

**Oral Remarks of Kirk E. Francis**

**Chief of the Penobscot Nation**

**on LD 2004, An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations**

**before the Joint Standing Committee on the Judiciary**

**May 31, 2023**

Thank you for allowing me to testify today in support of LD 2004. I will be submitting written testimony this evening.

The Federal and State settlement acts of 1980 prevent any Federal Indian law from applying in Maine if the State decides that the law affects or pre-empts its civil, criminal or regulatory jurisdiction. There is no definition for the term “affects” in the Settlement Acts, and no limitation on when the State can object to a law applying.

The result is complete uncertainty as to which Federal Indian laws are applicable to the Wabanaki Nations, and unilateral authority for the State to object to the application of Federal law on an ad hoc basis.

Imagine if a similar provision applied to the City of Bangor, and the City had to monitor every bill introduced in every Legislative session and lobby to get expressly included in each one to ensure it could access the benefits. That’s what it has been like for the Wabanaki Nations for the past 42 years. It is simply unreasonable to expect us to spend the time and resources to do this. It took us 7 years to get a provision adding us to the Federal Violence Against Women Act.

The current framework has chilled our ability to provide public safety to our citizens, and economic development for our community and our neighboring communities.

In December, Harvard University released a report documenting the economic harms to the Wabanaki Nations caused by the settlement acts. A key finding was that per capita income of other tribes in the United States grew by 61% between 1989 and 2000, but only by 9% for the Wabanaki Nations. According to Harvard, the Wabanaki Nations and Maine have “no where to go but up” in terms of amending the settlement acts.

Despite the Harvard report’s findings, Senator Angus King opposed a bill led by Congressman Jared Golden that would have provided the Wabanaki Nations with access to any future Federal Indian laws. Senator King rather identify existing Federal laws and add the Wabanaki Nations on a piecemeal basis. But, a piecemeal approach is wrong and will keep Maine stagnant in 1980s policy. Policies towards the Wabanaki Nations need to evolve so that all of Maine can move forward and work together for economic prosperity. The last 42 years have shown that the settlement acts need modernizing. We are now looking to this Legislature to begin modernizing the relationship between the Wabanaki Nations and State, and we urge you to act on LD 2004 this First Session of the 131<sup>st</sup> Maine Legislative Session.

LD 2004 will create a system where every Federal law enacted for the benefit of Indians will apply in Maine, unless language is added that excludes us. The burden will be on the State or any special interest group to advocate and justify why we should be excluded.

LD 2004 begins to treat the Wabanaki Nations equal to the other 570 federally-recognized tribal nations across the country. It will also better enable us to develop economies that benefit both us and our neighboring communities.

It is time for the State to stop treating the Wabanaki Nations as enemies and start treating us as the partners and neighbors that we are. The Wabanaki Nations have been on this land since time immemorial. All we are asking for is the ability to govern the people, natural resources, and activities that occur within the boundaries of our land. We want the same things as every community in this State: economic opportunity for our families and safer and healthier communities. LD 2004 will finally provide us some access to the full opportunity to obtain that.