

§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).

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