

Senator Carney, Representative Moonen and members of the Judiciary Committee,

My name is Lisa Montgomery. I am Burnurwurbskek and represent my raven clan. I am here to share my knowledge as tribal member who grew up on Indian Island (under the settlement act) and maintain my primary residence there.

I am a service-connected disabled veteran and a former employee of both Penobscot tribal government and our tribal section 17 corporation.

I am a former elected tribal council member and my livelihood and quality of life are not dependent on tribal resources.

If you attended the Wabanaki Alliance's "Let's Go Forward Together" event last July I was the tribal member arrested for attempting to attend an event free and open to Wabanaki people.

I am neither for or against LD 2007, *An Act to Advance Self-determination for Wabanaki Nations* and want to provide some context from my unique perspective.

The Maine Indian Land Claims Settlement Act of 1980 removed any cloud hanging over land titles in Maine, clarified the status of any other land that might be sold to the tribes, ratified the Maine Implementing Act, and affirmed that the Indians recognized in Maine were subject to all laws of the State of Maine.

Many Penobscot members did not back their leader's decision to agree to the settlement act and claimed the referendum vote on the reservation that had approved the Maine bill was an illegal referendum and did not follow the laws, traditions, and customs of the Penobscot Nation since there had been only four days in which to consider it. Some called tribal leaders' "traitors" who had "sold our rights." 124 Penobscot voted "No" to disagree with the settlement deal because it went against all our rights as a sovereign nation.¹

The only tribal sovereignty retained was exclusive to "internal tribal matters" and within a few years was the first opportunity for a court to interpret what that meant. The opinion, issued in June 1983 from Penobscot Nation v. Stilphen rejected the argument from the tribe that high-stakes bingo was exempt from state law because the proceeds were used for the *internal tribal matter* of funding tribal operations.

Regardless of losing the Stilphen case Penobscot Nation High Stakes Bingo was back on Indian Island offering 36 games per year beginning in October 1987.

In 1993 when I turned 16, I was hired as a floor worker. Chief Kirk Francis' father was the manager of the bingo operations and the entire Francis family personally benefitted immensely from it regardless if it was turning a profit for the tribe's General Fund.

Even though the bingo was losing money in 2009 the bingo manager was averaging payments of over \$25,000 each bingo weekend through three separate 1099s.

¹ Neil Rolde. *Unsettled Past, Unsettle Future: The Story of Maine Indians* (Gardiner: Tilbury House Publishers 2004), page 52.

Another recent business failure is that of Federal Program Integrators (FPI), a subsidiary of Penobscot Indian Nation Enterprises (P.I.N.E.) also run by Chief Kirk Francis' father. FPI was awarded a total of \$228.8 million in federal contracts from 2009-2014. Those contracts were passed through to non-native companies who were subcontracted to perform the actual work only netting \$2 million in revenue as the prime contractor. I don't think that was in the Harvard report of economic growth.

FPI withdrew from the SBA program in 2017 under threat of disbarment stemming from unresolved issues with the Defense Contract Audit Agency and an incurred cost pay back liability.² The tragedy of the commons for Penobscot Nation is the gate keeping of tribal resources for themselves and their family members at the expense of the tribe as a whole.

This bill would provide that the Penobscot Nation, as well as their officers and employees, are immune from suit to the same extent as other federally recognized Indian tribes and their officers and employees under federal Indian law. That seems pretty convenient for those responsible for the fraud, waste, and abuse of tribal resources.

I do agree with the intention of this bill to repeal most of the state limitations and recognize and adopt most of federal Indian law, including the Indian Civil Rights Act of 1968, the Tribal Law and Order Act of 2010, the tribal provisions of the Violence Against Women Act

Federal Indian law provides broader jurisdiction for *competent* tribal courts. I request that before taking on criminal jurisdiction that the Penobscot Nation Tribal Court answer for the recent failure to uphold civil jurisdiction and protect a disabled elder tribal member. A tribal court order was challenged recently by the state of Oregon where the offense was committed by a non-Indian on tribal land against an Indian.

I do agree with the intention of this bill for Penobscot Nation have the same rights to self-determination as other federally recognized Indian tribes within the United States. Currently this requires all federal legislation to list Penobscot Nation specifically to ensure the state does not preempt access due to the Maine Implementing Act. For the last couple of years, I have been active in consultations with USDA to ensure Penobscot Nation is included in the 2023 Farm Bill to ensure equitable funding for our tribal agricultural program because food sovereignty is real sovereignty.

Lastly, I would point out the irony of an act to advance self-determination without proper consultation with actual tribal members. This bill is not organic, it is genetically modified by lawyers and lobbyists. Not once (since we removed our elected tribal representative from the legislature) has there been any public hearings or general meetings to get feedback from Penobscot citizens in regards any proposed legislation. Although there is no reason why Mainers should fear tribal sovereignty, they should fear tribal leaders ruling rouge authoritarian governments who laterally oppress their own people.

² [Federal Program Integrators, LLC \(govtribe.com\)](https://www.govtribe.com)