

# MAINE STATE LEGISLATURE

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OFFICE OF  
THE GOVERNOR

NO. 19 FY 06/07  
DATE July 10, 2006

**AN ORDER TO CREATE A TRIBAL-STATE WORK GROUP TO STUDY  
ISSUES ASSOCIATED WITH THE MAINE IMPLEMENTING ACT**

**WHEREAS**, in Maine there are four federally recognized Indian tribes: the Penobscot Indian Nation, the Passamaquoddy Tribe, the Aroostook Band of Micmacs, and the Houlton Band of Maliseet Indians;

**WHEREAS**, in 1979, the Maine Legislature enacted AN ACT to Implement the Maine Indian Claims Settlement which implemented in part a settlement agreement between the State of Maine, and the Penobscot Indian Nation, the Passamaquoddy Tribe, and the Houlton Band of Maliseet Indians (“the Maine Implementing Act”);

**WHEREAS**, in 1980, the United States Congress ratified the Maine Implementing Act (“the Ratifying Act”);

**WHEREAS**, the Maine Legislature enacted the Micmac Settlement Act and the United States Congress enacted the Aroostook Band of Micmacs Settlement Act regarding the Aroostook Band of Micmacs (“the Micmac Acts”);

**WHEREAS**, the Maine Implementing Act, the Ratifying Act, and the Micmac Acts are collectively referred to herein as the “Settlement Acts”;

**WHEREAS**, the Maine Implementing Act established the Maine Indian Tribal State Commission (“MITSC”) which was charged with continually reviewing the effectiveness of the Maine Implementing Act and the social, economic and legal relationship between the Passamaquoddy Tribe and the Penobscot Indian Nation and the State;

**WHEREAS**, on May 8, 2006, the Assembly of Governors and Chiefs, with the assistance of the Maine Indian Tribal State Commission, identified several differences of interpretation or understanding of the Maine Implementing Act and the Ratifying Act;

**WHEREAS**, the Governors and Chiefs appointed an Ad Hoc group to further identify issues upon which the State and Tribes differed regarding the Settlement Acts;

**WHEREAS**, on May 31, 2006, the Ad Hoc group enumerated a list of those issues;

**WHEREAS**, the differences of interpretation and understanding of the Settlement Acts have resulted in extensive litigation which has been an economic drain on the parties and often an impediment to efforts to make social and economic improvements that could benefit both the Tribes and the State; and

**WHEREAS**, a further analysis of the differences of interpretation or understanding of the Maine Implementing Act and the Ratifying Act, and an attempt at reconciling some of the differences, is warranted:

**NOW THEREFORE**, I, John E. Baldacci, Governor of the State of Maine, in consideration of all of the above, do hereby establish the Tribal-State Work Group to Study Issues Associated with the Maine Implementing Act ("the Work Group") as follows:

**1. Purpose**

The Work Group shall study differences in the interpretation and understanding of the Settlement Acts. The Work Group shall develop recommendations for how the 123rd Legislature might reconcile the issues in a manner that benefits both the Tribes and the State.

**2. Work Group Membership**

The Work Group shall consist of the following members:

1. Two members of the Senate, appointed by the President of the Senate;
2. Four members of the House of Representatives, appointed by the Speaker of the House;
3. The Governor of the Passamaquoddy Tribe at Indian Township, or a designee;
4. The Governor of the Passamaquoddy Tribe at Pleasant Point, or a designee;
5. The Chief of the Penobscot Nation, or a designee;
6. The Tribal Chief of the Houlton Band of Maliseet Indians, or a designee;
7. The Tribal Chief of the Aroostook Band of Micmacs, or a designee;
8. The Governor of the State of Maine, or the Governor's designee; and
9. The Chair of the Maine Indian Tribal State Commission, or a designee.

**3. Duties**

The Work Group shall consider the differences in interpretations of the Settlement Acts enumerated by the Ad Hoc group.

**4. Staff**

The MITSC shall provide necessary staffing services to the Work Group.

5. Attorney General's Office

The Maine Attorney General, or his designees, shall attend all meetings of the Work Group.

6. Report

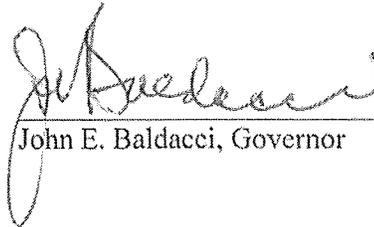
No later than December 5, 2006, the Work Group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on the Judiciary.

7. Implementation Costs

The costs for implementing the duties included in this Executive Order shall be absorbed by the participating organizations.

Effective Date

The effective date of this Executive Order is July 10, 2006.



John E. Baldacci, Governor