recommendations***
- *Discussion of next steps and report-review process*

**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.

# Tribal-State Collaboration Act

## I. Brief Overview

The Tribal-State Collaboration Act, codified in Title 5, chapter 376 of the Maine Revised Statutes, requires an enumerated list of state agencies to undertake at least the following steps toward promoting positive government-to-government relations between the State and the federally recognized Indian tribes (the Wabanaki Nations) within the State of Maine:

- ***To "develop and implement" a tribal consultation policy*** that promotes: effective communication and collaboration and positive government-to-government relations between the agency and the Wabanaki Nations as well as cultural competency in the agency's interactions with the Wabanaki Nations and their members.

  Each agency's policy must: Establish a process, above and beyond any process available to the public, for collaboration between the agency and the Wabanaki Nations regarding "the agency's programs, rules and services that substantially and uniquely affect" the Wabanaki Nations or their members. The policy must require the agency to make reasonable efforts to engage in the following steps before taking final action on a contemplated program or service or before publishing a proposed rule: (a) providing reasonable written notice to the Wabanaki Nations; (b) giving the Wabanaki Nations a reasonable opportunity to provide information, advice and opinions on the proposal; and (c) requiring the agency to consider any input received from the Wabanaki Nations.

- ***To designate a tribal liaison*** who: reports directly to the head of the agency; serves as the point of contact for facilitating effective tribal-agency communication; assists in developing and implementing the tribal consultation policy; receives training on effective tribal-state communication and collaboration, positive government-to-government relations and cultural competency in tribal issues; and coordinates similar training for key agency officials. (A list compiled by the Governor's Office of current tribal liaisons for each agency is attached.)

- ***To submit biennial agency reports***, beginning in January 2023, that include: a copy of the agency's current consultation policy and a summary of tribal collaboration activities the agency engaged in during the prior biennium; the name and contact information of the tribal liaison; a description of the training provided as required by the Act; and a description of the programs, rules or services the agency that substantially and uniquely affect the Wabanaki Nations and their members that it plans to adopt or amend in the next biennium; and any recommendations for improving the effectiveness of the Tribal-State Collaboration Act.

The following state departments and agencies are required to engage in these activities:

- Dept. of Agriculture, Conservation & Forestry (DACF)
- Dept. of Corrections (DOC)
- Dept. of Economic & Community Development (DECD)
- Dept. of Education (DOE)
- Dept. of Environmental Protection (DEP)
- Dept. of Health & Human Services (DHHS)
- Dept. of Inland Fisheries & Wildlife (DIFW)
- Dept. of Labor (DOL)
- Dept. of Public Safety (DPS)

- Dept. of Administrative & Financial Services (DACF)
- Dept. of Professional & Financial Regulation (DPFR)
- Dept. of Defense, Veterans & Emergency Management (DVEM)
- Dept. of Marine Resources;
- Dept. of Transportation (DOT)
- Office of the Public Advocate (OPA)
- Public Utilities Commission (PUC)
- Dept. of Energy Resources (DOER) — *beginning in the fall of 2026*.

The Act further requires the Governor to meet with the leaders of the Wabanaki Nations at least annually in a Tribal-State Summit "to address issues of mutual concern."

**II. Biennial Agency Reports under the Tribal-State Collaboration Act**

Each covered agency must submit a biennial agency report in January of each odd-numbered year both to the Maine Indian Tribal-State Commission and to the joint standing committee(s) of the Legislature with jurisdiction over the agency. Copies of these reports have been compiled by and made available by the state Law and Legislative Library on the following webpage: https://legislature.maine.gov/lawlib/lldl/rpts/e78_m2m38.html (see attached).

Selected highlights from the reports submitted by agencies in January 2023 and January 2025 include the following (this is not a comprehensive list of all collaboration activities):

- DACF has worked with the Wabanaki Nations to remove inaccurate historical interpretative information at State Parks and is participating in the Place Justice Advisory Council to identify and remove racist and offense place names and provide public education on this issue and will remove offensive names from state geological publications and cartographic information. DACF has also supported and assisted the Penobscot Nation in applying for federal grants for wetlands programs and has taken several steps to coordinate with the Wabanaki Nations on tribal food sovereignty issues. Penobscot Nation members have also supported DACF's application for federal submerged lands grants.
- The Maine Revenue Services within DAFS has collaborated with the Wabanaki Nations regarding implementation of the tax provisions in P.L. 2021, ch. 681 (establishing state law tax policies similar to those applicable to federally recognized tribes in other states) including by soliciting tribal feedback in adopting required rules and resolving administrative issues.
- The Maine Bureau of Veterans Services within DVEM has collaborated with the Wabanaki Nations in planning and in advocating before the Legislature and State House Facilities Committee for a Wabanaki Veterans Memorial. The Maine Emergency Management Agency also coordinated with the Passamaquoddy Tribe at Sipayik regarding including the Tribe in radiological exercises with the Point LePreau Nuclear Power Station in New Brunswick and is determining how to review the Radiological Emergency Plan to include tribal notifications.
- Staff from several offices within DECD engaged with the Wabanaki Cultural Tourism Initiative in the development of the Wabanaki Cultural Tourism Plan and will continue to collaborate with the Initiative over the next five years as it implements the plan.

