



# MAINE INDIAN TRIBAL-STATE COMMISSION

## MAINE INDIAN TRIBAL-STATE COMMISSION MEETING

**January 9, 2026 — 10:00 a.m. to 2:00 p.m.**

Colby College Greene Block & Studios  
4<sup>th</sup> Floor Convening Room  
18 Main Street, Waterville, ME 04901

*(Parking is available behind Greene Block & Studios, the municipal lot on Front Street on the other side of the Lockwood Hotel, or the municipal lot at the Concourse behind the stores downtown.)*

Remote Access Available Via Public Live Stream:

<https://www.youtube.com/@maine-tribal-state-commission/streams>

(If you are connecting remotely and wish to speak on an agenda item, 48 hours before the meeting, please contact Rachel Bell, Projects Coordinator at [rbell@mitsc.org](mailto:rbell@mitsc.org) or at (207) 271-6654 for the Zoom link.)

### AGENDA

		Page
10:00 a.m.	1. Opening, President Greene's Welcome <i>[invited]</i> , Introductions, Quorum Declaration & Agenda Approval	1
	2. Review and Approval of July 18, 2025 & November 14, 2025 Meeting Minutes (*)	3
	3. Expiration of Chair's Term on January 25, 2026 (*)	11
	4. Administrative Update	13
	5. Update on State-Appointed Commissioner Vacancies	—
	6. Approval of Legislative Involvement Bylaws Amendments (*)	15
	7. Native Voices Rising Grant Project Update— <i>Research Report on Tribal-Municipal River Restoration and Co-Management Opportunities</i> [MITSC Fellow Teresa Singh, JD, LL.M.]	20

(\*) Commission vote needed.

12:00 p.m.

**-- WORKING LUNCH --**

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12:30 p.m.	<b>8.</b>	MITSC Economic Development Study Update & Introduction to Four Directions Development Corporation [ <i>Nichole Francis, Chair, Board of Directors – via Zoom</i> ]	29
	<b>9.</b>	MITSC Fishing Rules Amendments Update	—
	<b>10.</b>	Proposal to Eliminate “Indian” from MITSC’s Name	—
	<b>11.</b>	MITSC Financial & Staff Activity Reports	35

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| 2:00 p.m. | *Mawte: Bound Together* Exhibition Tour, Paul J. Schupf Art Center, 93 Main Street |  |  |

**-- ADJOURNMENT --**

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*Not for release until formally approved  
by the Commission.*

**Maine Indian Tribal-State Commission Minutes**

**July 18, 2025**

**Mi'kmaq Nation Tribal Offices**

**8 Northern Road, Presque Isle, ME**

**Public Live Stream Provided**

**Commissioners Present (In person and by Zoom):**

Robert (Bert) Polchies, Robert (Bob) Checkoway, Nels Kramer, Joseph (Joey) Barnes, Sam St. John, Oshikiyol (Ezekiel) Crofton-Macdonald, Gordon (Nels) Kramer, Darren Ranco, Rena Newell (appeared late), and Newell Lewey (Chair).

**Staff Present:** Jill Tompkins (Executive Director), Rachel Bell (Projects Coordinator)

**Guests Present:** Chief Sheila McCormack, Vice-Chief Teresita Hamel, Naomi Paul (Treasurer, Mi'kmaq Nation), John Oulette (Mi'kmaq Tribal Council Member), John Diefenbacher-Krall (MITSC Consultant), Katie Donlan (PhD. Candidate, University of Colorado),

**Public:** By audio stream

**Meeting began at 10:17 am.**

**Opening:** Chairperson Lewey offered an honoring to the Creator.

**Roll Call/Introductions:** Those in attendance, both in person and on video, introduced themselves.

**Review of Agenda and Declaration of Quorum:** Quorum was not declared initially. Once Commissioner Rena Newell arrived, the quorum was declared. Commissioners reviewed the agenda and made no changes.

**Approval of Minutes:** Review and approval of the June 6, 2025 draft minutes were postponed until later in the meeting due to a lack of quorum.

**Update on State-Appointed Commissioner Vacancies:**

Chairperson Lewey reported that he had reached out to Senator Marianne Moore about possible interest in serving on MITSC but had not heard back. He said he has had no

recent communication with Jerry Reid. Commissioner Checkoway suggested reaching out to Edward French, editor of the Quoddy Tides in Eastport, Maine. Chairperson Lewey said he will connect with Commissioners Rena Newall and Joseph Barnes for their thoughts and input.

**\*Commissioner Newell joined the meeting remotely, and a quorum was achieved.**

**Approval of Legislative Involvement Bylaws Amendments:**

Commissioners reviewed proposed amendments to clarify the legislative subcommittee's role. Commissioner Crofton-MacDonald questioned whether the subcommittee's authority should be limited to monitoring and making recommendations to the full Commission. After significant discussion, a consensus was reached that the subcommittee will monitor legislation and, if a time-sensitive decision is needed, request that the Chair call a special or emergency meeting. It was suggested that the legislative committee meet weekly while the legislature is in session. Jill mentioned that during the last legislative session she prepared summaries and the committee met weekly. Suggestions were made regarding the language in the bylaws, which Jill Tompkins will revise.

It was noted that this discussion will count as the required public hearing in preparation for a vote at the next meeting with forthcoming updates.

**Revisiting Approval of Minutes:** Having achieved a quorum, the Commission reviewed the June 6, 2025 draft minutes.

**1. Motion to approve the June 6, 2025 minutes made by Commissioner Checkoway.**

**Seconded by Commissioner Polchies.** Vote in favor: 9; opposed: 0

**Update on MITSC Archiving Project & Freedom of Access Act Training:**

Jill Tompkins updated the commission on the collaboration with Fogler Library and the Maine State Archives, as well as on the development of record retention schedules. Representatives from the three groups met on July 16, 2025, at the Fogler Library to discuss next steps in processing the forty-five (45) boxes of MITSC materials. Jill distributed FOAA training materials for commissioners to read.

**BREAK – Lunch provided by the Mi'kmaq Nation**

**MITSC Fishing Regulations Summit (8/28/25 – UMO Mitchell Center):**

For the sake of the meeting's guests, Jill Tompkins explained MITSC's statutory responsibilities and the process MITSC is currently undertaking to update its fishing rules. Jill Tompkins and Rachel Bell discussed the upcoming fishing regulations summit to be held on August 28, 2025, at the University of Maine at Orono's Mitchell Center. Rachel Bell recently sent a formal invitation to the tribal biologists, and many have already agreed to attend. The summit will include the following topics for discussion: licensing, GIS mapping, identification of MITSC-regulated waters, fish stocking, and the designation of heritage waters. Commissioners noted the importance of printing regulations in a single rulebook for the sake of anglers.

**Launching Plans for SEA RUN—The Audiobook:**

The *SEA RUN* audiobook is nearing completion. A soft launch is planned for the Common Ground Fair with discussion of a possible official launch on Indigenous Peoples' Day. John Dieffenbacher-Krall (MITSC Contractor) made a presentation to the group outlining a proposed communications and media plan for the roll-out of the audiobook. Rafi Hopkins (MITSC Contractor) is ensuring accessibility for download. Rachel Bell and Rafi Hopkins will lead event planning and outreach in coordination with John and Jill.

**Financial, Grant Projects & Staff Activity Reports:**

Jill Tompkins reported on available grant funds. Some vendor bills are still outstanding, and the state allocation has not yet been received. She will submit the request and reconcile electronic transactions. Jill and Rachel shared updates on video production and administrative improvements. Commissioners were referred to the staff and financial reports contained in the meeting materials for additional details.

**Proposed Meeting Schedule:**

The Commission agreed to the following 2025-2026 meeting schedule:

November 14, 2025 – Passamaquoddy Tribe at Sipayik (Gym/Cafeteria)

January 9, 2026 – Augusta

MITSC Meeting Minutes

July 18, 2025 Meeting

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April 10, 2026 – Penobscot Nation

July 17, 2026 – Motahkomikuk (Indian Township)

October 9, 2026 – Houlton Band of Maliseet Indians

**Next MITSC Meeting:** November 14, 2025, Sipayik

**2. Motion to adjourn made by Commissioner Crofton-MacDonald.**

**Seconded by Commissioner Polchies.** Vote: In favor 9; opposed 0.

**Meeting ADJOURNED.**

*Not for release until formally approved  
by the Commission*

**Maine Indian Tribal-State Commission Minutes**

**November 14th, 2025**

**Passamaquoddy Tribal Offices**

**22 Bayview Drive, Perry, ME 04667**

**Public Live Stream Provided**

**9:00 a.m. - State of Maine Judiciary Committee Meeting** (streaming). The Commission gathered to watch the Committee's discussion on "Recent Developments in Tribal Law in Maine and Overview of Proposals in LD 395 and LD 785."

**Commissioners Present (In person and by Zoom):**

Robert (Bert) Polchies, Robert (Bob) Checkoway, Nels Kramer, Joseph (Joey) Barnes, Samuel (Sam) St. John, Oshikiyol Ezekiel (Zeke) Crofton-Macdonald, Gordon (Nels) Kramer, Darren Ranco, and Newell Lewey (Chair).

**Commissioners Absent:** Rena Newell

**Staff Present:** Jill Tompkins (Executive Director), Rachel Bell (Projects Coordinator)

**Guests Present:** Chief Pos Bassett, Vice-Chief Teresita Hamel, Rafi Hopkins (MITSC Consultant), Teresa Sighn (MITSC Fellow)

**Public:** By audio stream

**Meeting began at 10:04 a.m.**

**Opening:** Chairperson Lewey offered an honoring to the Creator.

**Roll Call/Introductions:** Those in attendance, both in person and on video, introduced themselves.

**Review of Agenda and Declaration of Quorum:** Quorum was not declared. Commissioners reviewed the agenda and made no changes.

**Approval of Minutes:** Review and approval of the July 18, 2025 draft minutes were postponed due to a lack of quorum.

### **Update on State-Appointed Commissioner Vacancies:**

Chairperson Lewey reported that he had spoken with the Governor's Senior Legal Counsel, Jerry Reid, in July, but no progress had been made on new appointments.

### **Expiration of Chair's Term on January 25, 2026:**

There was discussion about the upcoming expiration of the Chair's term. Chair Lewey expressed openness to serving another term.

### **SEA RUN—The Audiobook Launch & Press Coverage Report:**

Rafi Hopkins and Rachel Bell shared a presentation of slides and videos from the event, including statistics they had gathered about its impact and reach. Rafi reported 54 people registered in advance, but approximately 90 attended. The event had 15 livestream viewers, seven volunteers, three commissioners and Chief Francis as a speakers, and three gubernatorial candidates in attendance.

Rachel Bell noted that three news stations covered the event, resulting in television features ranging from 2 to 8 minutes, and at least seven newspaper articles. The event significantly increased MITSC's online presence with 89 new newsletter subscribers, 2,200 new website visitors, and 283 plays of the audiobook on SoundCloud. The team considered the event a great success in raising awareness about SEA RUN's important message.

### **MITSC Financial & Staff Activity Reports [Jill Tompkins & Rachel Bell]**

Jill Tompkins provided comprehensive updates on MITSC's finances, grants, and ongoing projects. She reported that MITSC now has eight funding sources, including the state appropriation, tribal contributions, and multiple grants. She noted some challenges with accounting, as MITSC is not a 501(c)(3) and uses Cobscook Institute as its fiscal sponsor.

Rachel Bell reported on website updates and social media engagement.

Jill Tompkins discussed the ongoing development of the Wabanaki Cultural Competency Training for state employees. MITSC plans to create videos of each tribal community as part of the training materials. The project needs assistance from the tribal commissioners to identify cultural advisors and appropriate filming locations in each community.



