



Testimony of the Wabanaki Alliance in support of  
LD 1620 An Act to Enact the Mi'kmaq Restoration Act

Submitted to the Maine Legislature's Committee on Judiciary  
June 6, 2023

Sen. Carney, Rep. Moonen, and members of the Joint Standing Committee on Judiciary; my name is John Dieffenbacher-Krall. I reside in Old Town, and I am the Executive Director of the [Wabanaki Alliance](#). Please accept the Wabanaki Alliance's testimony in support of LD 1620 An Act to Enact the Mi'kmaq Restoration Act. We thank Speaker Talbot Ross for sponsoring this bill and in general for her championing justice for Wabanaki Nations.

One of the starker inequities in the State of Maine's relationship with the Wabanaki Nations has been the applicability of restrictive provisions of the Maine Indian Claims Settlement Act to the Mi'kmaq Nation without the Mi'kmaq Nation enjoying provisions that recognize and enhance their right of self-determination. This situation has persisted for decades. LD 1620 would rectify several of those inequities by making some of the provisions of the Maine Implementing Act (M.R.S. Title 30, Chapter 601) applicable to the Mi'kmaq Nation. Chief Peter Paul specifically cited in his testimony to this committee how LD 1620 would support the creation of a Mi'kmaq tribal court and regulation of fishing, hunting, and trapping on Mi'kmaq trust lands, an essential management activity to strengthen Mi'kmaq culture and expand access to wild foods that can boost nutrition and provide critical protein in people's diets.

Earlier this year the Maine Legislature had the opportunity to attend a presentation by Dr. Joseph Kalt who presented the findings of the report the *Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine*<sup>1</sup>. You heard Dr. Kalt describe the stark difference in economic prosperity enjoyed by the citizens of tribal nations outside of Maine for the period of 1989-2018 who averaged per capita income growth of 61% while Wabanaki citizens experienced the meager amount of 9%. Wabanaki citizens lagged not only far behind their fellow Indigenous individuals across the United States but also as compared to other Mainers who enjoyed per capita income growth of 25% for the same period.

The question arises what accounts for that tremendous difference in economic prosperity for Indigenous individuals outside Maine and what the Wabanaki experienced here? Dr. Kalt and his report co-authors found the degree to which tribal nations have fully developed governmental

programs and institutions makes a critical difference. The Mi'kmaq Nation has been greatly hindered by enduring all the negative restrictions of the Maine Indian Claims Settlement Act with none of the benefits. LD 1620 represents a significant rebalancing allowing for much greater parity in terms of jurisdiction and governmental development as compared to their fellow Wabanaki nations. The Wabanaki Alliance notes that both Attorney General Aaron Frey and Chief Legal Counsel Gerald Reid on behalf of Governor Mills support LD 1620.

We also applaud that LD 1620 is the product of direct negotiations between the Mi'kmaq Nation, Governor's Office, and Office of the Attorney General. The Mi'kmaq Nation was not a party to the Maine Indian Claims Settlement Act but it was made subject to it. That reality violates a number of tenets of basic fairness and human and indigenous rights instruments including the UN Declaration on the Rights of Indigenous Peoples. The manner in which LD 1620 was negotiated is important and hopefully sets a standard for government-to-government, mutually respectful discussion and negotiation that characterize all Wabanaki-Maine relations.

The Wabanaki Alliance urges the Judiciary Committee to vote ought to pass on this bill.

<sup>1</sup> Kalt, Joseph P., Medford, Amy Besaw, Taylor, Jonathan B. (2022) Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine. Harvard Project on American Indian Economic Development, [https://ash.harvard.edu/sites/hwpi.harvard.edu/files/ash/files/wabanaki\\_report\\_vfin\\_for\\_dist\\_2022-12-09.pdf?m=1670635016](https://ash.harvard.edu/sites/hwpi.harvard.edu/files/ash/files/wabanaki_report_vfin_for_dist_2022-12-09.pdf?m=1670635016), p. 16.