- DHHS staff have engaged in multiple consultation endeavors, including, for example, participating in meetings with tribal Title VI coordinators to discuss services related to the Older Americans Act; collaborating with the Wabanaki Nations in the development and implementation of the Child Safety and Family Well-Being Plan; collaborating with tribal leaders to amend a rule regarding TANF eligibility to render "Indian custodians" potentially eligible for TANF; collaborating with Wabanaki Public Health and Wellness to fund training for 20 doulas who will provide prenatal care and infant home visiting services to Tribal members; and attending trainings, meanings and listening sessions to increase cultural competency and improve communication and collaboration with the Wabanaki Nations.
- DIFW staff attended a training by the Wabanaki Health and Wellness Organization explaining the importance of face-to-face and leader-to-leader discussions in tribal-state governmental interactions. DIFW's tribal liaison and other staff have begun meeting regularly with the natural resources staff and leaders of the Wabanaki Nations to discuss a variety of matters affecting tribal fisheries, including the impact of state projects.
- DMR has worked collaboratively with the Wabanaki Nations on fisheries management and restoration programs — for example, by working with the Passamaquoddy Tribe to improve the passage of alewives into Meddybemps Lake and with the Penobscot Nation in releasing Native Atlantic salmon into streams located within tribal trust lands and the Penobscot River.
- DOT has engaged in ongoing tribal consultation efforts on issues ranging from EV charging stations, tribal goals and needs regarding transportation infrastructure to promote economic development, traffic and pedestrian safety as well as speeding issues along important tribal transportation corridors and engagement and outreach related to an offshore wind facility.
- The DPS Gambling Control Unit collaborated with the Wabanaki Nations as required by the Act in the development of rules regulating mobile sports wagering and the Bureau of Highway Safety worked with the Houlton Band of Maliseet Indians to provide free car seats to income-eligible families and to provide technical assistance for improving roads and sidewalks to help reduce the number of motor vehicle crashes in the community.
- The PUC reports consulting with the Tribes regarding rulemaking for consumer protection standards for electric and gas transmission and distribution.

Several other agencies, including DPFR, DOL, DEP and OPA explained in their biennial reports that, in part because they have not proposed or amended programs, rules or services that would "substantially and uniquely affect" one or more of the Wabanaki nations, they have not yet engaged in the formal tribal collaboration process require by the Tribal-State Collaboration Act. Nevertheless, these agencies continue to engage with the Wabanaki Nations in similar ways to the engagement processes that existed before the Act became law.

# MAINE STATE LEGISLATURE

**Law and Legislative Digital Library Home**
•
**Law Library Home**
•
**Legislature Home**
•
**Questions or comments**

Author: Various

Title: *[Biennial tribal-state collaboration reports pursuant to 5 M.R.S.A. § 11055]*

Publ: Maine : State of Maine

Scope: 2023-

**Issues:** DACF (2023)

**Issues:** DACF (2025)

DAFS (2023)

DDVEM (2023)

DDVEM (2025)

DECD (2023)

DECD (2025)

DEP (2023)

DEP (2025)

DHHS (2023)

DHHS (2025)

DIFW (2023)

DIFW (2025)

DMR (2023)

DMR (2025)

DOC (2023)

DOC (2025)

DOE (2023)

DOE (2025)

DOL (2023)

DOL (2025)

DOT (2023)

DOT (2025)

DPFR (2023)

DPFR (2025)

DPS (2023)

DPS (2025)

OPA (2023)

OPA (2025)

PUC (2023)

PUC (2025)

