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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1413, L.D. 1907, “An Act To Review State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki Tribes”

Amend the bill by striking out the title and substituting the following:

'Resolve, Concerning State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki Tribes'

Amend the bill by striking out everything after the title and inserting the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to identify before the convening of the First Regular Session of the 131st Legislature state-owned lands or waterways that have sacred, traditional or other significance to the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Identification of lands and waterways. Resolved: That the Maine Indian Tribal-State Commission, established in the Maine Revised Statutes, Title 30, section 6212 and referred to in this resolve as "the commission," shall identify state-owned lands and waterways that have sacred, traditional or other significance to the Wabanaki Tribes consisting of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Mi'kmaq Nation.

Sec. 2. Formalized process for transfer or enhanced access. Resolved: That the commission shall determine whether a process to transfer ownership of or provide

COMMITTEE AMENDMENT

1 enhanced access to identified state-owned lands and waterways under section 1 to the
2 Wabanaki Tribes should be formalized, and, if so, what that process should be.

3 **Sec. 3. Report; legislation. Resolved:** That the commission shall submit a report
4 to the Joint Standing Committee on Judiciary by December 1, 2022 detailing the lands and
5 waterways identified pursuant to section 1 and recommendations relating to a formalized
6 process to transfer ownership of or provide enhanced access to the identified lands and
7 waterways. The joint standing committee of the Legislature having jurisdiction over
8 judiciary matters may report out legislation related to the report to the 131st Legislature in
9 2023.

10 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
11 takes effect when approved.'

12 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
13 number to read consecutively.

14 **SUMMARY**

15 This amendment replaces the bill with a resolve directing the Maine Indian Tribal-State
16 Commission to identify state-owned lands and waterways that have sacred, traditional or
17 other significance to the Wabanaki Tribes, which are the Passamaquoddy Tribe, the
18 Penobscot Nation, the Houlton Band of Maliseet Indians and the Mi'kmaq Nation. The
19 commission is required to determine whether a formalized process should be adopted to
20 transfer ownership of or to provide enhanced access to the lands and waterways to the
21 Wabanaki Tribes. The commission is required to submit a report by December 1, 2022 to
22 the Joint Standing Committee on Judiciary. The joint standing committee of the
23 Legislature having jurisdiction over judiciary matters may report out legislation to the 131st
24 Legislature in 2023.

25 **FISCAL NOTE REQUIRED**

26 **(See attached)**