Testimony in support of LD 2007
An Act to Advance Self-determination for Wabanaki Nations
February 26, 2024

Senator Carney, Representative Moonen, and members of the Joint Standing Committee on Judiciary,

My name is Katie Donlan, I live in Portland, and I am testifying in support of LD 2007, "An Act to Advance Self-determination for Wabanaki Nations."

On the first day of my "American Indian Law" class at the University of Colorado Boulder in Fall 2021, we learned about the Federal Non-Intercourse Act of 1790. According to my professor, the Non-Intercourse Act was key to understanding the foundational principles of Federal Indian Law, hence why it was necessary to learn on the first day of class.

In brief, the law prohibits states from entering into treaties with tribal nations and prevents the sale of tribal lands without federal approval. We learned that the law was important in establishing the unique government-to-government relationship between tribal nations and the federal government, a key tenet of Federal Indian Law.

Later, I applied what I had learned over the semester to the place I call home—Maine, by writing my final paper on the 1980 Maine Indian Claims Settlement Act. The Non-Intercourse Act became more salient to me as I learned that nearly two-thirds of the land in the State of Maine had been claimed without federal approval and was thereby in violation of the Non-Intercourse Act. However, as I studied the resulting Settlement Act, it became clear to me that this mechanism purporting to "settle" the dispute instead allowed Maine to continue its behavior of exerting significant jurisdictional authority over the Wabanaki Nations.

Today under the Settlement Act, Maine continues to act in violation of this foundational principle of Federal Indian Law by obstructing the government-to-government relationship between the Wabanaki Nations and the federal government. This government-to-government relationship is in practice between the federal government and 570+ tribal nations in the United States, but not in Maine.

This principle, developed over years of precedent, has statutory origins that date as far back as the 1790 Non-Intercourse Act, a law that precedes Maine's statehood by thirty years. It is so central to Federal Indian Law that introductory "American Indian Law" students, like me, learn it on our very first day of class.

I urge you to support LD 2007, which would remove restrictions imposed on the Wabanaki Nations due to the 1980 Settlement Act and bring Maine into accordance with Federal Indian Law. The ideas guiding this legislation are neither radical, nor new, nor confusing: they are based in compromise and reflect the reality of what is in practice everywhere else in the United States. They are rooted in basic notions of fairness and equity. Thank you for your time.

Katie Donlan, Portland, ME