## **Native Voices Rising Grant Project Update-- Wabanaki Food Sovereignty Through Sustenance Fishing Restoration [MITSC Fellow Teresa Singh]**

Teresa Singh shared a PowerPoint presentation summarizing the work she has been doing during her fellowship with MITSC. She explained her research comparing how sustenance/subsistence is defined across jurisdictions and identifying creative frameworks in tribal laws elsewhere. She presented her findings on legal remedies for contaminated fisheries, noting significant barriers in Maine due to the Settlement Act.

## **BREAK – Lunch**

## **Approval of Legislative Involvement Bylaw Amendments [Jill Tompkins]**

The Commissioners reviewed proposed bylaw amendments regarding the legislative committee. Jill Tompkins went over the changes highlighted in the materials. The committee members present agreed with the proposed changes, but formal voting was deferred due to the lack of a quorum.

## **Update on Wabanaki Studies Program Implementation [Brianne Lolar and Kaya Lolar]**

Brianne Lolar from the Department of Education and her daughter, Kaya Lolar, discussed Wabanaki studies curriculum development and the upcoming Youth Policy Initiative focused on engaging Wabanaki youth in policy advocacy.

## **MITSC Fishing Regulations Update [Commissioner Checkoway]**

Commissioner Checkoway provided updates on the MITSC fishing rules amendment process, noting progress on GIS mapping and emphasizing the positive state-tribal cooperation.

**Proposal for MITSC Report on Wabanaki Business Enterprises [Commissioner Checkoway]**

Commissioner Checkoway shared his idea for a potential research project on tribal business enterprises to highlight the economic contributions of tribal nations.

**Motion to go into Executive Session made by Commissioner Kramer. Seconded by Commissioner St. John.**

Vote: In favor, 5; opposed, 0. The Commission went into executive session for the remainder of the meeting.

**Meeting adjourned at 2:07 p.m.**

**Maine Indian Tribal-State Commission  
Tuesday, January 25, 2022  
Remote Meeting by Zoom  
With Audio Stream for the Public**

**Commissioners Present by Zoom:**

Joseph Barnes, Sarah Medina, Sandra Yarmal, Ezekiel Crofton-Macdonald, Darren Ranco, James Cote, Bob Checkoway, John Cashwell, Richard Rosen, Sam St. John, Bert Polchies

**Staff Present by Zoom:** Paul Thibeault (Managing Director), Rachel Bell (Projects Coordinator)

**Guests Present by Zoom:** Judson Etsy-Kendall, Representative Rena Newell, Michael-Corey Hinton

**Public:** By audio stream

**Review of Agenda**

The draft Agenda was reviewed. One item regarding the Remote Meetings Policy was deferred to the next meeting.

**Approval of Minutes-** Commissioners reviewed minutes from September 15, October 22, and December 21, 2021.

**Motion: James Cote made a motion to approve all three sets of minutes as drafted.**

**Seconded by Sarah Medina. Motion approved unanimously.**

**Financial Report-** Paul Thibeault summarized the written financial report and shared that spending continues to be below projections. He reported that the audit was done in early December and should be finalized early January. There were no questions.

**Managing Director Report-** Paul Thibeault referred Commissioners to the written report outlining administrative work and other projects that took place from November 17th to the present.

**Motion: James Cote made a motion to approve the Financial Report.**  
**Seconded by Sarah Medina. The motion was approved unanimously.**

**Chairperson Vote:** Interim Chair, Bob Checkoway briefly summarized the recommendations made by the Administrative Committee to appoint candidate Newell Lewey as the chairperson for a four-year term.

**Motion: Bob Checkoway made a motion to appoint Newell Lewey as the new Chairperson. Seconded by Bert Polchies. The motion was approved unanimously.**

**Sustenance Study Update:** Judson Etsy-Kendall provided an update on the present status of the Sustenance Fishing Study, a draft of which is nearly complete. Commissioners were encouraged to read this most recent draft of the report and offer feedback.

**Proposal to Approve Work Plan:** Paul Thibeault referred Commissioners to the Work Plan and proposed that they formally approve it.

**Motion: Bert Polchies made a motion to approve the Work Plan. Seconded by Bob Checkoway. The motion was approved unanimously.**

**LD 1626, Review Provisions that Would Directly Involve MITSC:** Reference was made to the staff-generated document summarizing the provisions in LD 1626 that would directly involve MITSC. It was discussed that the scope of this would be better suited for the focused attention of the Legislative and Policy Committee.

**Motion: Bob Checkoway made a motion to refer further discussion on provisions of LD 1626 that would directly involve MITSC to the Legislative Policy Committee. Seconded by Sarah Medina. The motion was approved unanimously.**

**Update from Representative Rena Newell:** Representative Newell shared a list of upcoming bills involving Tribal-State relations which MITSC should be aware of and may want to take positions on.

**Holtrachem Case:** Bob Checkoway provided information on the current status of the longstanding Holtrachem case involving mercury contamination in the lower Penobscot. It would appear that both the Penobscot Nation and MITSC should have roles as stakeholders with respect to the remediation process. There was also discussion about recent and ongoing issue of PFAS-contaminated leachate from the Juniper Ridge Landfill making its way into the Penobscot River.

**Proposed Meeting Schedule:** There was a brief discussion of the proposed meeting schedule for the upcoming year, with a decision that the next regular meeting will be held in March. MITSC staff were directed to schedule this next meeting after first consulting with the new chairperson.



### **Executive Director's Administrative Report**

- ◆ Termination of Cobscook Institute Lease effective 1/30/26
- ◆ Lease of Orono-Old Town Self Storage Locker 517
- ◆ Storage & Disposition of MITSC Property
- ◆ Change of Address to: P.O. Box 386, Old Town, ME 04468-0386
- ◆ Bookkeeping Transition: Contract with Vicky Pouliot, High Impact Business Solutions



# High Impact Business Solutions

*Vicky Pouliot, Owner*

The following enter this contract consisting of administrative support including but not limited to bookkeeping services via Quickbooks Online. Services shall include but not limited to transaction categorization, bank reconciliations, balance sheet reconciliation, payroll allocations, bill pay processing, quarterly financial document preparation for board members, 1099 submission and review of financial reports to maximize tax benefits.

***Vicky Pouliot, DBA High Impact Business Solutions, along with Jill Tompkins, Representative for Maine Indian Tribal-State Commission.***

Services will be performed in an honest and agreeable manner with a fee of \$400.00 per month. Payment to Vicky Pouliot shall be disbursed as a contracted 1099 service.

All work for the above-mentioned client will be completed in a timely manner.

Both parties shall hold each other harmless. All information shall be kept confidential between the two parties.

Signed and agreed upon on this \_\_\_\_\_ day of January 2026.

Vicky Pouliot, Owner

High Impact Business Solutions

\_\_\_\_\_  
Jill Tompkins, Representative

Maine Indian Tribal-State Commission

## **Bylaws of the Maine Indian Tribal-State Commission**

*(As amended on June 6, 2025)*

The Maine Indian Tribal-State Commission is established pursuant to the Maine Implementing Act (30 MRSA §6212.) The Commission serves as a joint tribal-state governing body with authority principally of an advisory nature.

### **I. Organization**

**A. Membership.** The Commission consists of thirteen full-voting members, six appointed by the Governor of the State, subject to review by the Joint Standing Committee on Judiciary and confirmation by the Legislature, two each appointed by the Houlton Band of Maliseet Indians, Passamaquoddy Tribe and the Penobscot Nation, and a Chair selected in accordance with the procedure specified in section I-E.

**B. Participation of Other Federally Recognized Maine Tribes.** All federally recognized tribes that do not belong to MITSC under 30 MRSA §6212 are invited to participate in MITSC as official observers.

### **C. Terms.**

1. Other than the Chair, each member appointed by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, or the Penobscot Nation shall serve for a term of three years.
2. The first six appointments made by the Governor after November 23, 2024, the Governor will appoint two members for a term of two years, two members for a term of three years, and two members for a term of four years. Thereafter, each member appointed by the Governor shall serve for a term of three years.
3. Each member may be reappointed.
4. The Chair serves a four-year term, except when appointed for an interim term as specified in section I-E. The Chair may be reelected.

**D. Vacancies.** In the event of death, replacement, resignation, or disability of any member or the Chair, the appointing authority may fill the vacancy for the unexpired term.

**E. Chair.** The Commission, by a majority vote of its twelve members, shall select a person who is a resident of the State to act as Chair. In the event that Commission members are unable to select a Chair within 120 days of the expiration of the Chair's term or the occurrence of a vacancy, the Governor of the State, after consulting with the Chiefs of the Houlton Band of Maliseet Indians, Penobscot Nation and Passamaquoddy Tribes, shall appoint an interim Chair for

a period of one year or until such time as the Commission selects a Chair by a majority vote of its twelve members, whichever is sooner.

**F. Quorum; Vote.** Nine members shall constitute a quorum, and no decision or action shall be valid unless seven members vote in favor of such decision or action. No matter substantially affecting any particular government will be acted on without at least one representative from the affected government present.

In the event that a seat on the Commission becomes vacant for 3 months, either because a government has not filled it or a government has formally indicated that it has decided to suspend participation, then the MITSC will suspend the usual quorum requirements as follows until such a vacancy is filled:

Each vacancy will reduce the quorum, and the number of commissioners required to carry a vote by one.

The requirement that any potentially affected government(s) be present during the discussion and vote remains in place.

When the MITSC is operating under these circumstances the following process will be adhered to:

1. All governments and MITSC commissioners will be notified and apprised of the reasons when the MITSC operates at a reduced quorum.
2. As required under MITSC Bylaw II. D new questions or issues presented to the MITSC will not be acted upon until a subsequent public meeting. These pending decisions or motions will be sent to the governments and nonparticipating commissioners. The number of commissioners required to carry a vote may suspend this bylaw.

**G. Call of Meetings.**

1. **Regular Meetings.** The Commission shall meet no less than quarterly each year on such dates and locations as set by its members.
2. **Special Meetings.** The Chair or any seven members of the Commission may call a special meeting. There shall be seven days' notice given to the members prior to a meeting.
3. **Emergency Meetings.** The Chair may call an emergency meeting when a time-sensitive issue must be addressed or an immediate decision by the Commission is necessary. Notice shall be given in ample time in a manner reasonably calculated to allow public attendance. In the event of an emergency, local representatives of the media shall be notified by the same or faster means used to notify the Commission's members.

**H. ~~In addition,~~** Notice of all meetings, including location, date, time, and the



identity and phone number of a contact person who may be contacted for more information, shall be placed in the Legislative Calendar and sent to the Commissioners, Tribal Governors-Chiefs, Tribal Representatives to the Maine Legislature, and Tribal Ambassadors. Councils.

- I. Conduct of Meetings.** All meeting proceedings shall be open to the public. Only members of the Commission may request that an item be placed on the agenda for discussion. As to each agenda item, the Chair or another member will define the issue to be discussed, then members may discuss the item, then the Chair may open the discussion up to the public for their comments within the limits of available time, then further discussion may be held by members only, and then a vote may be taken. The Chair and the Commission members are expected to be physically present at Commission meetings, except when being physically present is not practicable. Circumstances in which physical presence is not practicable include:
1. An emergency, urgent issue, or illness;
  2. Temporary absence from the State of Maine;
  3. Significant distance a member must travel, or impediments to travel such as inclement weather; and
  4. Other circumstances as determined by the Chair.
- J. Remote Participation in Meetings.** Meetings may be conducted by remote methods in accordance with this section. "Remote methods" means use of interactive technology that enables meeting participation through live, two-way communication which may be audio-only such as telephone, or video and audio such as an online video conferencing platform.
1. When one or more members participate in a meeting remotely, the public will be provided remote access, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities. If an opportunity for public input is allowed or required during a meeting with remote participation, an effective means of communication between the members and the public will be provided.
  2. Notice of any Commission meeting with remote participation will be provided according to Section I(G). Additionally, notice of a Commission meeting with remote participation will state how members of the public may access the meeting remotely and a location for the public to attend in person unless there exists an emergency or urgent issue that requires an all-remote meeting as determined by the Chair.
  3. A member who participates in a Commission meeting remotely is present for purposes of a quorum and voting.

distribute copies of the requests to Commissioners. MITSC will not act upon motions relating to a request until a subsequent meeting, open to the public, is scheduled, publicly announced, and held. This bylaw may be waived only if, after a discussion of the underlying substantive motion, eight members of the Commission vote in favor of a procedural motion to proceed to an immediate vote.

