

**Testimony of John Dieffenbacher-Krall, Executive Director, Wabanaki Alliance,
in Support of LD 1349 An Act to Review State Lands and Waterways That Have Sacred,
Traditional or Other Significance to the Wabanaki People
Before the Joint Standing Committee on Agriculture, Conservation, and Forestry, Maine
Legislature, 1/22/24**

Senator Ingwersen, Representative Pluecker, and distinguished members of the Agriculture, Conservation, and Forestry Committee; my name is John Dieffenbacher-Krall. I live in Old Town, and I appear before you today in my capacity as Executive Director of the Wabanaki Alliance. The group was founded in June 2020 by the four Wabanaki Nations principally living in five communities in what we today call the State of Maine, the Houlton Band of Maliseet Indians, Mi'kmaq Nation, Passamaquoddy Tribe at Motahkomikuk, Passamaquoddy Tribe at Sipayik, and Penobscot Nation. The Wabanaki Alliance was created to educate the people of Maine about the need for securing the inherent sovereignty of Wabanaki Nations.

The Wabanaki Alliance supports LD 1349. We thank Rep. Ben Collings for sponsoring this legislation.

Prior to European exploration and subsequent claims to this territory all the land within what we recognize today as the State of Maine was Wabanaki land. A movement has been growing within this state to acknowledge Wabanaki connection to the land and to recognize the Wabanaki inherent right to self-determination to manage and steward these lands as the Wabanaki Nations have done for thousands of years. In the private sector, the Wabanaki Commission on Land and Stewardship has been working with enlightened members of the conservation community to restore Wabanaki presence and access to land.

LD 1349 would create a process of land return and identification of co-management opportunities for State-owned lands and waterways to the Wabanaki. The bill proposes creation of the Commission to Review State-owned Lands and Waterways “to identify which state-owned lands or waterways have sacred, traditional or other significance to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians or Mi'kmaq Nation and develop a process to return lands and waterways to the Passamaquoddy Tribe, Penobscot Nation, Houlton Band of Maliseet Indians and Mi'kmaq Nation.” The creation of the Commission to Review State-owned Lands and Waterways would create an opportunity for each individual Wabanaki Nation and the Wabanaki Nations collectively to identify the most significant lands to them. The benefits of creating a Commission as proposed by LD 1349 include identifying in advance lands and waterways of greatest importance to the Wabanaki, enhancing the process for transferring lands and waterways, introducing a more deliberate and intentional process than the current situation far too dependent on chance and circumstances, and building the working relationships and trust to implement land deals and creative management agreements.

The bill directs the Commission created by this bill to examine the practices of other states and the Federal Government “to return lands and waterways to tribes” in order to develop such a process in the State of Maine. The Wabanaki Alliance believes examining case studies

and best practices is a useful endeavor to advance the return of land and natural resource management to the Wabanaki.

Concern has been expressed that the process of identifying lands and waterways especially important to the Wabanaki could make them vulnerable to unscrupulous individuals. The provision of the bill allowing the Commission to “designate as confidential records pertaining to state-owned lands or waterways” should safeguard such areas and waters.

The legislation also empowers the Commission to make recommendations to the Legislature. The Wabanaki Alliance suggests the Commission also be directed to make recommendations to the executive branch of Maine State Government. The State of Maine agencies charged with overseeing natural resources and their management all exist within the executive branch of Maine State Government. Maine’s chief executive enjoys many powers unique to that office and that office affords opportunities to promote return of land and expansion of co-management opportunities beyond specifically delineated powers that justifies recommendations when appropriate to the Governor of the State of Maine.

I urge the committee to vote ought to pass for LD 1349.