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Testimony introducing

LD 273, An Act to Provide Funds to the Malaga 1912 Scholarship Fund

May 10, 2023

Senator Rafferty, Representative Brennan, esteemed members of the Education and Cultural Affairs Committee, thank you for hearing LD 273, An Act to Provide Funds to the Malaga 1912 Scholarship Fund

This bill stemmed from the *unanimously* approved LD 1771 Advisory Panel to Better Understand and Make Recommendations Regarding the Implications of Genome-Editing Technology for the Citizens of the State, which met last August through October. I was its House chair. The *bipartisan* panel was a first-in-the-nation consideration of what it means for a state that we can edit genes.¹

Although the panel's work at times got rather technical with regard to applications in medicine, agriculture, the state education system, the state economy, and other areas, we also devoted an entire day of work to the humanities. In our exploration of history, we were reminded how the Nazi obsession with developing a "master race" in part grew out of the Eugenics movement in the United States. Maine State Archivist Kate McBrien, for instance, documented that the Third International Eugenics Congress was held in New York City in 1932--before the Nazis took power in Germany. German scientists and leaders toured the U.S. in developing their "racial purity" policies.

¹ To put that into historic context, domestication of animals and plants--caring for and selecting parents in order to get desirable traits in offspring--was the state of the art for over 10,000 years. But, in the past few decades, and in particular the past decade, with the advent of the molecular tool CRISPR, humanity harnessed a major natural phenomenon. It was a discovery on par with the harnessing of fire in primitive days, or the harnessing of wind for travel across the oceans centuries ago, or the harnessing of electrical information on a microchip and advent of the computer age in the 20th century. It's an innovation on par with the harnessing of fire in primitive days, or the harnessing of wind for travel across the oceans centuries ago, or the harnessing of electrical information on a microchip and advent of the computer age in the 20th century.

Photographs from the early 1900s on Malaga Island, Maine Benjamin Darling, a free Black man purchased nearby Horse Island in the 1790s, a generation before Maine statehood

An excerpt from the December 2022 report from the LD 1771 Gene Editing Panel

In the early 1900s, the State evicted all of the residents of Malaga Island, some of whom were institutionalized in Maine School for the Feeble Minded. During this same time period, the State performed eugenically based sterilizations under both compulsory and voluntary laws, including on residents of the Maine School for the Feeble Minded.

Maine State Archivist Kate McBrien next shared the history of Malaga Island, a small island off the coast of Maine that was home to a multi-race community from about 1863 until 1912, and the impact that the eugenics movement had on that community. The eugenics movement aimed to increase the incidence within the community of what the movement's scientific and political leaders regarded as desirable characteristics and to decrease the incidence of characteristics viewed as less desirable. Influenced by eugenic theories, a report submitted to the Governor of Maine and the State's Executive Council in 1911 described, using racist terminology, the people of Malaga Island – a poor, multi-race community whose lives had become the subject of popularly disseminated myths including stories of theft, inbreeding and illiteracy. In 1911, the State of Maine decided to break up the community, evicting them from the island in an attempt to prevent further procreating and possible community growth. The State also took title to the island to

prevent individuals from attempting to resettle there. Some Malaga Island residents were institutionalized at the newly opened Maine School for the Feeble Minded, including one entire family. By 1912, the community on Malaga Island was gone. During this same time period, the State performed eugenically based sterilizations under both compulsory and voluntary laws, including on residents of the Maine School for the Feeble Minded. The popularity of eugenics theories continued to grow in Maine and, in 1917, a report commissioned by the Governor concluded that the "intellectual and moral standards of the State's inhabitants as a whole may be advanced faster and their efficiency be increased by seeking to humanely diminish the burden of feeble-mindedness."²¹ While it is easy for modern society to dismiss the movement as misguided, Ms. McBrien observed that throughout the turn of the century and up through the 1940s, eugenics-based theories were the leading scientific theories championed by doctors, educators and politicians. Governor John Baldacci, Governor Paul LePage and the Maine Legislature eventually apologized on behalf of the State and established the Malaga 1912 Scholarship Fund for

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²¹ State of Maine. *The Report of The Maine Commission for The Feeble-minded and of the Survey by The National Committee for Mental Hygiene*, 1918, <https://archive.org/details/reportofmainecom00nati/page/n7/mode/2up>

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descendants of former residents of Malaga Island.²² Nevertheless, the lingering effects of the eugenics movement remain today. Following Ms. McBrien's presentation, the panel paused to take a moment of silence to reflect upon the harm the State inflicted on the people of Malaga Island and other disadvantaged populations during the eugenics movement. (A copy of Ms. McBrien's presentation is included in Appendix I.)

All of the 2022 bipartisan panel's recommendations were unanimously accepted, and one of them was

Recommendation I The State should make every effort possible to avoid engaging in activities similar to the historical wrongs that the State perpetrated on Malaga Island as well as the historical wrongs committed during the eugenics movement

This bill flows from that recommendation It's a reminder of what happened In 2010, Governor John Baldacci made an official apology on behalf of the State of Maine, to the descendants of Malaga Island Governor Paul LePage helped dedicate a memorial in honor of that erased community He also proposed having a scholarship fund with state dollars reserved for the educational attainment of descendants of the obliterated community of Malaga Island His original proposal was \$500,000, but the Legislature ultimately appropriated \$300,000 when it created the Malaga 1912 Scholarship Fund in 2013

This discrepancy left deserving Malaga Island descendants without scholarships, but LD 273 can fix that

The printed version included reference to members of federally recognized Indian tribes in Maine The panel heard testimony about cultural annihilation perpetuated against the tribes in the so-called Indian Schools which existed in the 19th and 20th centuries, founded on the promise to "Kill the Indian, Save the Man " As terrible as that story is in its own right, it's not particularly germane to the tragedy of Malaga Island, so I ask for that line to be struck

Please pass the amended version unanimously Thank you

**LD 273, An Act to Provide Funds to the Malaga 1912 Scholarship Fund
Rep. Zager Proposed Amendment**

Changes highlighted

Be it enacted by the People of the State of Maine as follows

Sec 1 Appropriations and allocations The following appropriations and allocations are made
EDUCATION, DEPARTMENT OF

General Purpose Aid for Local Schools 0308

Initiative Provides one-time funds for scholarships for descendants of former residents of Malaga Island ~~or members of a federally recognized Indian tribe in the State~~. The Commissioner of Education shall award these funds to a nonprofit entity to administer the scholarship program

GENERAL FUND	2023-24	2024-25
All Other	\$300,000	\$0
GENERAL FUND TOTAL	\$300,000	\$0

SUMMARY

This bill provides one-time funds for scholarships for descendants of former residents of Malaga Island ~~or members of a federally recognized Indian tribe in the State~~ and specifies that the Commissioner of Education must award these funds to a nonprofit entity to administer the scholarship program