**F. Participation in Legislative Activities**

As part of its role in advising the State of Maine Legislature, it may be necessary or desirable for the Commission to participate in the State of Maine's legislative process. The Commission may provide written and oral testimony at a public hearing, answer questions posed during a work session, or participate in meetings or informal negotiations intended to reach a compromise.

1. **Criteria.** It is necessary to establish guidelines for when the Commission may become directly involved in the legislative process. The Commission may participate in legislative proceedings when a bill:
  - a. Is submitted on the Commission's behalf;
  - b. May impact the Commission's statutory authority, responsibilities, funding, or operations;
  - c. Mentions the Commission in its text;
  - d. Involves subject matters within the Commission's authority, expertise, or work plan;
  - e. Has been identified as a tribal priority by tribal leadership, and a request has been made for the Commission to participate;
  - f. May affect all Wabanaki tribal nations located within what is known as the State of Maine;
  - g. Concerns a matter of interest to the Wabanaki nations and their citizens, and a request has been made by the Governor or legislative leadership of the State of Maine; or
  - h. Has been otherwise determined by the Commission to warrant its involvement.
2. **Legislative Committee and Procedure.**
  - a. Early in the legislative session, but not prior to cloture, the Commission will identify proposed bills that meet the criteria established by II(F) herein.
  - b. The Chair shall call a meeting to determine which bills the Commission

will participate in the legislative process. A quorum is necessary for a valid vote to be held.

- c. Following the Commission's decision on the bills it will address, a Legislative Subcommittee comprised of Commissioners shall be established.
  - d. The Legislative Subcommittee shall monitor the bills' progress and shall meet as necessary throughout the legislative session. The Legislative Subcommittee is empowered to make decisions on matters that require quick responses or actions. The subcommittee will report back immediately to the entire Commission by email. If more formal Commission direction or approval is necessary, the Chair may call a special or emergency meeting.
3. **Testimony.**

When the Commission has determined that written and/or spoken testimony is to be offered at a bill's public hearing, the Chair shall submit the testimony. The Chair may delegate the responsibility of providing testimony to a Commissioner with specific expertise on the bill's subject matter or to the Executive Director.

### **III. Operations**

- A. Budget.** The Commission shall operate on a July 1 to June 30 fiscal year.
- B. Per Diems and Expenses.** Services that are eligible for per diem payments shall include participation in Commission meetings and Commission committee meetings. For purposes of per diem payments remote attendance at Commission meetings and committee meetings will be treated the same as in-person attendance. Reasonable documented expenses will be reimbursed for Commission meetings and Commission committee meetings. Reasonable documented expenses for attendance by Commissioners at other MITSC- related proceedings and events will be reimbursed on request if authorized by the Chairperson or at a Commission meeting. Commission members shall be paid \$75 per day for their services and shall be reimbursed for reasonable expenses including mileage at the applicable rate for business use of an automobile set by the U.S. Internal Revenue Service. Upon the vote of the Commission, the Chair also may be paid a supplementary stipend for his/her services each month.
- C. Personnel.** The Commission shall employ or contract with such personnel as it deems necessary and desirable in order to effectively discharge its duties and responsibilities. The Commission may establish a job description for its personnel.
- D. Financial Reports.** At each meeting, the Commission shall receive from its personnel or the Chair a statement of current financial condition.

## I. EXECUTIVE SUMMARY

1. The memorandum answers three questions:
  - a. The scope of municipality powers under Maine law (**Section II**);
  - b. The ways in which these powers may be leveraged to enhance control over fisheries (**Section III**); and
  - c. Unresolved interactions of the Wabanaki Nations' Rights and the municipality status conferred under the Settlement Acts (**Section IV**).
2. The legal backdrop for exploring these issues in Maine should be stated briefly. Following over a century of state denial of the Wabanaki Nations' (the Nations')<sup>1</sup> sovereign status, the federal government, through a series of cases,<sup>2</sup> confirmed their status, and set the stage for them to dispute a range of illegal transactions with the state and other parties, which had shrunk their land base, decimated their natural resources and undermined their inherent powers to self-govern.<sup>3</sup> Maine was compelled to resolve the land claims following the intervention of the federal government and the capacity of any impending land claim, based on the applicability of the *Trade and Intercourse Act of 1793*,<sup>4</sup> to disturb title to two thirds of the land which now comprised the state.<sup>5</sup> In October 1980, the state, federal government and representatives of the Penobscot Nation and Passamaquoddy Tribe concluded negotiations which resulted in a settlement package, codified as state and federal law.<sup>6</sup> The settlement secured the Penobscot Nation, Passamaquoddy Tribe and the Houlton Band of Maliseet Indians settlement and land acquisition funds, in addition to the rights to acquire further land and resources, under strict

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<sup>1</sup> This term is used throughout to refer to the four federally recognized tribes in Maine, being the Houlton Band of Maliseet Indians, Mi'kmaq Nation, Penobscot Nation, and the Passamaquoddy Tribe. The Passamaquoddy Tribe includes the Passamaquoddy Tribe at Motahkomikuk and the Passamaquoddy Tribe at Sipayik.

<sup>2</sup> Joint Tribal Council of the Passamaquoddy Tribe v. Morton 388 F. Supp. 649, 667 (D. Me. 1975), *aff'd*, 528 F.2d 370 (1st Cir. 1975); State v. Dana (1979); Bottomly v. Passamaquoddy Tribe (1979)

<sup>3</sup> Brandon Dodds, *Old Habits Die Hard: How the Maine Indian Claims Settlement Act Perpetuates Settler Colonialism and Denies Indigenous Sovereignty* 74 EMORY LAW JOURNAL ONLINE 68 (2025).

<sup>4</sup> An Act to Regulate Trade and Intercourse with the Indian Tribes, and to Preserve Peace on the Frontiers, ch. 19, 1 Stat. 329 (1793).

<sup>5</sup> Michael-Corey Francis Hinton, *Symposium Keynote: Isolation and Restraint Maine's Unique Status Outside Federal Indian Law* 75(2) MAINE LAW REVIEW 226, 237 (2023).

<sup>6</sup> Maine Indian Claims Settlement Act of 1980 ('MICA'), Pub. L. No. 96-420, 94 Stat. 1785 (1980) (formerly codified at 25 U.S.C. §§ 1721-1735); Act to Implement the Maine Indian Claims Settlement, P.L. 1979, ch. 732, §§ 1-31 (codified at ME. REV. STAT. tit. 30, §§ 6201-6214). The question of whether the tribes in fact consented to the final agreement is seriously challenged. *See generally*, Dodds, *supra* note 3, at 69, 73-74.

controls.<sup>7</sup> Later, the Mi'kmaq Nation settled their outstanding claims consistently with the less favourable treatment received by the Houlton Band of Maliseets.<sup>8</sup> Collectively, these Acts ('Settlement Acts') re-established state control over the Nations, restricting their recently recognised jurisdiction and putting Maine out of step with the general position under Federal Indian law across the U.S.<sup>9</sup>

3. One of the most controversial aspects of the jurisdictional arrangement established under the Settlement Acts, included the treatment of some of the Nations as municipalities. The relevant provision provides that the Passamaquoddy and Penobscot, in their respective Indian territories, "have . . . all the rights, privileges, powers and immunities . . . and are subject to all the duties, obligations, liabilities and limitations of a municipality."<sup>10</sup> A similar, though not identical, status was later separately conferred on the Mi'kmaq Nation.<sup>11</sup> The status amounts to a conferral of local police power on the Nations.<sup>12</sup> As yet there has been no comprehensive exploration of what may arise from that status, despite the breadth of Maine's unique "home-rule" municipality law featuring prominently in deliberations over the Settlement Acts' passage.<sup>13</sup>
4. The municipality designation sits uneasily with the other rights and powers of the Nations over land and water resources, recognized pursuant to the Settlement Acts and available under general law. The scope of these other rights is as follows. First, the Nations hold various kinds of land within what is now known as Maine: reservation, trust or fee. Most of these holdings sit within municipal boundaries. However, ordinary municipal power,<sup>14</sup> and

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<sup>7</sup> MICSA §§ 5(a)-(c) (formerly codified at 25 U.S.C. § 1724(a)-(c)). The Houlton Band of Maliseets did not receive a Settlement Fund, only a land acquisition fund and related land tax fund. See Houlton Band of Maliseet Indians Supplementary Claims Settlement Pub. L. 99-566, Oct. 27, 1986, 100 Stat. 3184, § 3.

<sup>8</sup> Aroostook Band of Micmacs Settlement Act, Pub. L. No. 102-171, 105 Stat. 1143 (1991) §§ 4(a), 5(a); Mi'kmaq Nation Restoration Act ('MNRA') (codified at ME. REV. STAT. tit. 30, §§ 7201-7210).

<sup>9</sup> See generally, Hinton, *supra* note 5.

<sup>10</sup> ME. REV. STAT., tit. 30, § 6206(1) (recognizing Penobscot Nation and Passamaquoddy Tribe possession of powers and duties of a municipalities under Maine law).

<sup>11</sup> MNRA § 7205(2).

<sup>12</sup> Maine v. Johnson, 498 F.3d 37, 44 (2007).

<sup>13</sup> S. Report No. 96-957, at 14-15 (1980), [http://congressional.proquest.com:80/congressional/docview/t49.d48.13330\\_s.rp.957?accountid=1131](http://congressional.proquest.com:80/congressional/docview/t49.d48.13330_s.rp.957?accountid=1131) (In response to concerns raised with the Committee considering MICSA, that "the settlement amounts to a "destruction" of the sovereign rights and jurisdiction of the Passamaquoddy Tribe and the Penobscot Nation," the Senate Report notes "the Maine Implementing Act grants to the Passamaquoddy Tribe and Penobscot Nation the state constitutional status of municipalities under Maine law. In view of the "homerule " powers of municipalities in Maine, this also constitutes a significant grant of power to the tribes.")

<sup>14</sup> ME. REV. STAT., tit. 30, § 6206.

municipal power to regulate hunting, trapping and fishing activities within these parcels of land, and where they are riparian or coastal, the intertidal and submerged lands they encompass, is displaced in lieu of the Nations' authority.<sup>15</sup> The Nations retain these powers over their *Indian Territories*, which encompass reservations and trust lands acquired in designated areas.<sup>16</sup> Second, the Nations possess sustenance fishing rights within their reservations,<sup>17</sup> and according to a recent ruling, also hold these rights to surrounding waters, such as the Penobscot River Main Stem.<sup>18</sup> The scope and content of these rights, and the legal actions or collaborative agreements they may sustain are presently unclear.<sup>19</sup> There is a reasonable argument to be made that should the sustenance fishing right be construed as a right to allocation of fish harvest, as has occurred elsewhere in the U.S., this would attract rights to water upon which that natural harvest depends,<sup>20</sup> and possibly a stake in shared fisheries, which may compel comanagement with the state.<sup>21</sup> These are largely hypothetical legal questions at this stage. Third, with respect to *all* tribal lands that border bodies of water, comprising trust, fee and reservation parcels, the Nations possess the rights of ordinary riparian and littoral owners under Maine law,<sup>22</sup> which typically encompass ownership of beds to the thread of certain streams,<sup>23</sup> reasonable use rights of instream

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<sup>15</sup> ME. REV. STAT., tit. 30, § 6207 (Penobscot Nation and Passamaquoddy Tribe); MNRA § 7206 (Mi'kmaq Nation). Houlton Band of Maliseets do not possess municipality status pursuant to Maine law.

