

May 13, 2013

Senator Susan M. Collins
U.S. Senate
413 Dirksen Senate Office Building
Washington, DC 20510

Dear Senator Collins:

Thank you for your prompt and thorough response to the March 26, 2013 letter from the Maine Indian Tribal-State Commission. I appreciate your attention to the points we raised in our letter and your constructive suggestions for continued dialogue on the points we raised.

In your letter, you explained that your colloquy on the Stafford Act Amendments was prompted by a “potential ambiguity in the amendments,” and that you did solicit the thinking of Penobscot Chief Kirk Francis. I am concerned that the thinking of the Passamaquoddy Chiefs was not solicited.

Overall, I remain concerned on two levels:

1. A potential ambiguity does not necessarily mean that the proposed legislation has met the legal threshold of “affect or preempt” which is the actual language of the Maine Indian Claim Settlement Act Sections 1735 b and 1725 h. There appears to be no specific process for assessing when legislation for the benefit of Indian Tribes would rise from an ambiguity to actually adversely affecting or preempting State authority.
2. There does not seem to be an adequate mechanism to assess pending legislation for potential positive impact on the Tribes and the State thus triggering inclusive language.

Over the course of the next few months I will be advancing discussion about the creation of a 1735 b “test” to address these concerns in an orderly and productive way so that constructive thinking can be advanced early on in a particular law’s development. As these conversations take place, I will make every effort to include the appropriate staff as indicated in your letter.

Lastly, I am in the process of reviewing pending federal legislation. When this review is completed, I will be in touch with your office to schedule a meeting in order to review legislation MITSC has decided would benefit both the Tribes and the State of Maine.

Again, thank you for your thoughtful response and for your public service.

Sincerely,

A handwritten signature in black ink that reads "Jamie Bissonette Lewey". The signature is written in a cursive, flowing style.

Jamie Bissonette Lewey, Chair
Maine Indian Tribal-State Commission