

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. OJ-18-1

In the Matter of
Request for Opinion of the Justices

PROCEDURAL ORDER

On August 30, 2018, before the 128th Maine Legislature adjourned sine die, the Maine House of Representatives referred the following question to the Justices of the Supreme Judicial Court, pursuant to article VI, section 3 of the Maine Constitution:

Does the decision of the Supreme Court of the United States in *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987) allow the Houlton Band of Maliseet Indians, a federally recognized Indian tribe, to conduct gambling on tribal trust land without permission to do so from the State?

The Justices hereby invite the House of Representatives, the Senate, the Governor, the Houlton Band of Maliseet Indians, other Maine tribes, the Attorney General, and any interested person or entity to submit briefs addressing whether the question propounded presents a “solemn occasion,” pursuant to article VI, section 3 of the Maine Constitution. “[A] solemn occasion is one that arises when questions are of a serious and immediate nature, and the situation presents an unusual exigency.” *Opinion of the Justices*, 2017 ME 100, ¶ 22, 162 A.3d 188 (quotation marks omitted). “The question presented must be one of live gravity” relating to matters that are not “merely tentative, hypothetical and abstract,” and “[t]he questioning Branch must be faced with the current need to act.” *Id.* ¶ 23 (quotation marks omitted).

Any person or entity submitting a brief to the Court must do so by filing ten copies of the brief with the Executive Clerk of the Supreme Judicial Court,

at 205 Newbury Street, Room 139, Portland, Maine 04101, **by 4:00 p.m. on Friday, October 12, 2018**. Briefs must be no longer than twenty-five pages.

Responsive briefs are not required, but any person or entity that filed an initial brief may file ten copies of a responsive brief **at or before noon on Friday, October 26, 2018**. Responsive briefs must be no longer than ten pages.

To facilitate public and judicial review of all filings, any party filing a brief shall provide ten copies to the Clerk's Office, and an electronic copy of all briefs, including responsive briefs, shall be simultaneously emailed in the form of a single text-based pdf file to lawcourt.clerk@courts.maine.gov.¹

All filings and orders in this matter can be found, within a reasonable time after filing, on the Court's website at www.courts.maine.gov/quick/house.

Dated: September 18, 2018

For the Justices,

_____/s/_____
Leigh I. Saufley
Chief Justice

¹ Briefs and responsive briefs must conform to the requirements of M.R. App. P. 7A(g), except that the front cover must be white and must contain the following information: (1) the designation that the matter is "Before the Justices of the Supreme Judicial Court"; (2) the docket number of the matter, OJ-18-1; (3) the title of the matter, "In the Matter of Request for Opinion of the Justices"; (4) the title of the document as either a "Brief of" or "Responsive Brief of" followed by the name of the person or entity filing the brief or responsive brief; and (5) the name, address, and Maine bar number of counsel representing the filer or, if the filer is not represented by counsel, the name and address of the filer.