<sup>16</sup> ME. REV. STAT., tit. 30, §§ 6205(1)(A)-(F), 6205(2)(A)-(B).

<sup>17</sup> ME. REV. STAT. tit. 30, § 6207(4).

<sup>18</sup> See, *Penobscot Nation v. Frey*, 3 F.4th 484 (1st Cir. 2021).

<sup>19</sup> See, *Penobscot Nation v. Frey*, 3 F.4th 484, 506 - 508 (1st Cir. 2021) (claim of interference with sustenance fishing rights not ripe, based in part on evidence led by state as to policy of non-interference with tribal fishing in the main stem).

<sup>20</sup> See, 1 WATERS AND WATER RIGHTS § 9.06, note 1417.

<sup>21</sup> See discussion, Bethany R. Berger, *Intertribal: The Unheralded Element in Indigenous Wildlife Sovereignty*, 48 Harvard Environmental Law Review, 1, 16 (2024) (discussion of the formation of co-regulatory power with state and necessity to form North West Indian Fisheries Commission in the wake of Boldt litigation); 1 Cohen's Handbook of Federal Indian Law § 9.03 ("Treaties may provide a foundation for co-stewardship and in some cases mandate it. Indian treaties that reserve Indian rights on what are now federal lands provide a basis for tribal nations to negotiate co-stewardship agreements to secure those rights. As the Department of the Interior has noted, a leading example is treaties between tribal nations in the Pacific Northwest and the United States that reserved off-reservation tribal fishing rights. These treaties required a management regime that would secure up to half of salmon harvests for tribes. Exercising their authority to develop equitable remedies to protect federal rights, Article III courts ordered that the federal government, state governments, and tribal governments would collaborate in the management of the salmon fisheries. As a result, tribal management is robust.")

<sup>22</sup> Report of the Maine Legislature's Joint Select Committee on Indian Land Claims ¶14 (April. 1980) ("Any lands acquired by purchase or trade may include riparian or littoral rights to the extent they are conveyed by the selling party or included by general principles of law.")

<sup>23</sup> Riparian owners of *non-tidal* streams own the river beds, the submerged lands, of these streams, to the middle of the stream, subject to public trust rights. See, *McFarlin v. Essex Co.*, 64 Mass. 304, 309-310 (1852); *In re Opinions of the Justices*, 118 Me. 503, 118 Me. 523, 106 A. 865, 868-869 (1919); *Warren v. Thomaston*, 75 Me. 329 (1883); *Brown v. Chadbourne*, 31 Me. 9, 9 (1849); *Pearson*

flows,<sup>24</sup> and in coastal areas, ownership of intertidal lands to the low-water mark.<sup>25</sup> Despite the plethora of rights retained by the Nations, judicial interpretations to date suggest rights recognized under the Settlement Acts will be narrowly construed, and this may also apply to the burden they impose on municipal authority in Maine over rights to fisheries, aquaculture, mariculture and shoreland use.<sup>26</sup>

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v. Rolfe, 76 Me. 380, 385-386 (1884). Riparian owners of tidal rivers or great ponds retain title to the low water mark and reasonable use rights of the surface water only, as the beds are held in the public trust by the State, and navigable rivers may be subject to other federal servitudes. *See*, Maine Water Resources Management Board, *Report of the Legal Framework Subcommittee*, 4-5 (Jan. 1991) <http://legislature.maine.gov/doc/8972>.

<sup>24</sup> *Kennebunk, Kennebunkport, and Wells Water District v. Maine Turnpike Authority*, 145 Me. 35 (1950); *In re: Opinions of the Justices*, 118 Me. 503 (1919); *Stanton v. Trustees of St. Joseph College*, 233 A.2d 718 appeal after remand 254 A.2d 597 (Me. 1967) (riparians retain qualified use rights and privileges to access, use and benefit from the waters they abut, for all purposes which the water may be reasonably applied); Daniel A. Tarlock, *Law of Water Rights and Resources* (Clark Boardman Co. Ltd., June, 1990) (riparian rights include “the right to use the water for domestic purposes, including irrigation, to make impoundments for water power, to wharf out (to build docks or piers for the purpose of navigation or other riparian pursuits), to use the surfaces of lakes and streams for fishing, hunting and other forms of recreation, to enjoy the view over the water and to take title to accretions (deposits of land along the owner's shoreline.)”

<sup>25</sup> Ryan B. Stoa, *The Coastline Paradox*, 72 Rutgers U. L. Rev. 351, 390 (2020) (“Traditionally, coastal property owners enjoyed certain littoral rights related to the coastline. These included the right to have the water remain in place, the right of access, the right to wharf out, and the right of free use.”). The position is modified in Maine, with private coastal upland owners typically holding title to adjacent intertidal land, meaning between the mean high and low water mark (Massachusetts Colonial Ordinance of 1641-47); ME. REV. STAT. tit. 12, § 571 (confirms continued force of this ordinance and the public trust rights to access the intertidal zone which burden ownership of these lands). *See* discussion, Maine Sea Grant Program, *Public Shoreline Access in Maine: A Citizen's Guide to Ocean and Coastal Law* (Aug. 2016).

<sup>26</sup> Alternative models are apparent nearby in Massachusetts where, early on, conferrals of authority to municipalities over fishing rights were expressly burdened by persisting tribal privileges to dig for shellfish and harvest eels and clams for personal and family consumption. *See*, St. 1795, c. 71, § 5 (“Provided that nothing in this act shall extend to deprive any native Indians of the privilege of digging shell fish for their own consumption ...”), repealed and codified at Rev. St. (1836), c. 55, § 15; St. 1933, c. 329, § 50 (“any native Indian without a permit, may (noting that Commonwealth has, for over three centuries, maintained an unceasing “special relationship with the Native American people of the region,” and ordering that “State agencies shall deal directly with” appropriate tribal council on matters affecting the Mashpee, Gay Head Wampanoag and other Wampanoag, and Nipmuc Indians”); Mass. H.R. Res. 172<sup>nd</sup> Gen. Ct. (1982) (“Resolutions Recognizing and Protecting the Ancient and Aboriginal Claim of the Indians of the Commonwealth”, recognized aboriginal rights to hunt and to fish for sustenance); *Com. v. Maxim*, 429 Mass. 287, 289-290 708 N.E.2d 636, 638-639 (1999) (discussion of these sources). While these rights do not expressly encompass more developed commercial usages such that they are a complete expression of historic and continued use, the legal legacy of their recognition is borne out in contemporary state and local policy and planning in Massachusetts. *See e.g.*, Massachusetts Division of Marine Fisheries and the Pembroke Herring Fisheries Commission, *Massachusetts Sustainable Fishery Management Plan for River Herring – Herring Brook, Pembroke, MA*, 11 (Aug. 2025) [https://asmfc.org/wp-content/uploads/2025/08/MA\\_RiverHerring\\_HerringBrook\\_SFMP\\_Aug2025.pdf](https://asmfc.org/wp-content/uploads/2025/08/MA_RiverHerring_HerringBrook_SFMP_Aug2025.pdf); Town of Mashpee, *Mashpee Harbour Management Plan [DRAFT]*, 109-110 (Jun. 2025) <https://www.umb.edu/uhi/mashpeeharborplan/>. *See also*, Emma Glassman-Hughes, *The Mashpee Wampanoag Work With a Cape Cod Town to Restore Their Fishing Grounds* (Dec. 2024) <https://civileats.com/2024/12/11/the-mashpee-wampanoag-work-with-a-cape-cod-town-to-restore->

5. A previous review commissioned by MITSC queried, without answering, whether the concept of municipal status and inherent sovereignty are reconcilable in small or large ways.<sup>27</sup> The foundational issues with the municipality designation being applied to sovereign nations, as a national and historic anomaly, is well observed and requires no further exposition here. This memorandum instead highlights the breadth of municipal authority in Maine which is, in theory, available to the Nations and explores some of the untraversed interactions of these laws with the Nations unique status. The memorandum concludes by assessing the places where municipal status may be pushed to its fullest limits, to advance some smaller reconciliation of the concept of tribal sovereign control and municipal authority, while the larger battle to overturn municipal status continues to be waged by the Nations continues.<sup>28</sup>
6. The key findings of the research are as follows. First, **Section II Background to Municipal Power in Maine**, revealed that municipalities possess broad and liberally construed suite of authorities pursuant to the home rule principle. Second, **Section III Municipal Reach into Coastal Areas and Fisheries**, exposed an array of entry points for municipalities to control the use of certain fisheries and shorelands to better protect and prepare these resources for climate and other socio-economic impacts on the communities which depend upon them. The need to leverage the full range of protective measures held by municipalities to rebuff unwanted users and projects may be slightly diminished in that the nation exclusively owns and controls all land within its

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their-traditional-fishing-grounds-and-ecosystem/ (discussing the Town of Mashpee and the Wampanoag Tribe efforts to develop a harbour management plan that includes the opening up of traditional Indigenous pathways, which have been landlocked and privatized over time, to the water, for public access). Accordingly, tribal members in Massachusetts are less constrained, at least formally, in exercising fishing privileges at customary sites and incidental rights of access without state or town approvals. See, *Com. v. Maxim*, 429 Mass. 287, 289 708 N.E.2d 636(1999). This has not led to a harmony of uses and access entitlements on the ground however. See discussion, Emma Glassman-Hughes, *On Cape Cod , the Wampanoag Assert Their Legal Right to Harvest the Waters*, (Aug. 21, 2024) <https://civileats.com/2024/08/21/on-cape-cod-the-wampanoag-assert-their-legal-right-to-harvest-the-waters/#:~:text=The%201999%20case%2C%20Commonwealth%20v,the%20sustenance%20of%20their%20families.%E2%80%9D; See also, Mashpee Wampanoag Tribe, Mashpee Wampanoag Tribe Aboriginal Rights, https://static1.squarespace.com/static/59ca33c0f09ca4a9c58455a9/t/5e0df003bb6d5e7d707ac2eb/1577971716099/MWT+Aboriginal+Rights+Quick+Sheet.pdf> (reiterating the tribes' position).

<sup>27</sup> Nicole Friederichs, Amy Van Zyl-Chavarro & Kate Bertino, *The Drafting and Enactment of the Maine Indian Claims Settlement Act: Report on Research Findings and Initial Observations* (2017) 28-30, <https://legislature.maine.gov/doc/3003>.

<sup>28</sup> L.D. 395 (132nd Legis. 2025) ('An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations'); L.D. 785 (132nd Legis. 2025) ('An Act to Enact the Remaining Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act').



territories and there is a restriction on alienation built into the titles,<sup>29</sup> however many of these tools would assist in proactive planning and safeguarding against indirect impacts of users authorised by the state or neighbouring municipalities to adjoining resources. Third, **Section IV Unexplored Interactions with Wabanaki Nations' Rights**, identified the existing overlapping rights of the Nations recognized pursuant to the Settlement Acts and available at general law that diminish the utility of some of the municipal powers canvassed. The great strides the Nations are making through various creative legal and policy arrangements surrounding fisheries well demonstrate the point. However, several opportunities to expand the Nations' oversight of coastal and riverine areas are identified, including the possibility to improve the geographic reach of their ordinances, options to formalise knowledge sharing of ideas, approaches and information with other tribal communities in the management of fisheries, utilisation of statutory causes of action to address lingering environmental contamination, liberating food sharing practices through joint food sovereignty ordinances and the development of emergency measures to deal with environmental crises. The legal uncertainties surrounding the uptake of some of these authorities and responsibilities are also noted. Further the research revealed some capacity for settler municipalities to integrate the Nations' interests by amending charters to allow for their "non-resident" use or, following examples set in Boulder, meaningfully into their open space and conservation policies.<sup>30</sup>

## II. BACKGROUND TO MUNICIPAL POWER IN MAINE

7. This section sets out the general position of municipalities as recognized under Maine law. Their status arises from a mix of constitutional, statutory and common law. This section provides the general backdrop to certain specific powers which relate to fisheries, that will be analysed in-depth in **Section III**.

