

To: Committee on Judiciary

From: Dan Berger, North Adams, MA, Direct Maternal Descendant of the First Nation Mi'kmaq

Date: February 19, 2026

RE: Testimony in support of LD785 - An Act to Enact the Remaining Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act

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

Kwe' - n'in teluisi Dan Berger. Hi - my name is Dan Berger. I am a direct maternal descendant of the First Nation Mi'kmaq through Madeleine-Angèlique of Kalaget, Siknikt, Mi'kma'ki. What we now call Caraquet, New Brunswick. My Grandmothers have lived on these lands since time immemorial. Wettapeksi Muhheakunnuk Amissohaendiek, pasna wiki Hoosic. My roots are from the People of the Waters that are Never Still place where small fish are caught, but I live in the Beyond Place.

We now call Hoosic North Adams, MA. And we now call Muhheakunnuk Amissohaendiek the Fish Creek in Schuylerville, New York, which lies on the traditional border of the Mohican and Abenaki peoples. It is where my Grandmothers are buried - and where in the archaeological record, we see documented year-round habitation of Algonquin peoples, of whom my Mi'kmaw ancestors belong culturally and linguistically, as well as the greater Wabanaki Confederacy of the Abenaki, Penobscot, Wolistiquey, Passamaquoddy, and the Mi'kmaq collectively. One of the only acknowledged year-round habitations, at least that I've found in this area.

How is this relevant to me? My family members are direct maternal descendants of Madeleine-Angèlique, a member of the First Nation Mi'kmaq. Who are our closest maternal relatives when it comes to our mtDNA, our mitochondria? Descendants of the daughters of the wife of Chief Madockawondo, members of the Penobscot, considered the "Eastern" Abenaki.

Where is there another place named Amissohaendiek? Along the Sandy River, in Farmington Falls, Maine.

There is a creation story in the Wabanaki tradition of the First Mother, the Corn Mother, walking these riverbeds and sacrificing herself, giving us the crops we were able to grow to sustain ourselves and our families for generations. The fact that my grandmothers ended up back down in Amissohaendiek, where they operated a boarding house along the Champlain Canal, and where my mom was a librarian for 30 years, seems like no small coincidence. They were living in the Abenaki equivalent of our Penobscot sisters Amissohaendiek, living in a place, and being buried where one of the few acknowledged year-round Algonquin settlements I've found is located. In the tradition of our Grandmothers, since time immemorial.

I also point you all towards the stories of Madeleine-Angèlique and the daughters of Madockawondo to help conceptualize what our Wabanaki grandmothers were doing in their lives. They lived during a time when the Council of Grandmothers was operating in a real way; they had a real role in domestic affairs, and way more of a role in the matriarchal societies they

were born into than our European counterparts would like to let on. Our maternal ancestors specifically helped give refuge to the fleeing Acadians, whose descendants, myself included, still frequent the shores of Caraquet. Being there as a refuge, as we have for generations.

They also dispatched war parties, were active in diplomacy, being catalysts for treaties, and were in charge of shared resource protocols of the areas.

It is in this spirit that I reach out, as my ancestors have reached out before me. Joseph Orono, the hereditary Chief of the Penobscot during the Revolutionary War, is my maternal cousin. We share a common maternal ancestor and the same mitochondria. And a common cause.

In 1775, Orono pledged to fight alongside the Americans. The following year, on July 19, 1776, the Treaty of Watertown was signed by delegates from the Mi'kmaq and Wolistiquey, uniting the Americans with our Wabanaki communities and binding us to the common fight for freedom. When Charles Robin's fisheries in the Chaleur Bay, which Madeleine-Angélique and my family were associated with, began to be raided by American privateers in 1777, Madeleine-Angélique's greater kinship networks would have been involved in these resistance efforts.

I am not the only person with Mi'kmaw ancestry who has stories like these. When the international and state borders were drawn that we are now forced to cross, many of the sacrifices of our communities were muddled and forgotten. We all deserve - all of us Wabanaki - as the first allies of this Nation, and as the First Nations of these lands, we deserve the same dignity and respect as all of the federally recognized tribes. Our ancestors did not sacrifice for this. And our current and future generations do not deserve to suffer. This is why I write you to support LD 785 - An Act to Enact the Remaining Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act.

I point you toward these talking points from the Wabanaki Alliance:

- **LD 785 levels the playing field for the Wabanaki Nations.** For 40 years, restrictions in the 1980 Maine Indian Claims Settlement Act (MICSA) have blocked the Wabanaki Nations from accessing all of the federal self-determination policies that helped 570 other tribes create thousands of jobs and generate hundreds of millions in economic activity. While tribal income outside of Maine grew 61% since 1989, Wabanaki income grew only 9% (compared to Maine's 25% overall). It's time to remove these barriers.
- **Children are bearing the brunt of the Settlement Act's failures.** Childhood poverty in Wabanaki communities ranges from 40% to 77%, compared to Maine's overall rate of 15%.
- **Modernizing the Settlement Act is an economic win-win.** Harvard researchers project that tribal self-government would add \$330 million annually to Maine's GDP, create 2,700+ jobs (more than half filled by non-tribal rural Mainers), and generate \$39 million yearly in state and local tax revenue. When the Wabanaki thrive, rural Maine thrives.
- **The Settlement Act was designed to evolve.** The politicians who drafted the 1980 Settlement Act called it a "living document" meant to be updated. The law itself allows Maine, the Passamaquoddy Tribe, and the Penobscot Nation to amend it. After more than 40 years of harm, it's time to modernize this broken deal.

- **For the Wabanaki Nations, uncertainty, litigation, and delays are consequences of MICSA’s exclusionary language since 1980.** Former Maine Attorney General Michael Carpenter, who voted for MICSA when he was a state senator representing Houlton, noted in a 2021 Bangor Daily News commentary that when he was reelected to the Maine Senate in 2016, it had become clear tribal relations with the state had deteriorated significantly, noting “Instead of working with the tribes, we were unnecessarily in the courts squandering taxpayer dollars.”
- **Maine’s wild and scenic beauty didn’t happen by accident.** The Wabanaki have been protecting the environment and maintaining sustainable ecological practices for millennia, long before the European settlement of Maine. They will continue to do so; it’s their heritage and birthright as Wabanaki peoples.
- **Mainers overwhelmingly support Wabanaki self-determination.** More than 1,600 Mainers testified in record numbers supporting tribal sovereignty legislation based on the consensus recommendations of a bipartisan legislative task force. Environmental organizations, social justice organizations, organized labor, and faith-based groups continue to voice strong support on behalf of tens of thousands of their members. Over 300 businesses and organizations have joined the Wabanaki Alliance Tribal Coalition — including the newly formed “Businesses for Wabanaki Sovereignty.” It’s time to remove the barriers that have kept the Wabanaki and their rural Maine neighbors from the economic resurgence achieved by tribes across Indian Country.

When I learned the extent of the modern struggles we are forced to endure - unnecessarily, especially compared to every one of the 570 federally recognized tribes, well, it is still hard to make sense of it. You all have the power to change that. We have the power to change that. Let’s continue to walk together - in a good way, as our ancestors did. So that the next 7 generations can as well.

Wela’liog - I thank you all.

Sincerely,

Dan Berger