This resource is provided by the Maine State Legislature 3/30/2026

# Tribal Liaisons Designated under the Tribal-State Collaboration Act

(Title 5, Chapter 376 of the Maine Revised Statutes)

| Department/Entity | First Name | Last Name | Email |
|---|---|---|---|
| DACF | Emily | Horton | Emily.K.Horton@maine.gov |
| DAFS | Amanda | Rector | Amanda.K.Rector@maine.gov |
| DECD | Carolann | Ouellette | Carolann.Ouellette@maine.gov |
| DEP | Sean | Bernard | Sean.L.Bernard@maine.gov |
| DHHS | Olivia | Demosthenes | Olivia.Demosthenes@maine.gov |
| DIFW | Christl | Theriault | Christl.F.Theriault@maine.gov |
| DMR | Deirdre | Gilbert | Deirdre.Gilbert@maine.gov |
| DOC | Jill R. | O'Brien | Jill.R.OBrien@maine.gov |
| DOE | Melissa A. | O'Neal-Low | Melissa.A.ONeal-Low@maine.gov |
| DOER | Celina | Cunningham | Celina.Cunningham@maine.gov |
| DOL | Libby | Stone-Sterling | Libby.Stone-Sterling@maine.gov |
| DOT | Jarod | Farn-Guillette | Jarod.Farn-Guillette@maine.gov |
| DPFR | Kristina | Lunner | Kristina.Lunner@Maine.gov |
| DPS | Rebecca | Graham | Rebecca.graham@maine.gov |
| DVEM | Sarah | Sherman | Sarah.Sherman@maine.gov |
| OPA | Sylvia | Most | Sylvia.J.Most@maine.gov |
| PUC | Jody | McColman | Jordan.D.McColman@maine.gov |

**Wabanaki Nations' proposal for consideration at the 11/17/26 Working Group Meeting**

1. Existing and future beneficial federal laws and regulations will apply to the Wabanaki Nations and their citizens and lands, unless otherwise provided by MICSA.

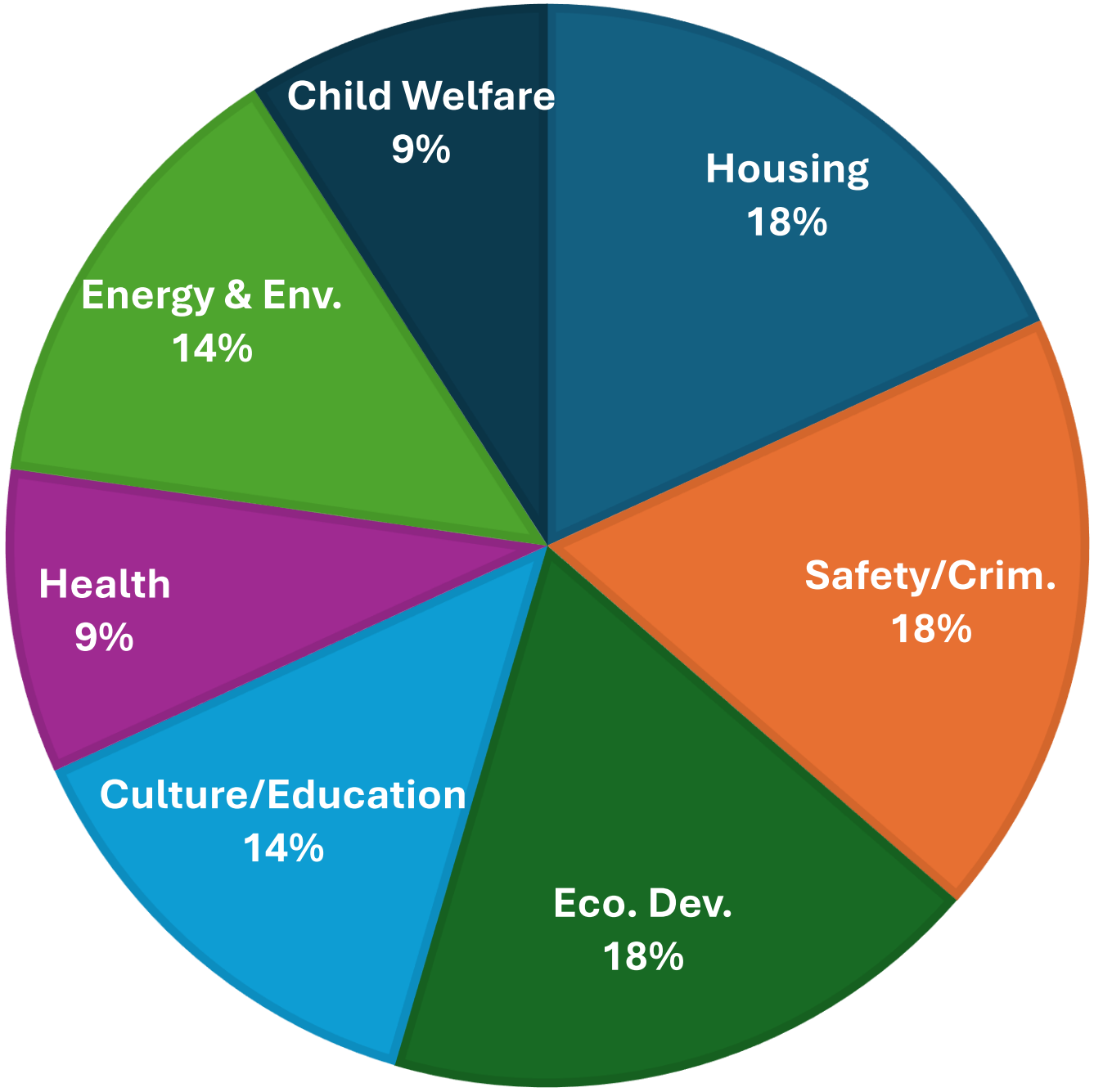
2. State law that would be affected or preempted by the operation, application or implementation of any existing or future beneficial federal law or regulation is withdrawn and does not apply to the Wabanaki Nations and their citizens and lands. "Affected or preempted" means where application of state law would otherwise conflict, obstruct or interfere with the operation, application or implementation of the federal law or regulation or its purposes.

