

James McCarthy
Brunswick
LD 2007

TO: Co-chairs Sen. Anne Carney and Rep. Matt Moonen and members of the Joint Standing Committee on the Judiciary

DATE: Feb. 26, 2024

FROM: James McCarthy, 18 MacMillan Drive, Brunswick, 04011.

RE: Support for LD 2007, An Act to Advance Self-determination for Wabanaki Nations

Sen. Carney, Rep. Moonen and members of the Judiciary Committee, my name is James McCarthy. I'm a retired journalist who lives in Brunswick and a member of the Episcopal Committee on Indian Relations. I'm grateful for this opportunity to submit written testimony in support of LD 2007.

Like hundreds of other Mainers from all corners of the state, I believe the time has come for our state to modernize the Maine Indian Claims Settlement Act. Passing LD 2007 will remove harmful jurisdictional barriers that for 44 years have blocked the five Wabanaki tribes from accessing dozens of federal laws supporting self-determination benefitting the 570 other federal tribes across the country. A year ago you learned from Joseph Kalt, the principal researcher and co-author of the "Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine," just how harmful those barriers have been to the Wabanaki people.

I've read that report several times and I attended Dr. Kalt's briefing of a joint session of lawmakers at the State House. Three things continue to stand out for me:

- 1.) Outside of Maine, there's been a 30-year economic boom going on in Indian Country. This is happening in both gaming and non-gaming reservations. The Wabanaki are excluded from this growth due to restrictive language in MICSA allowing our state government to block the application of federal Indian self-determination policies and programs in Maine. It begs the question: Why not embrace full tribal self-determination and give both the Wabanaki tribes and their neighbors in rural Maine an opportunity to participate in that economic boom?
- 2.) The gap is not because of Maine's economy: since 1989, growth in personal income in Maine is 25%. In other states it is 17%. For Wabanaki Nations it is 9%. Likewise, because of the Settlement Act, the Wabanaki tribes' health, educational and economic outcomes have lagged far behind those of other population groups in Maine and other tribes throughout the country.
- 3.) According to the U.S. Census data in 2019, childhood poverty rates within Wabanaki communities range from a low of 40% at the Passamaquoddy Tribe at Motahkomikuk community to a high of 77% for the Mi'kmaq Nation in Aroostook County. By comparison, Maine's childhood poverty rate for the same period is 15%.

It's that last finding I'm most troubled by. We've all been told, "Children are the future." But here in Maine we have not acted on that belief when it comes to our Wabanaki neighbors. Perhaps this has been due to our general failure to take the time to get to know the Wabanaki people as people with hopes and dreams and ambitions for a brighter future. But thanks to the Wabanaki Alliance and its growing coalition of thousands of Mainers and more than 250 businesses that's changing. The Wabanaki are becoming less invisible. That is for the good of all of us, I believe, not just the Wabanaki. We can no longer plead ignorance about the Settlement Act's harmful impacts on the citizens of the five Wabanaki tribes.

And so, I ask you: Why would we continue supporting a 40-year bureaucratic status quo that perpetuates second-class status for the Wabanaki tribes and keeps 40% to 80% of their children in poverty?

Shouldn't that be a call to action in response to this unacceptable and harmful reality

for so many Wabanaki children? I think the answer most Mainers would give is “yes.” No one benefits by perpetuating a status quo that denies a bright future for all those Wabanaki children.

From the bottom of my heart, I ask this committee and your colleagues on both sides of the aisle to do what’s right and pass LD 2007 in this session of the 131st Legislature ... instead of kicking it down the road yet another year. It will be a historic step in the right direction — a decisive step to restore full rights of self-determination to the Wabanaki Nations.

Thank you for your time and consideration of this testimony. I urge you to vote “ought to pass” on LD 2007.