

**Maine Indian Tribal-State Commission
Tuesday October 13, 2020
Remote Special Meeting by Zoom
With Audio Stream for Public**

Commissioners Present by Zoom:

Ezekiel Crofton-MacDonald James Cote, John Cashwell, Bob Checkoway, Kevin Hancock, John Banks, Bert Polchies, Sandi Yarmal, Richard Rosen.

Staff Present by Zoom: Paul Thibeault (Managing Director)

Public: By audio stream

Welcome: Acting Co-Chair John Banks

Co-Chair John Banks welcomed the Commission and members of the public listening by audio stream. Introductions were made by the Commission Members.

Review of Agenda

This is a special with only two agenda items: Initial discussion of a Work Plan and selection of a new Chairperson. The proposed agenda was reviewed. No changes were made.

Work Plan Discussion

John Banks asked Managing Director Paul Thibeault to lead the discussion. Paul summarized the existing MITSC projects, i.e. the sustenance fishing study and the research on Article X, section 5 of the Maine Constitution. Paul directed the Commissioners to the written list of potential work plan issues and stated that it includes separate lists of Substantive and Internal/Administrative issues. Paul suggested that the Commissioners refer most of the Administrative topics to the Administrative Committee but that the Commissioners discuss the possible formation of a nonprofit entity or collaboration with an existing nonprofit. Bert Polchies expressed strong support for pursuing this project. Kevin Hancock stated that he believes such a nonprofit entity could be used effectively by MITSC to more broadly pursue the Commission's statutory authority to promote the social and economic well-being of Wabanaki communities.

After discussion, there was a consensus to prepare a "roadmap" describing what such an entity or collaboration might look like and how it could be created. Bob Checkoway and Paul Thibeault agreed to work on it, with support from Sandi Yarmal and Kevin Hancock.

John Banks suggested that other Internal/Administrative issues on the work plan list should be reserved until the new Chairperson is in place, and there was a consensus to reserve those issues for the next work planning discussion.

Substantive Work Plan Issues

Legislation- Paul Thibeault summarized the status of the pending Tribal-State bills. Paul noted that all the language in the consultation/dispute resolution bill (LD 2118) proposing an expanded role for MITSC had been removed when that bill was amended. Paul stated that he expects the three pending bills to be reintroduced in some form in the next legislative session. Paul will send the bills to the Commissioners again. Paul posed the question of whether as a work plan project MITSC will formulate positions on the proposed jurisdictional changes to the Maine Implementing Act that resulted from the Task Force and were incorporated into the pending bills. There was discussion as to whether the Commission should wait until the Tribal and State leaders indicate their plans for such bills in the next session. After more discussion there was a consensus that this will be an ongoing issue for MITSC and that Paul Thibeault should attempt to find out what legislative proposals will be made, monitor developments, and work on drafting potential MITSC positions on proposed statutory changes that MITSC could discuss and vote on at a later date.

Paul Thibeault asked the Commissioners whether they want to pursue the proposals that were in LD 2118 but were deleted, or to seek another vehicle to promote Tribal-State consultation and dispute resolution, such as an Executive Order. Paul was asked to provide the Baldacci and Lepage Executive Orders to the Commissioners. The Commission will continue to consider this issue in the ongoing work plan discussion.

In light of the time and need to move on to the Chairperson selection, there was a consensus to defer the remaining work plan discussion to the next meeting and in the interim for Paul Thibeault to provide the Commissioners with more written details on the work plan issues. There was a consensus that development of a Work Plan will be an ongoing process.

Selection of a New MITSC Chairperson

John Banks summarized the search, nomination and interview process.

Motion: Kevin Hancock made a motion to select Paul Downing as the new MITSC Chairperson for a 4-year term. Sandi Yarmal seconded the motion. A roll call vote was conducted. The motion was approved by a unanimous vote of 9 to 0.

The Managing Director was directed to notify Paul Downing of his selection and to notify Tribal and State leaders.

Motion to Adjourn: John Cashwell made a motion to adjourn the meeting. Seconded by Pert Polchies. All voted in favor and the meeting was adjourned.

Motion to Adjourn: Bob Checkoway made a motion to adjourn the meeting. Bert Polchies seconded the motion. The motion passed unanimously, and the meeting was adjourned.