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Governor

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DEPARTMENT OF PROFESSIONAL
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Anne L. Head
Commissioner

To: Representative Anne Perry, Chair
Senator Donna Bailey, Chair
Members of the Health Coverage, Insurance and Financial Services Committee

From: Anne L. Head, Commissioner

Subject: Tribal-State Implementation Act Biennial Report

Date: January 9, 2023

This report is submitted pursuant to 5 M.R.S. 11055(2), which requires the Department of Professional and Financial Regulation to file biennial reports with this Committee describing our implementation of the Tribal-State Implementation Act.

Background:

In 2022, representatives of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation, and the Governor's Office negotiated the terms of legislation intended to expand economic opportunities for, and improve the welfare of, the Wabanaki Nations and their citizens, and to make structural changes in certain state agency decision-making to promote government-to-government dialogue with the Wabanaki Nations. That legislation, enacted as Public Law 2021, c. 681, contains three parts. First, it amends Maine's tax laws both to provide financial benefits to Tribal citizens residing on Tribal lands, and to encourage economic development on Tribal lands. Second, it provides each of the four Wabanaki Nations located in Maine the exclusive opportunity to conduct mobile sports wagering operations within the state. Third, it establishes in law a Tribal-State collaboration process designed to promote meaningful communication on issues of particular significance to the Tribes and their citizens.

The Tribal-State Collaboration Act:

The Tribal-State Collaboration Act, 5 M.R.S. 11051 *et seq.*, requires 15 agencies identified in the statute to engage in a Tribal collaboration process regarding contemplated programs, rules, or services that substantially and uniquely affect Maine's four federally recognized Tribes or their citizens. It is intended to be a user-friendly process free from unnecessary bureaucracy that will be implemented within existing resources.

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Title 5 M.R.S. 11053(1) requires each agency covered by the statute to adopt a collaboration policy. The Department of Professional and Financial Regulation adopted its collaboration policy, which is appended to this report, on December 14, 2022. The Department's Tribal liaison, as required by 5 M.R.S. 11053(3), is Joan Cohen, who can be reached at joan.cohen@maine.gov or 207-592-0156. On December 6, 2022, the Governor's Office provided training on how to implement the statute in a manner that promotes effective communication and positive government-to-government relations with the Tribes. The Governor's Office has also requested that the Maine Indian Tribal State Commission (MITSC) help to facilitate training of state agency Tribal liaisons on issues of cultural competency, and MITSC has agreed to do so. We look forward to that training as soon as it can be arranged in 2023.

The Tribal-State Collaboration Act became law on August 8, 2022. The Department of Professional and Financial Regulation has not yet had occasion to engage in Tribal collaboration under the statute, but will be vigilant in looking for opportunities to do so in the coming biennium. We have no recommendations for changes to the statute at this time.