

Testimony of Darren Ranco, PhD, Maine Indian Tribal State Commission, in Support of LD78, "Resolution, Proposing and Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations"

Senator Carney, Representative Moonen, and Esteemed Members of the Joint Standing Committee on Judiciary.

My name is Darren Ranco, I am one of two Penobscot Nation representatives to the Maine Indian Tribal-State Commission. I am here to testify in support of LD 78 on behalf of the Commission.

**I believe** Jud Esty-Kendall will testify later or has already, reflecting on the report he wrote for MITSC with Rachel Hampson from January of 2021, describing the circumstances of the removal of Section 5, Subsection 5 from printing of the Maine State Constitution.

While I have lectured about these circumstances myself and even presented some of my own congruent findings in February of 2019 to this Standing Committee, I am here to testify on a related but equally important matter. My testimony is about what it means for me as a Wabanaki Tribal citizen and educator to restore this language to the printing of the State Constitution.

I have heard people opposed to this say that this is an unimportant distraction or is not meaningful because these sections remain in full force of the law. I suggest, instead, that it is ALL about meaning, and how we, as Wabanaki people, form the basis of our social contract with the state of Maine.

If I may, I would like to read another part of the State Constitution that identifies the social contract all of Maine

**FROM THE PREAMBLE:**

We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring God's aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.

**FROM Current Article X SECTION 7:**

Sections 1, 2 and 5, of Article X of the Constitution, shall hereafter be omitted in any printed copies thereof prefixed to the laws of the State; but this shall not impair the validity of acts under those sections; and said section 5 shall remain in full force, as part of the Constitution, according to the stipulations of said section, with the same effect as if contained in said printed copies.

**FROM THE ORIGINAL, Maine Constitution Article X, Section 5 Subsection 5, [in part], (1820):**

**“The new State [Maine] shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this Commonwealth [Massachusetts], towards the Indians within said district of Maine, 'whether the same arise from treaties, or otherwise; and for this purpose shall obtain the assent of said Indians, and their release to this Commonwealth of claims and stipulations arising under the treaty at present existing between the said Commonwealth and said Indians.”**

This framework—that Maine is the successor of all Commonwealth of Massachusetts Treaty obligations (despite them being in violation of the 1790 Federal Nonintercourse Act), and that these cannot be changed without our assent, identifies how my ancestors and Tribal Nation came into relationship with the State of Maine. This forms the basis of our social contract with the State.

To maintain this as an omission serves to erase this definitive and auspicious beginning, which so many of us, including the Esteemed Members of the Joint Standing Committee on Judiciary, have worked so hard to un-erase. For these reasons, we ask you to vote in favor of LD 78.