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<sup>29</sup> See discussion, PENOBSCOT NATION'S LAWS AND ORDINANCES, ch. 10, § 2-4 ("A third potential threat to the quality of lakes and great ponds is that caused by overdevelopment and faulty subsurface sewage disposal systems. The potential for such overdevelopment is probably greatest in other parts of the State where there are multiple ownerships and possibly many substandard, pre-existing lots. However, the Penobscot Nation has control over the Trust Lands under its jurisdiction and can take steps to ensure that assignments are made only where the soil is suitable for subsurface sewage disposal. The Nation can also impose greater restrictions on the use of land where lake water quality may be at issue, as is the case at Round Mountain Pond. The Nation is not constrained by issues of taking without just compensation because the Federal Government holds the land in trust for the Penobscot Nation. Therefore, the Penobscot Nation can keep entire water bodies and parts of other water bodies in an undeveloped state without fear of legal challenge by disgruntled landowners.")

<sup>30</sup> City of Boulder, *City-Tribal Nation Agreements* <https://bouldercolorado.gov/city-tribal-nation-agreements>.

8. First, Maine is unique in the degree of autonomy its local municipalities possess, holding a special authority known as *home rule*. Pursuant to this authority, and in contrast to many other states, municipalities retain the rights to control their local affairs which have not been expressly or implicitly denied them.<sup>31</sup> At a state level, this doctrine emulates, in effect not rationale, the reserved rights doctrine which occupies Federal Indian Law.<sup>32</sup>
9. To support stronger and more efficient municipal government free from undue state interference, and in an effort to shift from the historical “grant approach to one providing for some local autonomy,”<sup>33</sup> the Maine Constitution was amended, enshrining home rule as supreme law in Maine.<sup>34</sup> The amendment directed the legislature to prescribe procedures for municipalities to effect their home rule power.<sup>35</sup> The legislature subsequently took up this task this following year, enacting the *Home Rule Act* (‘enabling legislation’).<sup>36</sup> These provisions established the procedures for municipalities to amend and revise

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<sup>31</sup> *Int'l Paper Co. v. Town of Jay*, 665 A.2d 998, 1001 (Me. 1995) (“Pursuant to the broad home rule authority set forth in 30-A M.R.S.A. § 3001 (Pamph. 1994), the Legislature has conveyed a plenary grant of the state's police power to municipalities, subject only to express or implied limitations supplied by the Legislature. *School Comm. of Town of York v. Town of York*, 626 A.2d 935, 938 (Me. 1993”); *Bird v. Old Orchard Beach*, 426 A.2d 370, 372 (Me. 1981) (“we note that municipalities in relation to matters which are local and municipal in character have been granted “home rule” so-called by the Constitution of the State and that, by virtue thereof, they possess broad powers of legislation and administration of their affairs, provided there exists no express or implied prohibition by the Constitution or the general law. The statutory implementation of the constitutional home rule provision so confirms. *See Schwanda v. Bonney*, Me., 418 A.2d 163, 167 (1980). Thus, reading the constitutional and statutory provisions together, we can say that municipalities in local and municipal affairs may exercise any power or function granted them by the State Constitution, the general law or the municipal charter, not otherwise prohibited or denied expressly or by clear implication by the constitution, the general law, or the charter itself”).

<sup>32</sup> *U.S. v. Winans*, 198 U.S. 371, 381 (1905) (“[t]reaties reserving hunting, fishing, and gathering rights over previously owned tribal lands do not constitute a ‘grant of rights to the Indians, but a grant of rights from them – a reservation of those not granted.”)

<sup>33</sup> Robert W. Bower Jr., *Home Rule and the Pre-Emption Doctrine: The Relationship Between State and Local Government in Maine*, 37 Me. L. Rev. 313, 338 (1985).

<sup>34</sup> ME. CONST. art. VIII, pt. 2, § 1 (“The inhabitants of any municipality shall have the power to alter and amend their charters on all matters, not prohibited by Constitution or general law, which are local and municipal in character. The Legislature shall prescribe the procedure by which the municipality may so act.”)

<sup>35</sup> *City of Bangor v. Diva's, Inc.*, 830 A.2d 898, 2003 Me. LEXIS 59 (Me. 2003).

<sup>36</sup> P.L. 1969, ch. 563 (formerly codified at ME. REV. STAT., tit. 30-A §§ 1911-1920). These provisions were repealed by P.L. 1987, ch. 737, pt. C, §106 and ordinance power was reinserted in amended form at ME. REV. STAT., tit. 30-A §§ 3001 (Any municipality, by the adoption, amendment or repeal of ordinances or bylaws, may exercise any power or function which the Legislature has power to confer upon it, which is not denied either expressly or by clear implication, and exercise any power or function granted to the municipality by the Constitution of Maine, general law or charter. 1. Liberal construction. This section, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to effect its purposes. 2. Presumption of authority. There is a rebuttable presumption that any ordinance enacted under this section is a valid exercise of a municipality’s home rule authority. 3. Standard of preemption. The Legislature shall not be held to have implicitly denied any power granted to municipalities under this section unless the municipal ordinance in question would frustrate the purpose of any state law.”)

create a hospitable legal environment to experiment with ordinance making to support fisheries restoration and Wabanaki lifeways practices.

## V. CONCLUSION

46. This novel research pulled apart the notion of “municipal status” which has hung over the Nations in Maine with unease since it was conceived under the Settlement Acts. It was discovered that home rule authority is a “virtually wholesale delegation of the state police power,”<sup>231</sup> which elevates the role of municipalities in environmental matters by empowering local governments to enact ordinances, promulgate regulations, implement programs and policies, permit activities and projects, manage and conserve natural resources, transact with land users and plan for future land use and development.<sup>232</sup> Importantly, most of this latitude is premised on the municipality enacting standards more stringent than the state and will always be subject to pre-emption analysis, limiting the possibility for fractious policies or programs that may better serve the Nations interests. However, the stringency requirement however may suit the Nations, allowing for protection of additional values and interests not contemplated by settler legal systems, and alternative framings of relations to resources, such as recognizing primary water sources as relatives as the Penobscot do the Penobscot River.<sup>233</sup>

47. This analysis demonstrates that municipalities retain several key authorities related to the management and protection of fisheries, including the operation of shellfish conservation programs and primary authority over shoreland zoning. These could be powerfully leveraged to erect more comprehensive, detailed and integrated conservation and restoration programs, which travel across municipal boundaries resulting in more effective and enduring management. While the necessity of these controls to rebuff incompatible uses within Indian territories is a less prominent reason for adoption, as the Nations retain exclusive control over these lands and resources, they may still provide a clear and registrable line of defence and basis for objection to indirect impacts which flow from users and uses approved in adjacent lands and waters.

48. With details now furnished as to how municipalities can root themselves as key players in addressing complex environmental problems, the Nations may consider whether any of these authorities are suited to their ongoing restoration work and

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<sup>231</sup> Gregor I. McGregor, Esq., *Environmental Issues*, MASSACHUSETTS MUNICIPAL LAW § 13.1.1 (MCLE, Inc. 2024).

<sup>232</sup> Gregor I. McGregor, Esq., *Environmental Issues*, MASSACHUSETTS MUNICIPAL LAW § 13.1.1 (MCLE, Inc. 2024).

<sup>233</sup> See, Sunlight Media Collective, *This River is Our Relative* (Apr. 24, 2023) <https://sunlightmediacollective.org/this-river-is-our-relative/>.

stewardship goals. If so, the rights and responsibilities affirmed in the Maine statutes provide a grounded example of authorities Maine law has recognized municipalities retain. Attempts by the Nations to take up similar functions would be difficult to rebuff on that basis.<sup>234</sup> There is no principled reason as to why the Nations should not benefit from that body of law, as it is clarified and expanded upon over time. However, living within all municipal power is the right of state pre-emption and in many cases state review, making them a far more fragile, though cooperative, form of right than the reserved rights the Nations retain by virtue of their status as sovereign nations. With respect to the latter however it should be noted that the legal contests surrounding these rights and the intended operation of the Settlement Acts are, as has been demonstrated many times, unpredictable.

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<sup>234</sup> The legislative record surrounding enactment of the Settlement Acts is clear that all rights, privileges and duties of municipal status belong to the Nations under Maine law. *See, supra* note 13.



December 19, 2025

Chief Clarissa Sabattis  
Houlton Band of Maliseet Indians  
88 Bell Road  
Littleton, ME 04730

Via email to: [tribal.chief@maliseets.com](mailto:tribal.chief@maliseets.com) & [csabattis@maliseets.com](mailto:csabattis@maliseets.com)

RE: MITSC Proposed Report on Tribal Businesses in Maine

Dear Chief Sabattis:

The Maine Indian Tribal-State Commission (MITSC) is preparing a report on tribally-owned business enterprises in Maine. MITSC's enabling statute directs the Commission to "continually review the effectiveness of [the Implementing] Act and the social, economic and legal relationship" between the member tribal nations and the State, and to "make such reports to those tribes and the Legislature as it determines appropriate." MITSC has published several reports on aspects of tribal-state relationships but hasn't examined the special economics of the tribal nations and the State, which have changed over the last 45 years.

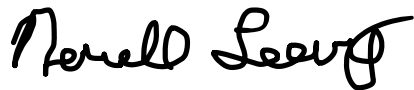
Driven in part by their inability to raise government revenue through taxation, tribes across the U.S. have increasingly turned to business development to support themselves and their citizens. This aspect of tribal sovereignty is now coming to the forefront of nationwide study, as you can see in the recent report of the Center for Indian Community Development, "*New data showcase the breadth of tribally-owned businesses*," <https://www.minneapolisfed.org/article/2025/new-data-showcase-the-breadth-of-tribally-owned-businesses>. MITSC would like to develop this kind of information for the Wabanaki tribes residing in Maine.

The contemplated report will not be lengthy or complex, but will instead succinctly inform legislators, tribal communities, and the public about this emerging area. Commissioners Robert (Bob) Checkoway and Darren Ranco, and Executive Director Jill Tompkins will conduct the research and draft the report.

The Commission has two requests. First, your assistance in identifying active tribal businesses. Both USET and the Maine Center for Economic Policy have published lists of Wabanaki tribally-owned enterprises, but neither is complete. Once the existing tribal enterprises are identified, input from tribal managers or officers describing the nature of each business and its operations will be necessary. To be meaningful, information must be gathered about the business' history, the number of employees, products or other outputs, and gross sales. Challenges that the business has faced would also be of interest. MITSC would like to learn how Maine's existing legal structure, which differs from the customary federal model, has affected the development of these businesses and others. Second, MITSC would like your tribal nation's approval of the report's concept and an agreement to participate in the study. Upon request, we would be happy to provide you with a list of the proposed study questions.

Please reply to this email ([jill@mitsc.org](mailto:jill@mitsc.org)) to let us know if your tribal nation is willing to participate in the MITSC economic development study. If you have any questions or would like additional information, please don't hesitate to contact Jill Tompkins at [jill@mitsc.org](mailto:jill@mitsc.org) or (207) 726-8555.

Woliwon,

A handwritten signature in black ink, appearing to read "Newell Lewey". The signature is fluid and cursive, with the first name "Newell" and last name "Lewey" clearly distinguishable.

