

**Maine Indian Tribal-State Commission  
Meeting Wednesday February 12, 2020  
10 am - 2 pm  
Room 300 Cross Office Building  
Sewall Street  
Augusta ME, 04330**

**Commissioners Present:** Sam St. John, Zeke Crofton-MacDonald, Richard Rosen, James Cote, John Banks & Jamie Bissonette Lewey (Chair).

**By Phone:** Robert Polchies & Bob Checkoway.

**Staff:** Paul Thibeault (Managing Director), April Nicholas (Administrative Assistant).

**Tribal & State representatives:** Rena Newell (Tribal Representative), Tim Feeley (OAG) Rachel Talbot-Ross (State Representative).

**Guests:** Charles McGillicuddy.

**Welcome: Chair Jamie Bissonette Lewey**

Chair Jamie Bissonette Lewey welcomed the Commission & all other guests present to the meeting. Introductions were made.

**Review of Agenda**

The proposed agenda was reviewed and approved.

**Review & Approval of Minutes**

The Minutes from the November 22, 2019 meeting were reviewed.

**Motion: Commissioner John Banks made a motion to approve the Minutes. Commissioner Zeke Crofton-MacDonald seconded the motion. All voted in favor.**

**Financial Report**

Managing Director Paul Thibeault explained that the narrative corresponding to the Financial Report is the first part of his Managing Director Report. He summarized the monthly and year-to-date financial reports that were provided. He provided the current balances for the checking and savings account.

Paul pointed out that the YTD reports continue to overstate the MITSC expenditures for payroll taxes because of the way that our payroll service submits those payments. He added that Pat Mallar is working on a fix for that in QuickBooks.

Paul provided an update on the hiring for the Research/Projects position. The position has been temporarily filled by contracting for part time researchers. Paul added that we expect to have adequate funding for the part time contract positions through at least May. The supplemental funding request of \$50,000 for FY21 would help us to continue the

contract positions and maintain flexibility instead of committing to a new employee position before MITSC's longer term financial picture becomes more clear.

**Motion: Richard Rosen made a motion to accept the Financial Report. Seconded by John Banks. The motioned passed unanimously.**

### **Managing Director Report**

Managing Director Paul Thibeault referred the Commissioners to his written Report and stated that he would only summarize the report. He stated that some of the items in his report would be addressed later in the meeting as they come up.

Chair Jamie Bissonette Lewey mentioned the need to review and update the Bylaws and the two-step process that must take place to amend them. Jamie recommends that we develop a package of bylaws changes, introduce them a subsequent meeting, and vote on the changes at the following meeting.

**Motion: Richard Rosen made a motion to authorize the Administrative Committee to review the current bylaws and present any recommended changes for updates to the Commission. Seconded by Sam St. John. The motion passed unanimously.**

### ***Committee Meetings:***

The Regulatory and Administrative Committees met separately and then reported back to the full meeting. The Administrative Committee reviewed the audit report more closely, reviewed the supplemental state funding request and discussed the status of the Chairperson search. Paul Thibeault is asking the Commission to approve the audit so we can sign off on it.

**Motion: Richard Rosen made a motion for Managing Director Paul Thibeault to sign off on the acceptance of the audit. Seconded by Robert Checkoway. The motion passed unanimously.**

The Chairperson search was discussed. The list of desired qualifications for the posting of the Chairperson position was discussed. Richard Rosen suggested a press release approach for the Chair position instead of a conventional job advertisement because this is not a paid position. The Commissioners discussed several methods and outlets to widely circulate the posting.

Chairperson Lewey recommended that the timeline for the public announcement of the Chairperson position be delayed until after the legislative session due to the pending legislative process on tribal and MITSC-related bills. There was discussion by several Commissioners resulting in a consensus that the public announcement for the Chairperson position will be made after April 1.

## **Regulatory Committee**

The Regulatory Committee reported that it has met and prepared an outline for the Wabanaki fisheries study pursuant to section 6207(8) of the Maine Implementing Act. The goal is to have a draft report for review by October.

Chairperson Lewey mentioned that the study will include going out to the tribal communities to conduct interviews with tribal members and fisherman asking questions about the evolution of fisheries and all the changes that have transpired over time.

James Cote added that the Regulatory Committee recommends that we involve the relevant state departmental heads. Jamie added that we should focus on their involvement in participation and consultation with the Tribes relating to matters within the scope of the study as outlined. Zeke Crofton Macdonald asked the Commissioners to provide names of people in all the tribal communities who can provide information that will be useful for the study.

## **Old Business**

### **A. Task Force on the Implementing Act – Discuss Report**

Chairperson Lewey and Managing Director Paul Thibeault provided a review of the Task Force process, the consensus Recommendations in the Task Force Report, and the pending legislation that has emerged from the Task Force process. The Task Force Report was written by OPLA (Office of Policy & Legal Analysis), a non-partisan entity that provides its support to all the committees. The Report was released and presented to the Judiciary Committee in January 2020. So far, the Judiciary Committee has prepared three pieces of legislation.

With respect to natural resources issues addressed in the Task Force Report John Banks pointed out that the Penobscot Tribe already contracts with the federal Bureau of Indian Affairs under the Indian Self-Determination Act of 1975 to manage and administer tribal lands. He added that at the time of the Settlement the Tribes understood that the Tribes retained the authority to regulate land use on tribal lands. That has been a source of contention with the State. John also noted that the construction provision in the federal settlement act, MICSA, states that when there is a conflict between the federal act and the Maine Implementing Act, the federal act controls.

Rachel Talbot Ross joined the meeting at 1:35 pm and discussed the Tribal Court VAWA bill that the Tribes have been working on for some time and she gave some input from the OPLA review about that issue. She answered questions from the Commissioners to the best of her knowledge. She added that she was very pleased to see MITSC present in Augusta for a Commission meeting.

Chairperson Lewey stated that she had meant to earlier bring up the issue of an annual salary increase for the Managing Director and she described the proposed increase.

**Motion: Bert Polchies made a motion to approve a pay increase of 3% for the Managing Director effective January 1, 2020. Seconded by Zeke Crofton-Macdonald. The motion passed unanimously.**

**Motion to Adjourn: John Banks made a motion to adjourn the meeting, seconded by Sam St. John. The motion passed unanimously.**

**Meeting ended at 2:23 p.m.**