

Maine Indian Tribal-State Commission
Monday December 14, 2020
Remote Special Meeting by Zoom
With Audio Stream for Public

Commissioners Present by Zoom:

Paul Downing, Ezekiel Crofton-Macdonald, James Cote, John Cashwell, Bob Checkoway, Kevin Hancock, John Banks, Bert Polchies, Sandi Yarmal, Richard Rosen, Sam St. John

Guests: Sarah Medina, Rep. Rena Newell, John Dieffenbacher-Krall, Judd Esty-Kendall

Staff Present by Zoom: Paul Thibeault (Managing Director)

Public: By audio stream

Welcome

Chairperson Paul Downing welcomed the Commission, guests and members of the public listening by audio stream. Introductions were made by the Commission Members and guests. John Cashwell introduced Sarah Medina as the person soon to be nominated by Governor Mills to fill the vacant seat on the Commission.

Review of Agenda

This is a special with only two agenda items: Approval of November meeting Minutes and continuing discussion of the new MITSC Work Plan. The proposed agenda was reviewed. No changes were made.

Review and Approval of Minutes

The draft Minutes for the November 20, 2020 meeting were reviewed. John Cashwell made a motion to approve the Minutes as drafted. Seconded by John Banks. The Minutes were approved unanimously.

Work Plan Discussion

1. Tribal-State Legislation- After substantial discussion there was a consensus for the Chairperson and Managing Director to seek input from Tribal and State officials regarding the legislative proposals that are introduced in the new legislative session. An effort will be made to identify broad themes and principles from both the Tribes and State such as: whether the current structure has failed or has become outdated; does the current structure work to the benefit of the State and/or the Tribes; should the basis of the Tribal-State-Federal jurisdictional structure in Maine be restored to what it was in the late 1970's after the decisions in the Morton, Bottomly and Dana cases and prior to the 1980 Settlement, i.e. Federal Indian Law; how might that decision be informed by the recent and current experience of Tribes that are not subject to laws

such as restrictive settlement acts and Public Law 280; how should that decision be informed by the actual experience of the Wabanaki Tribes as federally recognized Tribes in the federal era of Self-Determination? After obtaining input, the Chairperson and Managing Director may invite Tribal and State officials to make presentations to MITSC. Then MITSC will deliberate and formulate its positions/recommendations on legislative proposals regarding Tribal-State jurisdiction and the role of MITSC.

2. The Report on the Removal of Article X, Section 5 from Printed Copies of the Maine Constitution- The draft Report was reviewed and discussed. Judd Esty-Kendall responded to questions from the Commissioners about the Report. Richard Rosen made a motion to approve the Report, post it on the MITSC website, circulate it to Tribal and State leaders, and defer decisions on whether to conduct further research until after MITSC receives feedback on the Report. The motion was seconded by Kevin Hancock. The motion was approved unanimously.
3. Wabanaki Studies- Former MITSC Executive Director John Dieffenbacher-Krall provided background on MITSC's substantial past role regarding LD 291 and Wabanaki Studies. He suggested some ways that MITSC could support and enhance current efforts to promote Wabanaki Studies in Maine schools. John Banks recommended that MITSC find out to what extent Wabanaki Studies have been implemented in Maine schools and, if necessary, conduct a survey for that purpose. After discussion, there was a consensus that MITSC will return to an active role in promoting Wabanaki Studies in Maine schools. MITSC will seek collaboration with other entities already engaged in this effort. MITSC will determine to what extent Wabanaki Studies have been included in Maine schools and, if necessary, MITSC will conduct or assist in a survey to obtain that information. To promote the preparation of Maine schoolteachers to teach Wabanaki Studies, MITSC will engage with entities such as the UMaine Board of Trustees, UMO, UMF, the Maine Commissioner of Education, and the Joint Standing Committee on Education and Cultural Affairs.

Tribal-State Consultation/Dispute Resolution- A work group was created. The work group will explore and make recommendations to MITSC regarding possible legislation and Executive Orders. The work group will include Bob Checkoway, Bert Polchies, and the Managing Director. Other Commissioners are welcome to join the work group.

Issues Arising from the Report of the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations- A work group will review the Report and make recommendations to MITSC. The work group will include Bert Polchies, John Banks, and the Managing Director. Other Commissioners are welcome to join the work group.

Scheduling Next MITSC Meeting- There was a consensus that the Managing Director conduct a Doodle poll regarding the date and time for a regular meeting in late January.

Adjournment- Bob Checkoway made a motion to adjourn the meeting. Seconded by Bert Polchies. All voted in favor and Chairperson Downing adjourned the meeting.