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Date: (Filing No. S- )

**JUDICIARY**

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**STATE OF MAINE  
SENATE  
132ND LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 181, L.D. 395, “An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations”

Amend the bill by striking out the title and substituting the following:

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

Amend the bill by striking out everything after the title and inserting the following:

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

**Whereas,** the federal Maine Indian Claims Settlement Act, Public Law 96-420, Sections 6(h) and 16(b) provide that the laws and regulations of the United States that are generally applicable to or enacted for the benefit of Indians or that relate to a special status or right of Indian tribes or lands owned by or held in trust for Indians or Indian tribes do not apply within the State if these laws or regulations affect or preempt the laws of the State; and

**Whereas,** differing interpretations of whether these specific federal laws affect or preempt state law have caused disagreements between the State and the Wabanaki Nations and have led to uncertainty and have negatively affected the ability of the Wabanaki Nations, their members and their surrounding communities to benefit from these laws; and

**Whereas,** the tribal nations and the State desire that all of Maine's citizens prosper; and

**Whereas,** over the past 6 years, the Legislature has repeatedly considered legislation designed to apply many of these federal laws to the Wabanaki Nations in the State but has determined that crafting effective legislation requires careful consideration of complex issues; and

**COMMITTEE AMENDMENT**

1           **Whereas**, this legislation needs to take effect before the expiration of the 90-day  
2 period in order to allow the working group established in this resolve sufficient time to  
3 complete its work on this complex topic; and

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

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

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

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

16           2. Two members of the House of Representatives, appointed by the Speaker of the  
17 House of Representatives, including one member of the party holding the largest number  
18 of seats in the Legislature and one member of the party holding the 2nd largest number of  
19 seats in the Legislature.

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

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

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

33           **Sec. 4. Appointments; convening of working group. Resolved:** That all  
34 appointments must be made no later than 15 days following the effective date of this  
35 resolve. The appointing authorities shall notify the Executive Director of the Legislative  
36 Council once all appointments have been made. When the appointment and invitation of  
37 all members has been completed, the chairs of the working group shall call and convene  
38 the first meeting of the working group. If 15 days or more after the effective date of this  
39 resolve a majority of but not all appointments have been made, the chairs may request  
40 authority and the Legislative Council may grant authority for the working group to meet  
41 and conduct its business.

42           **Sec. 5. Duties. Resolved:** That the working group shall review the federal Maine  
43 Indian Claims Settlement Act, Public Law 96-420, Sections 6(h) and 16(b), which provide

1 that the laws and regulations of the United States that are generally applicable to, enacted  
2 for the benefit of or that relate to a special status or right of Indians, Indian tribes or lands  
3 owned by or held in trust for Indians or Indian tribes, referred to in this resolve as "federal  
4 beneficial laws," do not apply within the State if these laws or regulations affect or preempt  
5 the laws of the State. The working group shall develop and recommend legislative  
6 mechanisms for extending the benefits of federal beneficial laws to the Houlton Band of  
7 Maliseet Indians, the Mi'kmaq Nation, the Passamaquoddy Tribe and the Penobscot Nation  
8 notwithstanding these provisions of the federal Maine Indian Claims Settlement Act. The  
9 recommendations may identify particular federal beneficial laws that should not apply  
10 within the State or propose a review process to be employed when the application of a  
11 particular federal beneficial law within the State would have a specific and substantial  
12 disruptive and harmful effect on the State and its citizens. Each of the working group's  
13 recommendations must be made by consensus. For the purposes of this resolve,  
14 "consensus" means the consent of the members of the working group who are  
15 representatives of the tribe or tribes affected by a particular recommendation and a majority  
16 of the legislative members of the working group.

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

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

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

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

31 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
32 number to read consecutively.

### 33 SUMMARY

34 This amendment replaces the bill with a resolve establishing the Working Group to  
35 Develop Recommendations for Extending Federal Beneficial Laws to the Wabanaki  
36 Nations. The amendment directs the working group to develop consensus  
37 recommendations for extending the benefits of federal beneficial laws to the Houlton Band  
38 of Maliseet Indians, the Mi'kmaq Nation, the Passamaquoddy Tribe and the Penobscot  
39 Nation notwithstanding Sections 6(h) and 16(b) of the federal Maine Indian Claims  
40 Settlement Act. It directs the working group to submit a report by December 2, 2026 to the  
41 joint standing committee of the Legislature having jurisdiction over judiciary matters that  
42 includes the working group's findings and consensus recommendations, including any  
43 suggested legislation. The joint standing committee may report out legislation related to  
44 the report to the 133rd Legislature in 2027.

