



MAINE INDIAN TRIBAL-STATE COMMISSION

Maine Indian Tribal-State Commission's Testimony Before the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on the Judiciary

February 10, 2025

Good afternoon, Senator Rotundo, Representative Gattine and members of the Joint Standing Committee on Appropriations and Financial Affairs, Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on the Judiciary. My name is Jill Tompkins. I am the Executive Director of the Maine Indian Tribal-State Commission ("MITSC"). Thank you for this opportunity to provide this testimony regarding LD 210 on behalf of MITSC. The Commission's budget information is on page A-421 of the 2026-2027 Recommended General Fund Biennial Budget – Part A.

Forty-five years ago, MITSC was established by the Act to Implement the Maine Indian Claims Settlement Act ("Implementing Act"), 30 MRSA § 6201 et seq. The Commission's overarching responsibility is to continually review the effectiveness of the Implementing Act and the social, economic, and legal relationships between the tribes that were parties to the land claims settlement and the State. MITSC is comprised of 13 members. The Governor appoints six Commissioners. The Houlton Band of Maliseet Indians appoints two Commissioners, the Passamaquoddy Tribe appoints two, and two are appointed by the Penobscot Nation. The 13th member is the Commission Chair, who the 12 Commissioners select.

The practice has been that each Tribal Commissioner is appointed by the Chief of their tribal nation. Generally, the Chiefs do not serve as Commissioners for their tribe. The tribal commissioners maintain communication with their tribal elected leadership but are empowered to make decisions on their tribe's behalf.

Due to the unique intergovernmental nature of the Commission, a specific statutory process has been enacted to develop and adopt MITSC's biennial budget. Title 30 MRSA § 6212(6)

requires the Governor or her designee and chief executive elected leader (or designee) of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, and the Penobscot Nation to “communicate to produce a proposed biennial budget for the commission and to discuss any adjustments to funding” Once that conversation has occurred, Title 5 MRSA § 1664(3-B) states that “[i]f the Governor submits legislation setting forth appropriations or allocations for the Maine Indian Tribal-State Commission that differ from the full budget proposal developed under Title 30, section 6212, subsection 6, the Governor shall simultaneously submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters explaining why the Governor’s budget legislation differs from that proposal.”

This is my first experience going through the State’s biennial budget process. I dutifully followed the instructions of the State Budget Officer’s budget instructions memo and submitted MITSC’s budget request on time. In the last biennial budget, the Commission requested an increase that would be sufficient to allow it to hire two full-time employees. Unfortunately, the new budget only covered employee wages and provided no funding for benefits such as medical or dental insurance coverage. Currently, the MITSC staff does not have any employee benefits. The Commission believes that its staff must have these benefits. One Commissioner even stated that “Health care is a human right.”

One wrinkle I need to mention is that MITSC staff are not eligible to participate in the state employee benefits plans due to the language of the Implementing Act, Title 30 MRSA Section 6212, subsection 6, which states that “The Commission may employ such personnel as it considers necessary and desirable in order to effectively discharge its duties and responsibilities. *These employees are not subject to state personnel laws or rules.*” (Emphasis supplied.) A bill was submitted during this session (LR 1596) to include MITSC employees in the State’s health plan. Insurance coverage under the State’s plan is at least 20% less expensive than private insurance.

MITSC requested a budget increase of \$34,442.10 for FY2026 and \$43,221.40 for FY2027 to provide comparable benefits to MITSC staff as enjoyed by state employees. I did not hear anything after our budget was submitted. I figured no news was good news and that I would be informed if the increase was not to be approved. I only learned of the decision when I read in the newspaper that the Governor had released her proposed biennial budget.

So, not only did no one from the State Budget Office attempt to meet with me to discuss the budget, but the mandated statutory MITSC budget process was not followed. I wanted to bring this breakdown in communication to the Committees' attention so that it can be addressed and remedied in the next biennial (FY2028-2029) budgeting process.

All that being said, MITSC is delighted to report that since I submitted its budget request, it has been awarded four private grants to help it carry out its work. These grants will support public education about the Settlement Act and tribal-state relations, the development of the Wabanaki Cultural Competency Training as mandated by the Tribal-State Collaboration Act, and spread the findings of MITSC's landmark study, "SEA RUN-A Study Regarding the Impact of Maine Policies on the Quality and Quantity of Traditional Tribal Fish Stocks and Sustenance Practices." This outside funding will also allow MITSC to implement some of Sea Run's recommendations. In addition, the three tribal nations agreed to double their annual contributions to MITSC. Consequently, we can make enough funding available to pay for employee benefits for the next two years.

Therefore, MITSC is withdrawing its request for a budget increase. Woli won (thank you) for your time.

Respectfully submitted,



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