

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND TWENTY-SIX

—  
S.P. 181 - L.D. 395

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

**Sec. 1. Working group established. Resolved:** That the Working Group to Develop Recommendations for Extending Federal Beneficial Laws to the Wabanaki Nations, referred to in this resolve as "the working group," is established.

**Sec. 2. Working group membership. Resolved:** That, notwithstanding Joint Rule 353, the working group consists of the following members.

1. Two members of the Senate, appointed by the President of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature.
2. Two members of the House of Representatives, appointed by the Speaker of the House of Representatives, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature.

The President of the Senate and the Speaker of the House of Representatives shall invite to participate as voting members of the working group the Chief of the Houlton Band of Maliseet Indians or the chief's designee; the Chief of the Mi'kmaq Nation or the chief's designee; the Chief of the Passamaquoddy Tribe at Sipayik or the chief's designee; the Chief of the Passamaquoddy Tribe at Motahkomikuk or the chief's designee; and the Chief of the Penobscot Nation or the chief's designee.

The President of the Senate and the Speaker of the House of Representatives also shall invite to participate as nonvoting ex officio members of the working group the Governor or the Governor's designee; the Attorney General or the Attorney General's designee; and the Managing Director of the Maine Indian Tribal-State Commission.

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the working group.

**Sec. 4. Appointments; convening of working group. Resolved:** That all appointments must be made no later than 15 days following the effective date of this

resolve. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment and invitation of all members has been completed, the chairs of the working group shall call and convene the first meeting of the working group. If 15 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the working group to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the working group shall review the federal Maine Indian Claims Settlement Act, Public Law 96-420, Sections 6(h) and 16(b), which provide that the laws and regulations of the United States that are generally applicable to, enacted for the benefit of or that relate to a special status or right of Indians, Indian tribes or lands owned by or held in trust for Indians or Indian tribes, referred to in this resolve as "federal beneficial laws," do not apply within the State if these laws or regulations affect or preempt the laws of the State. The working group shall develop and recommend legislative mechanisms for extending the benefits of federal beneficial laws to the Houlton Band of Maliseet Indians, the Mi'kmaq Nation, the Passamaquoddy Tribe and the Penobscot Nation notwithstanding these provisions 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. Each of the working group's recommendations must be made by consensus. For the purposes of this resolve, "consensus" means the consent of the members of the working group who are representatives of the tribe or tribes affected by a particular recommendation and a majority of the legislative members of the working group.

**Sec. 6. Quorum. Resolved:** That a quorum of the working group consists of at least 3 members who are representatives of the tribes and at least 3 members who are members of the Legislature.

**Sec. 7. Staffing assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the working group, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**Sec. 8. Report. Resolved:** That, notwithstanding Joint Rule 353, no later than December 2, 2026, the working group shall submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters that includes its findings and consensus recommendations, including any suggested legislation. The joint standing committee may report out legislation based on the consensus-based recommendations of the working group to the 133rd Legislature in 2027.