

To: Sen. Carney, Rep. Kuhn, and members of the Joint Standing Committee on Judiciary

From: Mark Tappan, Portland, ME. Professor of Education and Human Development, Emeritus, Colby College.

Re: Support for LD 785, An Act to Advance Self-determination for Wabanaki Nations and LD 395, An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations

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

My name is Mark Tappan, and I live in Portland. I am writing in strong support of LD 785, An Act to Advance Self-determination for Wabanaki Nations, and LD 395, An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations.

For more than forty years, the Maine Indian Claims Settlement Acts have placed the Wabanaki Nations in an unequal and unjust position, denying them the basic rights of self-governance enjoyed by every other federally recognized tribe in the United States. LD 785 takes meaningful steps to correct this by updating the Maine Implementing Act to reflect modern federal Indian law and the inherent sovereignty of the Passamaquoddy Tribe, Penobscot Nation, Mi'kmaq Nation, and the Houlton Band of Maliseet Indians. The bill implements key recommendations of the bipartisan 2020 task force, addressing tribal court jurisdiction, natural resource management, taxation authority, and land-in-trust acquisition.

LD 395 further advances fairness by ensuring that Wabanaki Nations are no longer excluded when Congress passes federal legislation intended to benefit tribes nationwide, a practice that has harmed Maine tribes at least 151 times. Importantly, the bill maintains state authority over gaming while extending equal treatment to the Mi'kmaq Nation.

As a white man who has benefited from systems built without my consent but very much to my advantage, I see this legislation as a test of whether fairness in Maine is conditional or real. I do not face legal barriers because of my identity, nor do I need special permission to access the protections and opportunities created by federal law. The continued exclusion of Wabanaki Nations is not an abstract policy failure—it is a choice to preserve inequality. Supporting these bills is one way to take responsibility for that choice and to align our laws with our stated values of justice, equity, and mutual respect.

Thank you for considering my testimony. Together, LD 785 and LD 395 honor tribal sovereignty, strengthen rural communities, and move Maine toward a more just government-to-government relationship. I urge the committee to support these bills.