3. In circumstances where the application of the beneficial federal law or regulation could have a specific and substantial disruptive and harmful effect on the State and non-tribal citizens outside of Wabanaki Nation lands, the Wabanaki Nations and the State will confer regarding the manner in which the Wabanaki Nations will implement the federal law or regulation to avoid or minimize any such potential effect. This conferral process would occur under a broader framework for two-way government-to-government collaboration between the State and Wabanaki Nations regarding the exercise of their respective jurisdictions (and would include the State's current obligation to collaborate regarding state action that substantially affects the Wabanaki Nations and their citizens), and should, at a minimum:

    a. Provide the State with reasonable written notice of a Wabanaki Nation governmental action, including implementation of a federal beneficial law, that could have a specific and substantial disruptive and harmful effect on the State and non-tribal citizens outside of tribal lands, prior to the tribal action.
    b. Provide reasonable opportunity for the State to provide the Wabanaki Nations with information regarding the contemplated Wabanaki Nation governmental action, including implementation of a federal beneficial law.
    c. Direct the State and the Wabanaki Nations to make reasonable efforts to engage in government-to-government collaboration before the Wabanaki Nation governmental action occurs, including implementation of a federal beneficial law.
    d. Make clear that the goal of collaboration is to promote effective communication and government-to-government relations between the State and Wabanaki Nations, to avoid or minimize any specific and substantial disruptive and harmful effect of tribal action on the State and non-tribal citizens outside of tribal lands (and to avoid or minimize any negative effect of state action on the Wabanaki Nations and their citizens), and to avoid litigation wherever possible.
    e. Confirm that the collaboration process does not dictate any particular outcome.
    f. Provide that State and its officers, departments, agencies and political subdivisions are authorized to enter into cooperative agreements with the Wabanaki Nations to facilitate cross-jurisdictional cooperation and the delivery of government services and to avoid disputes on issues of mutual interest.
    g. Confirm that the collaboration process does not create a cause of action or right of judicial review.
    h. Be included within the Maine Implementing Act.

# List of Federal Laws Enacted for Benefit of Native Nations and Peoples (November 2019- November 2026)

1. Savanna's Act, P. L. 116-165
2. Indian Community Economic Enhancement Act of 2020, P. L. 116-261
3. Native American Business Incubators Program Act, P. L. 116-174
4. Esther Martinez Native Languages Programs Reauthorization Act, P.L. 116-101
5. American Rescue Plan Act of 2021, P. L. 117-2
6. Infrastructure Investment and Jobs Act, P. L. 117-58
7. STANDUP Act of 2021, P. L. 117-100
8. An act to provide for reconciliation pursuant to title II of S. Con. Res. 14., P. L. 117-169
9. Infrastructure Investment and Jobs Act, P. L. 117-58
10. STANDUP Act of 2021, P. L. 117-100
11. FIRE Act, P. L. 117-251
12. Community Disaster Resilience Zones Act of 2022, P. L. 117-255
13. Safeguard Tribal Objects of Patrimony Act of 2021, P. L. 117-258
14. Further Consolidated Appropriations Act, 2024, P. L. 118-47
15. National Defense Authorization Act of Fiscal Year 2024, P. L. 118-31
16. Native American Child Protection Act, P. L. 118-160
17. Supporting America’s Children and Families Act, P. L. `118-258
18. Tribal Trust Land Homeownership Act of 2025, P. L. 119-88
19. Save Our Seas 2.0 Amendments Act, P. L. 119–65
20. Tribal Trust Land Homeownership Act of 2025, P. L. 119-88
21. Modernizing Access to Our Public Oceans Act, P. L. 119-116
22. 21st Century ROAD to Housing Act, P. L. `119-101
23. SUPPORT for Patients and Communities Reauthorization Act of 2025, P. L. 119-44




**Federal Laws Categorized by Topic**