

Testimony In Support of LD 1626, "An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act"
Before the Judiciary Committee
February 15, 2021

Good morning, Senator Carney, Representative Harnett and members of the Judiciary Committee. My name is Sergio Cahueque, I am a Portland resident and I work on access to safe drinking water across the state. I am here today to testify in support of LD 1626, "An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act".

I believe that the issue of Wabanaki tribal sovereignty is one of the great injustices of our time. Restoring sovereignty to the Wabanaki tribes will change a system of oppression that has impacted the Wabanaki people for over 40 years. The Wabanaki people have been stewards of this land for thousands of years before white settlers arrived. They have lived in harmony with the land and water, managing natural resources so that future generations can thrive. Since the arrival of European settlers, the Wabanaki people have lost 98% of their population as well as access to most of their land and water.

The Maine Indian Claims Settlement Act that was signed in 1980 has kept the tribes from benefitting from the over 150 federal laws which all other tribal nations have benefitted from in the U.S. and has allowed the state of Maine to treat the tribes like municipalities instead of sovereign nations. There are 570 federally recognized tribes that have more rights than the Wabanaki tribes here in Maine. Additionally, the 1980 Settlement Act was supposed to provide resources for the tribes to purchase 300,000 acres of land that had been unlawfully taken from them. 40 years later, the tribes have only been able to accrue about 66% of the lands promised to them. It is long past time that the State both lives up to its promises and takes the necessary steps to restore sovereignty to the tribes in Maine.

One particular area of concern is access to clean drinking water. Because of the Indian Land Claims Settlement Act of 1980, the tribes are not afforded the same protections under the Safe Drinking Water Act as other tribal communities. Nowhere is this more apparent than for the Passamaquoddy tribe near Pleasant Point. The tribal community has been dealing with drinking water issues for decades. Reports from the community have stated that the water is brown, smells like rotten eggs, and is generally unpleasant to drink. Additionally, the byproduct of the chemicals that are used to treat the water, called trihalomethanes, can cause serious health issues. There have been reports in the community of these chemicals and their byproducts burning the skin of those using the water. This is unacceptable. The Passamaquoddy have put forth options for dealing with this issue, including drilling a well on tribal land to provide safe water to the community, but because of issues with their sovereignty, the nearby town was able to pass an ordinance that made it so they couldn't use their own lands for a well. Access to clean water is a human right. The tribal communities in Maine should be allowed the same rights under the Safe Drinking Water Act as other tribes across the U.S. Granting tribal sovereignty will allow the tribes in Maine to work to make sure that their communities have access to safe drinking water.

In 2020, a bipartisan task force created by the legislature in 2019 recommended 22 changes to the Act to avoid and help settle future disputes between the State and tribes, to remove some of the barriers preventing the tribes from purchasing land, and to restore the tribes' inherent rights. The Wabanaki tribes have put forth a good faith effort with the State and other interested parties to come to an agreement that would restore their rights and sovereignty. The state of Maine needs to live up to its end of the bargain and do the same.

Maine's tribes are an important part of fabric of life here in Maine. Maine needs to restore the sovereign rights of all tribal nations in Maine so we can begin to heal the deep wounds that our tribal neighbors have suffered in at the hands of both European settlers and the State itself. The Wabanaki tribes are asking to be treated like every other federally-recognized sovereign tribal nations in the U.S. It is time for the State to step up and do the right thing by passing this bill to restore sovereignty to our tribal neighbors. Therefore, I urge you to take the first step to start to right the wrongs that have been done to the Wabanaki tribes and vote unanimously "ought to pass" on LD 1626.