



MAINE INDIAN TRIBAL-STATE COMMISSION

*Maine Indian Tribal-State Commission Testimony Supporting
LD 1834 "RESOLUTION, Proposing an Amendment to the Constitution of Maine to
Establish an Officer on Tribal Relations"
Before the Committee on the Judiciary*

January 10, 2024

Senator Carney, Representative Moonan, and honorable members of the Joint Standing Committee on Education and Cultural Affairs. My name is Jill Tompkins. I reside on *alenape meneha* (Indian Island), part of the *penawahpkekeyak* (Penobscot Nation) Reservation. I am the Executive Director of the Maine Indian Tribal-State Commission ("MITSC"). Thank you for this opportunity to provide this testimony on behalf of MITSC in support of LD 1834, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish an Officer on Tribal Relations." MITSC was statutorily created in 1980 as part of the Act to Implement the Maine Indian Claims Settlement Act ("Implementing Act"), 30 MRSA § 6201 et seq. MITSC is comprised of an equal number of members representing the State of Maine and the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, and the Penobscot Nation. Its responsibilities are to continually review the effectiveness of the Implementing Act and the social, economic, and legal relationships between the represented tribes and the State.

The November 2023 ballot Question 6 was to restore to public view Article X, Section 5 of the Maine Constitution, by which the new State of Maine agreed to "assume and perform the duties and obligations of [the Commonwealth of Massachusetts]" arising from treaties with the tribes. With the citizens' overwhelming approval of the ballot question, the relationship between the Wabanaki tribes and the State of Maine as equal sovereigns was made visible once again. The printing of Article X, Section 5 was an essential step in improving public education about the status and rights of the tribal nations which have existed since time immemorial in the State of Maine.

With the passage of the "Tribal-State Collaboration Act" on May 2, 2022 (codified at 5 MRSA § 11051 et seq.), the State instituted the requirement that state agencies adopt policies that promote positive government-to-government relations with the Wabanaki nations and effective communication and collaboration. State agency employees are to receive training that includes instruction on cultural competency in tribal issues. An Annual Tribal-State Summit where the Governor of the State of Maine meets with the Wabanaki leaders evidences the restoration of a government-to-government relationship.

The proposed Resolution, establishing an Officer of Tribal Relations within the Maine State Government itself, is a logical progression in the positive trend of improving state-tribal relations. The constitutional amendment would be a significant step in acknowledging that the State of Maine and the Wabanaki nations, as separate sovereigns, should interact on a government-to-government basis. The creation of this Officer at the government level is consistent with a relationship of mutual honor and respect. Moreover, creating a constitutional

Officer would institutionalize the State's commitment to working on a government-to-government basis. The Mills Administration and the Legislature have done much in recent years to work toward improved relations, and this constitutional amendment would ensure that subsequent administrations and legislatures do not derail progress.

Under the constitutional amendment, the Officer on Tribal Relations "shall endeavor to improve relations between the Indian tribes (hopefully this language can be amended to read "Wabanaki Nations") and the State. The Tribal-State Collaboration Act requires each of sixteen state agencies to receive training, develop policies in collaboration with the Wabanaki nations, and file biennial reports with legislative committees of responsibility and with MITSC on the collaborative activities engaged in and recommendations regarding other agency actions for which it may be appropriate to require collaboration. Tribal liaisons for each agency are to be designated to serve as the contact person for the tribes, to assist in developing and implementing the mandated policy, and to coordinate the training of agency employees. However, no single state official is designated to oversee government-wide implementation and compliance with the tribal-collaboration policy mandate. There is no mechanism for ensuring consistency across agencies. The Officer on Tribal Relations could perform this essential role. The Officer could also be a resource for the agencies for educational materials and policy development advice. The Officer on Tribal Relations could also be a centralized contact for the Wabanaki nations and help facilitate communications with the various agencies, the Governor's Office, and the Legislature.

As proposed by the Resolution, Article IX, Section 26, the Officer on Tribal Relations will be chosen biennially by joint ballot of the Senators and Representatives in convention. It is concerning that a candidate must have no particular qualifications, such as experience working with Wabanaki people and communities. One can only hope that the election process will result in a suitably qualified, experienced, and culturally competent person being selected.

For 43 years, MITSC has worked to improve tribal-state relations, and it is challenging, sensitive, and time-intensive work. The State has taken essential steps to shift the relationship from one of a guardian to a ward to a government-to-government relationship. Establishing the Officer of Tribal Relations would ensure that the progress can be sustained, and continuous improvement can occur.

We encourage the Committee to vote OUGHT TO PASS on LD 1834. Woli won (thank you) for the opportunity afforded to MITSC to provide this testimony.

Respectfully submitted,



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