Newell Lewey, Chair  
Maine Indian Tribal-State Commission



## FOUR DIRECTIONS

DEVELOPMENT CORPORATION

*To improve the social and economic conditions of the Wabanaki tribes in Maine - the Maliseet, Micmac, Passamaquoddy, and Penobscot – through education and investment in affordable housing, tribal business ventures, and Native entrepreneurship.*

January 2026

### Introduction to FDDC



FOUR DIRECTIONS  
DEVELOPMENT CORPORATION

FDDC is a Wabanaki-led **nonprofit Native Community Development Financial Institution** certified by the U.S. Department of Treasury

Created by the Penobscot Nation in 2001 as an independent entity that **serves Wabanaki tribes and citizens**

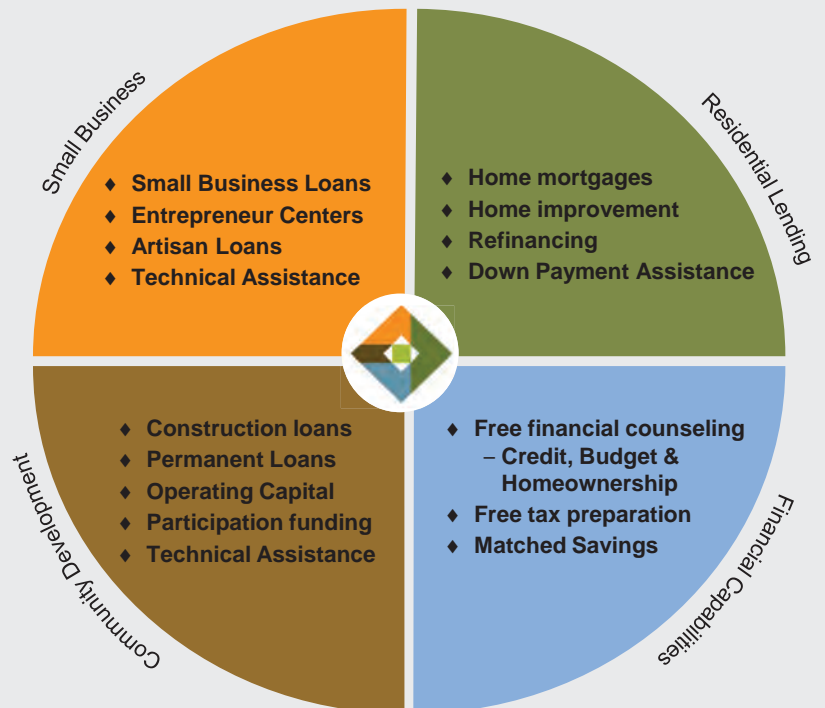
**Provides vital resources and tools for nation-building** after centuries of privation and its consequences

Possesses the **strategic capacity and historical performance** to increase impact

**Uniquely positioned** to provide Wabanaki level programs and technical assistance

## Core products and services

- Community development for facilities, housing and business development
- Small Business for growth and tribal citizen success
- Residential lending for safe and quality homeownership
- Financial counseling for borrower readiness



3

## Results: Our Impact

### Our Impact

- **\$24.7 Million Loaned**
  - \$ **5.1M** Community Development  
85 Affordable Elder/Single Family Homes and Community Facilities
  - \$ **1.8M** Small Business, **41** Businesses
  - \$ **17.82M** Housing / **271** Families
- **1,725** Individuals counseled/group education
  - 1708** Free Tax Returns
  - \$555.1K** Earned Income Tax Credits
  - 419** Tribal citizens served via community visits
- **Wabanaki Level Formal Outreach Programs**
  - Housing Circles, Industry Summits, Data, Community Days





## Data Insight: Tribal Survey 2020

*Sovereignty rated the top motivation for strategic decisions*


Survey Objectives	Economic and community development status	Key Highlights	<ul style="list-style-type: none"> <li>– 100% have housing waiting lists</li> <li>– 12%-60% unemployment range</li> <li>– 36%-65% poverty level range</li> </ul>
	Development activities, interests, needs and barriers		<ul style="list-style-type: none"> <li>– 51%-100% federal funding dependency range</li> <li>– 75% of tribal business are not generating revenue</li> <li>– Barriers noted were capital and workforce related</li> <li>– Interest areas related to natural resources (e.g., fisheries, forestry products, food)</li> </ul>
	Wabanaki level (tribal wide) initiative interest		<ul style="list-style-type: none"> <li>– Interest was high for inter-tribal development (e.g., Cultural Tourism)</li> </ul>
	Value and importance of FDDC current offerings and needs for new products and services		<ul style="list-style-type: none"> <li>– FDDC programs and services rated very important and valuable</li> <li>– Need for business development/technical assistance rated extremely important</li> </ul>

Additional information on the impacts of the MICA: <https://ash.harvard.edu/resources/economic-and-social-impacts-of-restrictions-on-the-applicability-of-federal-indian-policies-to-the-wabanaki-nations-in-maine/>

5

## Data Insight: Small Business owners and non-business owners 2022



Survey Objectives	Identify capital, business support, training / counseling and business function needs	Key Highlights	<p>All Respondents</p> <ul style="list-style-type: none"> <li>– 49% equipment or working capital loans</li> <li>– 47% assistance with writing business plan</li> <li>– 33% assistance with marketing /sales (promotion, market research, pricing, etc.) training</li> <li>– 31% bookkeeping support</li> <li>– 28% tax planning</li> </ul> <p>Respondents who do not own a business were</p> <ul style="list-style-type: none"> <li>– 2X likely to need lending for equipment or working capital, 65% vs. 32%</li> <li>– 3X likely to need business planning assistance, 53% vs. 21%</li> <li>– 2X likely to need training related to marketing and sales</li> </ul>

6

Through funding support from individuals, foundations, state and federal grants, FDDC works across all the tribes to deliver programs, services and support on strategic initiatives.

**Wabanaki Consortium Plan**

- ✓ Intertribal strategic alignment
- ✓ Comprehensive Economic Development Strategy (CEDS)

**Tribal Broadband**

- ✓ FDDC Tribal Liaison and Regional BB Partners
- ✓ Tribal Broadband Grants

**Cultural Tourism Strategic Plan**

- ✓ Certification
- ✓ Asset Inventory and Gap Analysis
- ✓ Strategic Plan

**Small Business**

- ✓ Artisan Fund
- ✓ Business Development/Native Entrepreneur Centers
- ✓ Federal Contract Access
- ✓ Small Business and NEC Support

**Community Development**

- ✓ CEDS Development
- ✓ Housing Development
- ✓ Feasibility Support

**Lending Capital**

- ✓ Residential, Business and Community Capital

## Action areas and work to be done

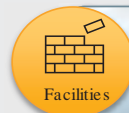
### Housing and Communities



- Housing Needs Assessments
- Rehabilitation Funding



- Safe housing



- New community facilities
- Transitional Housing
- Treatment Facilities

### People



- Youth programs
- Childcare Program Development



- Workforce Assessment and Development
- Entrepreneurship Centers and Workshops



- Leadership, Council and Board Development

### Economic



- Revenue stream creation
- Economic Sovereignty
- Capital and Equity Financing



- Economic Planning
- Corporate Structure
- Business Advisory Services

### Industries



- Hospitality Development
- Wabanaki Cultural Tourism



- Agriculture/Aquaculture
- Forestry Products
- Food and Water Sovereignty



## MAINE INDIAN TRIBAL-STATE COMMISSION

### Staff Report

November 13, 2025 – January 2, 2026  
(Submitted for the January 9, 2026 meeting)

By: Jill E. Tompkins, Executive Director  
Rachel Bell, Projects Coordinator

### Summary

During this period, the primary foci of the staff's work were taking steps to terminate the MITSC office lease, transferring the post office box, advancing the Wabanaki Cultural Competency Course, wrapping up Teresa Singh's fellowship, and planning for Colby College to host the January 9, 2026.

### Since the last meeting

Below are some of the accomplishments of this reporting period (if you would like a copy of any document referenced herein, please request it):

#### General MITSC Matters

1. Jill discussed **termination of the lease** for the MITSC space at the Cobscook Institute. She gave the Institute written notice on December 2, 2025, that MITSC would vacate the office and storage space on or before January 30, 2026. Pat will move the financial records to her home office. Jill and Rachel inspected the remaining MITSC property. Most of it is older audiovisual equipment, which has been replaced with newer equipment. Unless the Commission provides otherwise, Rachel will photograph each item, and Jill will list them on Facebook Marketplace for sale at a reasonable price. Any funds received will be deposited in MITSC's bank account. Jill has been communicating with Wanda Alley of Brown, Holmes & Milliken to ensure MITSC's liability coverage stays in place. Jill is investigating the need for business personal property coverage for each home office, since both Rachel and Jill are using MITSC-owned laptops and printers.
2. MITSC's **new mailing address** is: P.O. Box 386, Old Town, ME 04468. A **new storage locker** to securely store MITSC property has been leased at Orono-Old Town Self Storage, #517.
3. The **Maine State Archives** received a broad request for records regarding the establishment of the Truth & Reconciliation Commission. Maine State Archivist Christian Cotz contacted Jill and Greg Curtis, UMO Folger Library. Chris requested a meeting to discuss how to handle such a request, given that the MITSC collection has not been fully processed or evaluated for confidentiality. The meeting will take place on January 7, 2026, at 11:00 a.m. Jill has already started researching MITSC files for the requested documents.
4. Jill has drafted the text for the 2024-2025 **MITSC Annual Report**. Rafi suggested that we use the same designer who worked on the *SEA RUN* publication. The text is now with the designer.
5. The **Fishing Rules Working Group** continues to make progress on the updates. The MITSC-member tribes have consented to share tribal GIS data regarding their lands with the State of Maine IF&W

Department. Jerrod Parker of IF&W reported that he has everything he needs to conduct the necessary analysis and generate maps of waters within MITSC's jurisdiction. He has several complex projects he is working on that may be completed by mid-January; after that, he can turn his attention to the maps. He said that if it's only a few new areas, he may be able to just add them to the previous analyses, which would save a lot of time.

6. Jill has identified a bookkeeper, Vicky Pouliot, owner of High Impact Solutions, who is knowledgeable in QuickBooks Online and will be able to assist with completing the transfer of transactions from the desktop version and setting up the system for future work. Pat Mallar's contract expires on June 30, 2026. The Commission will be asked to consider a contract with Vicky at its January 9, 2026 meeting.
7. During the 131<sup>st</sup> Legislature, amendments were made to Public Law Chapter 717, establishing a Data Management and Governance Practice "to promote consistent collection of racial and ethnic demographic data to promote equity through informed data-driven decision making in future state policies and laws."

## GRANT WORK

### ***Elmina Sewall Foundation Grant – "MITSC Outreach Enhancement Project"***

1. The **Elmina Sewall Foundation** grant deliverables for the "MITSC Outreach Enhancement Project" are complete. On January 5, 2026, Jill submitted a voluntary close-out memo to the Foundation. The project might be highlighted in the first Sewall 2026 E Newsletter.

### ***Broad Reach Fund – "Wabanaki Cultural Competency Training"***

1. Work continued on the development of the Wabanaki Cultural Competency Training. Jill and Rachel met on December 17, 2025, and closely reviewed the latest version of the syllabus forwarded by WPH&W. The staffs of MITSC and WPH&W met on December 18, 2025, and reviewed the combined product. It is anticipated that the curriculum will be finalized at the next meeting on January 15, 2026.
2. There was a discussion with WPH&W about the process of conferring with tribal cultural advisors. WPH&W advocated for selecting a single tribal representative who their tribe has already delegated as a cultural expert to review the draft curriculum. This approach would deviate from the plan set out in the grant application, which was to consult with a group of five tribal citizens from each MITSC-member community. At the November 18, 2025 meeting, the Commission informally agreed to help in identifying appropriate cultural advisors.

