

Maine Indian Tribal-State Commission

Meeting Minutes

Approved July 22, 2019

April 11, 2019 10:00 a.m. - 2:00 p.m.

Cobscook Community Learning Center

10 Commissary Point Rd, Trescott ME 04652

Present: Commissioners John Banks, Bert Polchies, Zeke Crofton-MacDonald, Brian Reynolds, Matt Dana, Roy Partridge, Jamie Bissonette Lewey (Chair); Paul Thibeault (Managing Director) and April Nicholas (Administrative Assistant). Regrets: Commissioner Pos Bassett.

Guests: Sam St. John (incoming Maliseet Commissioner), Ed Bassett (former Commissioner), Janelle Sapiel (Tribal Councilor, Passamaquoddy Sipayik), Vice Chief Maggie Dana (Passamaquoddy Sipayik). Regrets: Chief Marla Dana.

Jamie Bissonette Lewey opened the meeting by welcoming all of the Commissioners and guests. Introductions were completed and the agenda was reviewed. John Banks asked that a discussion of LD 291/Wabanaki Studies be added under new business.

The Minutes from the January 24, 2019 meeting were reviewed.

Motion: Commissioner Bert Polchies motioned to approve the Minutes, John Banks seconded the motion and the Minutes were approved unanimously.

Brian Reynolds introduced Sam St. John who works at HBMI Natural Resources and explained that Sam would be taking Brian's seat and that Brian would be leaving the Commission.

Motion: A motion was made by John Banks and seconded by Bert Polchies to thank Brian for his years of service. Passed unanimously.

Financial Report—The Managing Director Paul Thibeault provided a verbal summary of the written financial report which was previously provided to the Members. Copy to be attached to the Minutes.

Discussion of possible bonding and specifically the need to provide bonding for the check signers.

Action Item: Managing Director was instructed to obtain bonding for check signers.

There was discussion of Externs/Interns and specifically the need for MITSC to comply with terms set by funding entities when they provide financial support for interns.

Motion: A motion was made by Roy Partridge and seconded by Bert Polchies to empower the Managing Director to work with NGO's, Universities, Colleges, Educational and Tribal entities to meet the requirements of intern-extern programs, inclusive of making interns temporary employees of MITSC. Passed unanimously.

We then had a discussion of the WAYS Program (Wabanaki Youth in Science) as a possible source of Interns. Contacts would be Darren Ranco, and Candy at Penobscot Indian Nation. New MITSC member

Sam St. John stated that he is on the WAYS board. Tish Carr at Wabanaki Center is another contact person. Jamie Bissonette-Lewey mentioned possible 2-Generation paid interns through Broadreach.

Action Item: Given that the Commission is looking at natural resource issues, it was suggested that the WAYS (Wabanaki Youth in the Sciences) program be invited to present at the next MITSC meeting. Candy Ewer and Tish Carr direct the program. April to follow up on this.

Managing Director's report: Managing Director Paul Thibeault presented a verbal summary of the written Managing Director Report which was previously provided to the Members. Copy to be attached to the Minutes.

Old Business

Sustenance Issues. The Commission reviewed the outcomes of the meeting in Monticello concerning sustenance issues and the restoration of food fisheries on the St. Croix. Commissioner Banks emphasized that §6207 (8) is a powerful tool regarding State Fish & Wildlife policies. He also drew attention to the State's recent changes in the water quality risk assessments based on what people eat now. Commissioner St. John raised the issue of "historical" fish species that are not present now and their importance in eco-system restoration.

There was a discussion of the reserved rights and the treaty language "as formerly" as it is used in treaties in regard to reserved rights. Penobscot Indian Nation standards are based on historical consumption standards. There was a discussion of discreet/individual tribal issues (such as brown trout) vs. broader sustenance/degradation issues.

Commissioner Ed Bassett pointed out the 1821 Passamaquoddy Petition to the State regarding destruction of fish in the St. Croix. Massachusetts colonial court decisions back in the 1600's and 1700's prevented blocking passage of sea run fish. It was suggested that we get Micah Pawling involved in our working group. Outgoing Commissioner Bassett offered to share his research with MITSC and to continue serving on the working group.

There was a discussion of the historical record describing Passamaquoddy and Penobscot hunting and fishing practices.

Summary of sustenance discussion.

1. Discreet current Fish & Wildlife policies impact.
2. Broader degradation.
3. Sea run fish- are not as poisoned because they spend less time in inland waters. They may provide a better opportunity for sustenance food source in the future.
4. The "as formerly" language in treaties.
5. State research priorities.
6. Discussion of the 1990's MOU between the Penobscots and the State to deal with fishing derbies that were indiscriminately killing fish.

Action Item: It was agreed there should be another sustenance work session in approximately six weeks.

There was a discussion regarding mileage reimbursement for Commissioners.

Motion: John Banks made a motion to amend Section 3. B. of the MITSC bylaws that allows for reimbursements of reasonable expenses incurred by Commissioners to be pegged at the federal

reimbursement rate instead of State employee rate. Since this would be a bylaws change, the decision will be made at the next meeting.

Action Item: Federal funding/participation in MITSC was discussed. The Managing Director was asked to communicate with DOI and BIA regarding possible attendance at a MITSC meeting.

Legislative Committee Report: The Managing Director summarized the work of the Legislative Committee. Two phone meetings were held. Zeke Crofton-MacDonald will replace Brian as HBMI representative on the Legislative Committee. There was discussion of possible MITSC testimony on LD 1134, regarding a set-aside of federal block grants to State of Maine for Tribes and vulnerable communities. John Banks raised the question of whether the proposed bill would interfere with any existing federal grants to Tribes.

Motion: It was agreed that the Managing Director can use prior MITSC work product to fashion testimony on LD 1134. The motion was made by Bert Polchies, seconded by John Banks, and unanimously approved.

Action Item: Regarding the “concept bills” pending in the Maine Legislature with respect to changes to the Maine Implementing Act, it was agreed that it is time for major overhaul and that MITSC should sponsor a workshop this summer on the concept bills, including the future role of MITSC.

Thanking outgoing Commissioners was discussed. It was agreed that this should be done at the first meeting with new State and Tribal Commissioners.

New Business

Staffing-The Managing Director stated that the Administrative Assistant is now working 20 hours per week.

Audit: It was suggested that the planned audit be done in August and cover the end of this fiscal year, FY2019. The Managing Director was directed to bring a specific audit plan to the next meeting.

Personnel Policies: Held over to next meeting. We plan on inviting Lisa Socobasin to the next meeting to discuss options.

Wabanaki Studies: Commissioner Banks led a discussion of LD 291 which, he explained, was a MITSC initiative. There is new Curriculum at Portland Schools. Bridget Neptune is the contact person. There may be a meeting on LD 291 at the Abbe Museum in May.

Action Item: It was agreed that MITSC should do research on what various schools are doing, etc. We will place this on the agenda for the next MITSC meeting. Paul will reach out to people who have been doing the work in Portland.

Adjournment: A motion was made by John Banks to adjourn the meeting and Zeke Crofton-MacDonald seconded it. Passed unanimously.