

Maulian Bryant
Penobscot Nation Ambassador
Indian Island

Testifying in support of LD 2007, *An Act to Advance Self-Determination for Wabanaki Nations*
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Senator Carney, Representative Moonen, and members of the Committee on the Judiciary, I am Penobscot Nation Ambassador Maulian Bryant and I am here today to testify in support of LD 2007, *An Act to Advance Self-Determination for Wabanaki Nations*. I am specifically testifying in support of the amendment proposed by the bill's sponsor Speaker Rachel Talbot Ross.

LD 2007 is a continuation of the work that was performed in 2019 that culminated in a report of the *Task Force on Changes to the Maine Indian Claims Settlement Implementing Act*. This report contained 22 consensus recommendations for the Legislature to make to the Settlement Acts between the various Wabanaki Nations and State. The goal of the recommendations was to restore back to each of the Wabanaki Nations a level of sovereignty similar to that enjoyed by almost every other Tribal Nation in this country.

In the conduct of its work, the Task Force learned about inherent Tribal sovereignty, Federal Indian law, and how most of the 574 Tribal Nations that exist in this country are able to exercise their sovereignty in a manner that benefits their Tribal communities, but also the surrounding communities and the states in which they are located.

Since the Task Force issued its report in January of 2020, there have been two comprehensive bills seeking to implement the Report's recommendations. None of those bills were enacted into law, but there has been some progress on a few of the issues raised in the Report relating to collaboration, taxation and gaming. LD 2007 is the third bill seeking to honor the Task Force's work, and I am hopeful that this Legislature will be able to get a few of the recommendations enacted into law this year.

I am thankful for the steadfast leadership of Speaker Talbot Ross, who continued to press the various parties to meet over the past 5 months and work to find some compromise on some of the issues in the Task Force's report. I participated in almost every meeting, and I believe meaningful progress has been made on fully restoring back to the Wabanaki Nations our criminal jurisdiction over our lands. I hope that issue and a few others can get enacted into law this session.

I am also thankful to the co-sponsors of LD 2007, and to the allies of the Wabanaki Nations and Wabanaki Alliance who continue to stand by us and understand that a restoration of our sovereignty benefits all Mainers. We have the support of the Maine people for this effort. More than 72% of Maine voters supported our referendum in November that required the Maine Indian Treaty Obligations of the Maine Constitution be printed. The people of this State are no longer afraid of Tribal sovereignty. They can look to examples throughout this country that show how Tribal governments help to build rural economies and provide opportunities for Tribal and non-Tribal people.

The Settlement Acts were enacted more than 40 years ago. I have lived my whole life as a Penobscot citizen under the oppression and hardship that came from these Settlement Acts. My father and mother both come from large Penobscot families. Throughout my life I was able to have relatives serve on council, as a Representative to this Legislature, as a tribal clerk, as a teacher in our tribal school, and as a Chief of the Penobscot Nation. I grew up in the tense and conflict-ridden relationship between the Wabanaki Nations and State. I witnessed the pain of my people every time our sovereignty was attacked and diminished because of interpretations of the Settlement Acts that were supposed to focus on resolving land claims versus taking away our sovereignty.

When my own father, Barry Dana, served as Chief, he had to fight against the Great Northern Paper Company from accessing our internal Tribal government documents. Sovereign immunity is a fundamental aspect of every government, and the protection of our internal documents from an outside corporation is a key component of any government's sovereignty. But my father lost that fight because of a court interpretation of the Settlement Act. My father was sentenced to one year in jail and a fine of \$1,000 per day until he turned over the Tribe's internal documents. The Wabanaki Nations and our friends organized a rally and march for sovereignty at that time. I was a teenager, and I remember feeling constantly attacked as a Penobscot citizen and like the State of Maine did not want us to survive or continue to live on the land that our people have inhabited for thousands of years.

The 1980 Settlement Acts are not working for the Wabanaki Nations. And they are not working for the people of Maine. The Wabanaki Nations were pressured into these settlements at a time when the State and its allies had significant influence in Congress and the White House. We agreed to the settlement because our backs were up against the wall and our people were suffering from generations of poverty and trauma inflicted upon us by the State. All that we wanted from the Settlement Act was fair compensation for the lands that were wrongly taken from us. We never intended to give up the level of sovereignty that has been interpreted by the courts. Nor did the Federal government intend for us to give up that level of sovereignty. Maine's Congressional delegation at the time was able to ram the Settlement Act through Congress over the objections and concerns expressed by the U.S. Department of the Interior and several Members of Congress who come from States that have developed good and productive relationships with Tribal Nations.

It is time to heal old wounds and lift up some of the most marginalized and oppressed people in Maine, but also some of the strongest and spirited. We have come back to this table in good faith and because of the findings of the bipartisan, bicameral Task Force which studied and came to the conclusion that the best thing for all of Maine's people is to modernize these old archaic settlement acts.

When my father was Chief and fighting for our sovereignty, he said that "This is just one step along a very long path." LD 2007 is one step along a very long path back to our sovereignty. I know that it is unrealistic to think that we will get all that is included in LD 2007 enacted into law this year. But I do think we can get some things accomplished, and I owe it to my parents, my grandparents and my many Penobscot ancestors to make some progress. I believe that we can make some progress with LD 2007 this session. It is not unreasonable for us to ask for some

progress, and I look forward to continuing to work with the Speaker, the Attorney General's office, the Governor's office, and this committee to make sure some progress is made.

Thank you for considering my comments today.