### ***Common Counsel Foundation Native Voices Rising – "Wabanaki Food Sovereignty Through Sustenance Fishing Restoration"***

1. Recent Columbia University LLM graduate **Teresa Singh** has been working as a Fellow with MITSC. Teresa has researched and drafted three substantive reports on (1) the Wabanaki concept of sustenance, (2) alternative tribal approaches to defining sustenance, (3) possible approaches to substituting toxic traditional sustenance fisheries, and (4) identifying successful tribal-municipal river restoration and management models. Teresa's fellowship concluded on December 24, 2025, and she has returned to Australia. Nonetheless, she agreed to appear by Zoom to give a presentation on her final report.
2. Some background research on the historical Wabanaki understandings of the concept of sustenance was conducted for the *SEA RUN* study. With funding from this grant, Judd Esty-Kendall will delve

deeper into the research and produce a scholarly report that sheds light on the pre-contact and treaty-period Wabanaki concept of sustenance fishing. Jill will follow up with Judd to get this work underway.

3. The Native Voices Rising grant provides funding for Judd and Tony to give public presentations on *SEA RUN*. The staff continues to seek out opportunities to present.

### ***Maine Initiatives – “Improving Effectiveness in Racial Justice Advancement”***

1. This unrestricted grant is intended to provide infrastructure to MITSC as an organization that works to advance racial justice by addressing the systemic factors that oppress Wabanaki people.
2. On September 24th, 2025, LD 999, “An Act to Include Employees of the Maine Indian Tribal-State Commission in the State’s Group Health Plan . . .” became effective. The State’s benefit policies need to be updated to reflect the statutory change. Currently, funds from this grant are being used to provide MITSC staff with private insurance coverage.
3. Jill has started communicating with Rebecca Kirk, Contract Coordinator, Office of Employee Health, Wellness & Workers’ Compensation, State of Maine Bureau of Human Resources, about adding MITSC employees to the state employee group health plan. A question has arisen as to whether the statutory amendment was intended to include dental and vision insurance, as well as health insurance. There is also a question about whether MITSC employees will be required to contribute to the premium costs. Rebecca will confer with others in her office about the answers to these questions.

## **Challenges**

1. MITSC has four state-appointed Commissioner vacancies, making it very hard to achieve a meeting quorum and depriving the Commission of those alternative perspectives. The 132<sup>nd</sup> Legislature’s second regular session will start on the first Wednesday after the first Tuesday of January 2026, January 7th, 2026. Given the additional Commission meetings required to consider legislation, it will be challenging to achieve a quorum on short notice consistently.
2. To comply with the new records retention standards, MITSC needs to implement a network that securely and efficiently stores all MITSC digital materials. This project will require funding for a consultant. Given the public nature of MITSC records, it is anticipated that the Commission staff will receive increased requests for information. There is minimal staff time or funding available to properly archive 42 years of MITSC records, which is necessary to conduct timely searches.
3. To ensure the MITSC fishing rules are geographically comprehensive, new maps of MITSC waters must be developed. This project will require technical collaboration between state and tribal natural resources and GIS professionals that exceeds the MITSC staff’s capabilities.

## **Questions to ponder**

- Before a new MITSC logo is designed, should MITSC’s name remove the word “Indian”? (This would be consistent with the changes implemented by the Maine Wabanaki Studies Program legislation.)
- Which MITSC commissioners will be willing to assist the Chair and the Executive Director in developing and delivering testimony on upcoming legislation?

## Commission decisions to make at the next meeting

1. What process should be adopted for re-electing or electing the MITSC chair when the current Chair's term expires?
2. Should legislation be proposed to remove the word "Indian" from the Commission's name?

## A big thank you

Many people and organizations go above and beyond to support and assist MITSC; they deserve our appreciation.

- Gratitude to Teresa Singh for her scholarship and dedication to producing reports that will help to guide MITSC and MITSC-member tribes in the future. Appreciation to Columbia University for the fellowship that funded most of Teresa's salary for 26 weeks.
- Thank you to the Cobscook Institute and Shaun Haskins, Co-Executive Director and Director of Development for your partnership, serving as MITSC's fiscal sponsor, and allowing MITSC to lease space.



**State of Maine – Data Management and Governance Practice (DMGP)**  
**Stakeholder Meeting Summary**  
**Thursday, December 11, 2025, 1:00 – 2:00 p.m.**  
**MS Teams**

***‘Helping shape DMGP strategic objectives to improve transparency and accountability’***

- **Introduction and Legislation Context:** Michael introduced the meeting and shared a link to legislation related to data governance in Maine ([title1sec547.pdf](#)). He explained the amendment allowing the Commissioner of the Department of Administrative and Financial Services to have a designee, Raja, the Chief Data Officer, to perform certain activities. The legislation emphasizes engaging with external stakeholders for equity, transparency, and accountability.
- **Team Introductions:** Michael, Raja, and Kara introduced themselves and their roles in the Data Management and Governance Practice program. Participants from various organizations introduced themselves and their roles.
- **Data Governance Roadmap:** Michael and Raja discussed the five-phase roadmap for implementing data governance at the statewide level. They are currently in the policies and standards phase, working on an enterprise-level executive data governance policy and planning to create agency-specific policies next year. They also mentioned the importance of data cataloging and data literacy training.
- **Data Sharing Agreements:** Michael highlighted the need for standardized data sharing agreements across state agencies. He mentioned the inconsistencies found in current agreements and the efforts to create guidelines and templates to ensure uniformity and compliance with legal requirements.
- **Sensitive Data Management:** Raja discussed the collaboration with the Infosec office to classify sensitive data across agencies. They plan to start with data cataloging and identifying sensitive elements, such as PII and PHI, to ensure data privacy and security.
- **Impact on Non-State Agency Partners:** Michael and Raja explained how the new data governance strategies might impact non-state agency partners. They mentioned the potential changes in data sharing agreements, data cataloging, and the need for standardized data formats. They emphasized the importance of collaboration and communication with agency leaders.



- **Meeting Cadence and Stakeholder Input:** Michael sought input from participants on the meeting cadence and the best way to organize future meetings. He suggested having two stakeholder meetings a year and asked for feedback on whether to include all groups or focus on subsets.
- **Focus on Equity, Transparency, and Accountability:** Michael emphasized the importance of promoting equity, transparency, and accountability in data governance efforts. He invited participants to share their thoughts and reservations on how the state's policies might impact their work and the communities they serve.
- **Next Steps and Follow-Up:** Michael and Raja outlined the next steps, including creating the annual report, working on agency-specific policies, and providing data literacy training. They mentioned the possibility of sending a survey to gather input on future meeting topics and frequency.





## MAINE INDIAN TRIBAL-STATE COMMISSION

### **[UPDATED] Executive Director's Administrative Report**

- ◆ Termination of Cobscook Institute Lease effective 1/30/26
- ◆ Lease of Orono-Old Town Self Storage Locker 517
- ◆ Storage & Disposition of MITSC Property
- ◆ Change of Address to: P.O. Box 386, Old Town, ME 04468-0386
- ◆ Bookkeeping Transition: Contract with Vicky Pouliot, High Impact Business Solutions
- ◆ Approval for Digitization of MITSC paper files by State Archives.



# High Impact Business Solutions

*Vicky Pouliot, Owner*

The following enter this contract consisting of administrative support including but not limited to bookkeeping services via Quickbooks Online. Services shall include but not limited to transaction categorization, bank reconciliations, balance sheet reconciliation, payroll allocations, bill pay processing, quarterly financial document preparation for board members, 1099 submission and review of financial reports to maximize tax benefits.

***Vicky Pouliot, DBA High Impact Business Solutions, along with Jill Tompkins, Representative for Maine Indian Tribal-State Commission.***

Services will be performed in an honest and agreeable manner with a fee of \$400.00 per month. Payment to Vicky Pouliot shall be disbursed as a contracted 1099 service.

All work for the above-mentioned client will be completed in a timely manner.

Both parties shall hold each other harmless. All information shall be kept confidential between the two parties.

Signed and agreed upon on this \_\_\_\_\_ day of January 2026.

Vicky Pouliot, Owner

High Impact Business Solutions

\_\_\_\_\_  
Jill Tompkins, Representative

Maine Indian Tribal-State Commission

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**FW: MITSC collection & FOAA request**

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**From** Moran, Heather <Heather.Moran@maine.gov>

**Date** Wed 1/7/2026 11:14 AM

**To** matthew.revitt@maine.edu <matthew.revitt@maine.edu>

**Cc** Gregory Curtis <gregory.t.curtis@maine.edu>; jill@mitsc.org <jill@mitsc.org>; Marks, Tammy <Tammy.Marks@maine.gov>; Cotz, Christian <Christian.Cotz@maine.gov>

Here is the original request.

---

**From:** Cotz, Christian <Christian.Cotz@maine.gov>

**Sent:** Monday, December 15, 2025 2:51 PM

**To:** Jill Tompkins <jill@mitsc.org>; Gregory Curtis <gregory.t.curtis@maine.edu>

**Cc:** Marks, Tammy <Tammy.Marks@maine.gov>; Moran, Heather <Heather.Moran@maine.gov>

**Subject:** MITSC collection & FOAA request

Good afternoon, Jill and Greg,

We recently received a FOAA request for Truth & Reconciliation Commission records (see below). The requester was first directed to the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission Archive at Bowdoin College Special Collections & Archives. However, she stated that they do not have the correspondence she is looking for. Wabanaki REACH has information, but we do not know if she's contacted them.

[https://www.wabanakireach.org/truth\\_reconciliation](https://www.wabanakireach.org/truth_reconciliation).

Due to MITSC's involvement in the establishment of the Truth & Reconciliation Commission, it is possible that some relevant materials can be found in the Fogler collection. This request raises a broader issue regarding how we should handle similar inquiries, especially since the MITSC collection has not yet been fully processed or evaluated for confidentiality. **Could we schedule a call in the near future to discuss?**

This person was looking for records from 2001-2015:

1.All correspondence, memoranda, meeting notes, and draft documents (including emails and attachments) exchanged between the Governor's Office and:

- The Department of Health and Human Services or its Office of Child and Family Services (OCFS);
- Members of the Wabanaki tribal governments;
- The Maine Secretary of State;
- The ICWA Workgroup or TRC Convening Group;
- Any other internal or external consultants or advisors regarding the proposed TRC.

*(CC: According to Maine's Freedom of Access Act (FOAA) guidelines, many requests for memos, drafts, and internal government deliberations, as well as certain DHHS files, are deemed confidential.)*

2. Drafts and final versions of:

- The 2011 “Declaration of Intent” establishing the TRC;
- The 2013 TRC Mandate and related briefing materials;
- Executive Orders of 2011 and 2015 concerning tribal sovereignty and any communications linking those orders to the TRC.
- Any internal communications discussing the TRC’s scope, purpose, or potential legal implications, including reparations or sovereignty concerns.

