

**Testimony before the Committee on Judiciary
in support of LD 78: Resolution Proposing an Amendment to Article X of the Constitution
of Maine Regarding the Publication of Maine Indian Treaty Obligations**

March 7, 2023

Senator Carney, Representative Moonen, and members of the Committee on Judiciary, my name is Phelps Turner, and I am a senior attorney with Conservation Law Foundation (CLF). I appreciate this opportunity to testify in support of LD 78, Resolution Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations.

CLF, founded in 1966, is a public interest advocacy group that works to solve the environmental challenges threatening the people, natural resources and communities in Maine and across New England. In Maine for almost four decades, CLF is a member-supported organization that works to ensure that laws and policies are developed, implemented and enforced that protect and restore our natural resources; are good for Maine's economy and environment; and equitably address the climate crisis.

CLF supports LD 78 because it will return to printed copies of the Maine Constitution the state's treaty duties and obligations towards "the Indians within said district of Maine," as set forth in Article X, Section 5 of the Constitution.¹ These duties and obligations were included in the original Constitution, but subsequently removed from printed copies pursuant to Article X, Section 4, which removed the language of Article X, Section 5, but stated that Section 5 would remain in full force with the same effect as if contained in said printed copies.²

Though the duties and obligations set forth in Section 5 remain in full force, they should be returned to printed copies of the Constitution in the interest of transparency, and to increase the visibility and public awareness of Section 5. Publication of Section 5 will allow for more informed discussions around the relationship between Maine and the Wabanaki Nations.

Thank you for the opportunity to submit testimony in support of LD 78.

¹ Section 5 provides, in part: "The new State shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties and obligations of this Commonwealth, 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..." ME. CONST. art. X, § 5 (1820), available at https://digitalmaine.com/senate_docs/1; ME. CONST. art X, § 4 (1875), available at http://digitalmaine.com/senate_docs/11.

² *Id.*; see also Maine Indian Tribal-State Commission, "Research Report on the 1876 Removal of Article X, Section 5 from Printed Copies of the Maine Constitution," January 11, 2021, available at: <https://www.mitsc.org/library/research-report-on-the-1876-removal-of-article-10-section-5-from-printed-copies-of-the-maine-constitution-2021>.