

HOUSE No. 2866

The Commonwealth of Massachusetts

PRESENTED BY:

George N. Peterson, Jr.

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to American Indian-tribes.

PETITION OF:

NAME:

George N. Peterson, Jr.

DISTRICT/ADDRESS:

9th Worcester

HOUSE No. 2866

By Mr. Peterson of Grafton, a petition (accompanied by bill, House, No. 2866) of George N. Peterson, Jr. relative to the interaction of state agencies with Native-American tribes. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to American Indian-tribes.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The third paragraph of section 8A of chapter 6A of the General Laws, as
2 appearing in the 2008 Official Edition, is hereby amended by adding the following two
3 sentences:- All state agencies shall cooperate with the commission in the performance of these
4 functions, as well as other functions assigned to it by law. Such cooperation shall be extended to
5 Tribal Councils and Inter-Tribal organizations in determining which services, programs and
6 rights require special American Indian emphasis within their areas.

7 SECTION 2. (a) Notwithstanding any provision of law to the contrary, state agencies, as
8 defined in section 1 of chapter 6 of the General Laws, shall deal directly with the Mashpee
9 Wampanoag Indian Tribal Council on matters affecting the Mashpee Wampanoag Tribe; with
10 the Wampanoag Tribal council of Gayhead on matters affecting the Wampanoag Tribe of
11 Gayhead, with the commission on Indian affairs, as established by section 8A of chapter 6A of
12 the General Laws, on matters affecting Wampanoag Indians who are members of neither the
13 Wampanoag Tribe of Gayhead nor the Mashpee Wampanoag Tribe; and with the Nipmuc Tribal
14 councils on matters affecting the Nipmuc Tribe - which includes the Nipmuc Nation
15 (Hassanamisco Band), Chaubunagungamaug Band of Nipmuc Indians, and the Natick Nipmuc
16 Band.

17 (b) The secretary of the executive office of energy and environmental affairs and the
18 commissioner of environmental management shall take appropriate measures to insure that the
19 wishes of the Wampanoag Tribe of Gayhead and Mashpee Wampanoag Tribes, as expressed by
20 their governing bodies, shall be followed in the management and development of the
21 Wampanoag Reservation within the Fall River-Freetown State Forest. All other agencies of the

22 commonwealth, especially agencies within the executive office of housing and economic
23 development and the executive office of health and human services shall assist as requested in
24 development plans for the reservation.

25 (c) The commission on Indian affairs, established by section 8A of chapter 6A of the
26 general laws shall be involved in all state deliberations regarding the disposition of the
27 Wampanoag Reservation within the Fall River-Freetown State Forest.

28 (d) The North American Indian Center of Boston, Inc. shall be the state's liaison with
29 resident members of the Passamaquoddy, Penobscot, Maliseet, MicMac Tribes, with whom the
30 state has entered into treaties and other agreements.

31 (e) Notwithstanding any provision of law to the contrary, each state agency of the
32 commonwealth shall be responsible for evaluating its own services which are received by the
33 American Indian population and shall propose means to rectify any lack of adequate services.
34 The head of each state agency providing services to American Indians shall determine within a
35 reasonable amount of time whether or not federal, state, or other funds are available to improve
36 such services. Where it is determined that funds may be available for services and benefits to
37 American Indians, the agency and the appropriate tribal government or inter-tribal organization
38 shall work together to prepare applications for such funds. The commission on Indian affairs
39 advice on such matters may be sought and the commission shall be informed of all funding
40 proposals submitted by state agencies.

41 (f) Notwithstanding any provision of law to the contrary, unless otherwise determined
42 from time to time by the governor, the secretary of the executive office of housing and economic
43 development, with the cooperation of the lieutenant governor, shall act in conjunction with the
44 commission on Indian affairs as the principle liaison for the commonwealth in its relations with
45 the Bureau of Indian Affairs within the Federal Department of Interior, and with other agencies
46 of the federal government, in matters affecting resident Massachusetts American Indians.

47 (g) In addition to seeking the advice of the commission on Indian affairs, the appropriate
48 tribal council, and other legitimate tribal representatives, as appropriate, with respect to matters
49 affecting American Indians and within jurisdiction of such groups, state agencies should also
50 include American Indians on boards and commissions, particularly those whose functions have a
51 noticeably special impact upon American Indians. In this connection, the commission on Indian
52 affairs may be contacted for assistance in identifying American Indians with skills and
53 experience, or interest in the particular area of concern; provided, however, that American
54 Indians who are serving as commissioners on the commission on Indian affairs shall be
55 ineligible, during their terms of office, for appointment to such boards and commissions.