Thanks,  
Christian

---

**Christian J. Cotz**

Maine State Archivist

*(he/him/his)*

Web: [Maine State Archives](#)

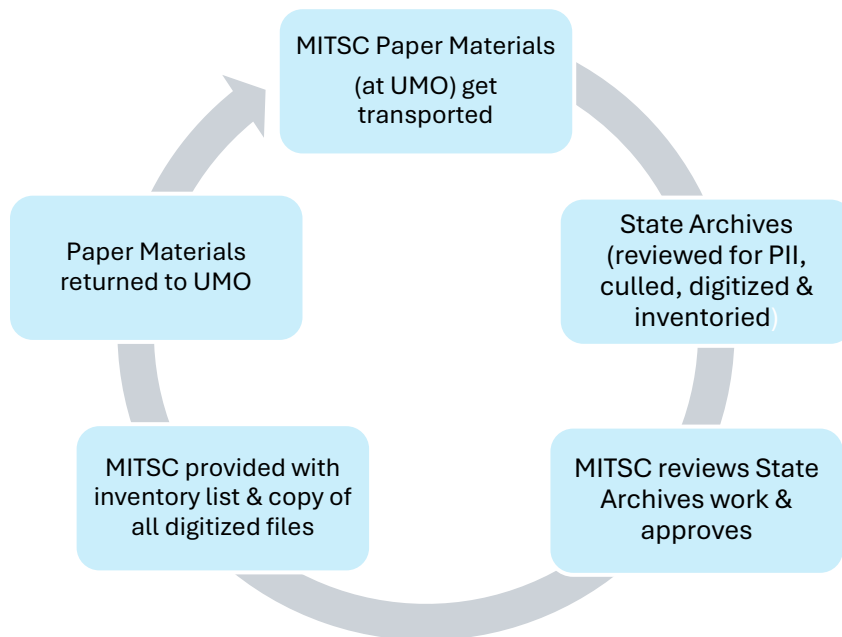
Mail: 84 State House Station | Augusta, ME 04333-0084

Call: (O) 207-287-5793 | (M) 207-557-0961

Visit: [Maine Cultural Building](#)

**Freedom of Access:** Please be advised that any information sent to me may become a matter of public record as indicated in the Maine Freedom of Access Act. You may learn more here at <http://www.maine.gov/foaa>

# MAINE INDIAN TRIBAL-STATE COMMISSION COLLABORATIVE DIGITIZATION PROJECT



- The Freedom of Access Act (FOAA) guarantees access to public records and proceedings. Generally, a public record is any written or electronic information in the custody of a State agency that has been received or prepared for use in connection with the transaction of public or government business.
- The following types of documents are not considered “public records” : “records that have been designated confidential by statute, documents subject to a recognized legal privilege such as the attorney-client privilege or the work-product privilege, records describing security plans or procedures designed to prevent acts of terrorism, medical records, juvenile records, and the personal contact information of public employees contained within records.”
- There are over 300 statutory exceptions to FOAA’s definition of public record. Statutes may designate certain information confidential or otherwise not subject to FOAA, such as health care information without the consent of the individual. Search tool for exemptions is here: <http://www.mainelegislature.org/legis/foa/>.

Statement of Financial Position Summary  
MAINE INDIAN TRIBAL-STATE COMMISSION  
As of January 7, 2026

DISTRIBUTION ACCOUNT	TOTAL
Assets	\$284,674.70
Current Assets	\$284,674.70
Bank Accounts	\$210,674.70
Accounts Receivable	\$1,000.00
Other Current Assets	\$73,000.00
Total for Current Assets	\$284,674.70
Total for Assets	\$284,674.70
Liabilities and Equity	\$284,674.70
Liabilities	\$28,500.00
Current Liabilities	\$28,500.00
Other Current Liabilities	\$28,500.00
Total for Current Liabilities	\$28,500.00
Total for Liabilities	\$28,500.00
Equity	\$256,174.70
Total for Liabilities and Equity	\$284,674.70

\*

(\*) **Note:** Total assets are greater than reflected here. Pat has not yet invoiced Cobscook for reimbursement of grants funds (Cobscook is holding the MITSC funds.)

FUND 1230

Period: 04/19/24-08/19/25

MITSC BROAD REACH GRANT FY2024-2026  
(Wabanaki Cultural Competency)

Budget		QB Account	Type	Amount	Expense
Income					
Broad Reach Grant	43,000.00	1210	Accounts Rec (Grant Rev)	43,000.00	
Expenses		8830	Fiscal Sponsorship Fee		2,150.00
Consultants					
Wabanaki PH & W	18,000.00	8410	Contracted Services		27,400.00
Cultural Advisors	4,000.00	8412	Contractor Expenses		4,065.00
Spiritual Leader	400.00	5080	Staff Travel		5,574.00
Section Sign, LLC	5,000.00	8550	Printing		2,961.00
Total Consultant Fees	27,400.00	8540	Office Supplies		350.00
		8418	Meeting Expenses		500.00
Travel			Total Expenses		43,000.00
Project Director mileage	3,906.00				
Project Director per diem	490.00				
Project Director lodging	1,178.00				
Cultural Advisors mileage	350.00				
WPHW Contractor mileage	2,000.00				
Consultant Lodging	1,225.00				
Consultant per diem	490.00				
Total Travel Expenses	9,639.00				
Operating Expenses					
Printing & Supplies	3,311.00				
Training Room Rental	500.00				
	3,811.00				
Fiscal Sponsorship Fee					
Cobscook 5%	2,150.00				
Total Expenses	43,000.00				

Example of the Chart of Accounts consolidation.

Example of the Chart of Accounts consolidation.

MAINE INDIAN TRIBAL-STATE COMMISSION

FOR REVIEW 1105 Bangor Savings Main Checking\_\*7693

Column headers for the data table below. Use arrow keys to navigate between columns.

Data table content. Column headers are above this table. Use arrow keys to navigate.

<input type="checkbox"/>	Date	Bank Description	Spent	received	@	From/To	Match/Categorize	Action
<input type="checkbox"/>	01/07/2026	DBT CRD 0213 01/07/26 37 FIC PIC One Mutual Avenue	\$242.75			<div><div>Choose Files</div><div>No file chosen</div></div> <div><div>+</div><div><div>Select category</div><div><div>• Match</div><div>• Categorize</div></div></div></div>	<div><div>Post</div><div>▼</div></div>	
<input type="checkbox"/>	01/06/2026	Hobby Lobby	\$15.92			<div><div>Choose Files</div><div>No file chosen</div></div> <div><div>+</div><div><div>Select category</div><div><div>• Match</div><div>• Categorize</div></div></div></div>	<div><div>Post</div><div>▼</div></div>	
<input type="checkbox"/>	01/05/2026	Delta Dental	\$90.30			<div><div>Choose Files</div><div>No file chosen</div></div> <div><div>+</div><div><div>Select category</div><div><div>5040 Dental Insurance</div><div><div>• Match</div><div>• Categorize</div></div></div></div></div>	<div><div>Post</div><div>▼</div></div>	
<input type="checkbox"/>	01/02/2026	Dbt Sqsp Worksp 216 225 Varick Street	\$336.00			<div><div>Choose Files</div><div>No file chosen</div></div> <div><div>+</div><div><div>Select category</div><div><div>• Match</div><div>• Categorize</div></div></div></div>	<div><div>Post</div><div>▼</div></div>	





Statement Summary - 4023907693

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MAINE INDIAN TRIBAL-STATE COMMISSION  
PO BOX 35  
WHITING ME 04691

Summary of Accounts

Account Number	Account Title	Current Balance Enc
<a href="#">4023907693</a>	<a href="#">BUSINESS COMPLETE</a>	15,647.85

Checking Accounts

Account Title

MAINE INDIAN TRIBAL-STATE COMMISSION

BUSINESS COMPLETE Summary

Account Number	4023907693	Truncated Items
Previous Balance	21,543.86	Statement Dates 12/01/25 thru 1
4 Deposits/Credits	21,570.81	Days In This Statement Period





## Statement Summary - 2823609008

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MAINE INDIAN TRIBAL-STATE COMMISSION  
PO BOX 35  
WHITING ME 04691

### Summary of Accounts

Account Number	Account Title	Current Balance Enc
<a href="#">2823609008</a>	<a href="#">BUSINESS COMPLETE MMA</a>	108,174.77

### Checking Accounts

#### Account Title

MAINE INDIAN TRIBAL-STATE COMMISSION

#### BUSINESS COMPLETE MMA Summary

Account Number	2823609008	Truncated Items
Previous Balance	129,647.31	Statement Dates 12/01/25 thru 1
Deposits/Credits	0.00	Days In This Statement Period



MAINE INDIAN TRIBAL STATE COMMISSION  
PO BOX 35  
WHITING ME 04691-0035

Let us  
help you  
find your

*Yes!*

## DON'T FALL FOR FRAUD

Stay informed and protect your accounts—visit our Fraud Prevention Resource Center for tips and tools to keep your information safe.



LEARN MORE



### Exceptional Checking Account

Exceptional Checking Account	Enclosures	0
Account Number	Statement Dates	12/01/25 thru 12/31/25
Previous Balance	Days in the statement period	31
Deposits/Credits	Average Ledger	64,407.42
1 Checks/Debits	Average Collected	64,407.42
Service Charge		
Interest Paid		
Current Balance		64,395.34

### Overdraft and Return Item Fees

	Total For This Period	Total Year-to-Date
Total Overdraft Fees	\$ .00	\$ .00
Total Return Item Fees	\$ .00	\$ .00

### Transactions

Date	Description	Amount	Balance
12/26	DBT CRD 1154 12/24/25 44813288 AMAZON PRIME*QT2K69VR3 Amzn.com/bill WA	14.99-	64,395.34
	CH5961		

MAINE INDIAN TRIBAL STATE COMMISSION  
PO BOX 35  
WHITTING ME 04691-0035

Let us  
help you  
find your

*Yes!*

## DON'T FALL FOR FRAUD

Stay informed and protect your accounts—visit our Fraud Prevention Resource Center for tips and tools to keep your information safe.



LEARN MORE



### Exceptional Business Savings

Exceptional Business Savings	Statement Dates	12/01/25 thru 12/31/25
Account Number	Days in the statement period	31
Previous Balance	Average Ledger	39,639.23
Deposits/Credits	Average Collected	39,639.23
Checks/Debits	Interest Earned	13.47
Service Charge	Annual Percentage Yield Earned	0.40%
Interest Paid	2025 Interest Paid	236.76
Ending Balance		

### Overdraft and Return Item Fees

	Total For This Period	Total Year-to-Date
Total Overdraft Fees	\$ .00	\$ .00
Total Return Item Fees	\$ .00	\$ .00

### Transactions

Date	Description	Amount	Balance
12/31	Interest Deposit	13.47	39,652.70

### Interest Rate Summary

Date	Rate
11/30	0.4000000%

**Elmina B. Sewall Foundation Grant**  
*MITSC Outreach Enhancement Project*

	<u>Original</u>	<u>Revised</u>	
<b>Income</b>			
Sewall Grant	30,000.00		
<b>Expense</b>			<b>Total</b>
Contracted Services			
Legal Consultant-Rubric Design (Thibeault)	1,200.00	1,200.00	
Legal Consultant-Summary Paragraphs (Thibeault)	4,000.00	4,000.00	8,112.10
Video Recording & Uploading (Hopkins)	6,400.00	6,400.00	15,650.00
Web Consultant-Uploading Additions (Hopkins)	2,400.00	2,400.00	
Web Consultant-Key Issues (Hopkins)	4,000.00	4,000.00	
Post-Hypnotic Press	3,000.00	2,622.39	2,850.00
Narrators	1,600.00	850.00	1,240.00
Script Preparation	187.50	187.50	-
<i>Subtotal Contractors</i>	22,787.50	21,659.89	27,852.10
Narrator Expenses			
Mileage	804.00	804.00	200.20
Meals	424.00	424.00	-
<i>Subtotal Narrators</i>	1,228.00	1,228.00	200.20
Interviewee Expenses			
Mileage	1,072.00	1,072.00	200.20
<i>Subtotal Interviewees</i>	1,072.00	1,072.00	-
Miscellaneous			
Music licensing	400.00	400.00	400.00
iPad for Narrators	-	350.00	-
Postage (Post Hypnotic Press)	-	74.82	74.82
Cookbook Fee (5%)	1,500.00	1,500.00	1,500.00
<i>Subtotal Miscellaneous</i>	1,900.00	2,324.82	1,974.82
TOTAL EXPENSES	26,987.50	26,284.71	30,027.12
NET INCOME/(LOSS)			<u><u>(27.12)</u></u>
<i>(Transfer journal entry from 4100 General Operations to be done.)</i>			