

**Testimony of Chief Edward Peter Paul**  
**Mi'kmaq Nation**  
**Wednesday, May 31, 2023**  
**Hearing before the Joint Standing Committee on Judiciary**  
**L.D. 1620, "Mi'kmaq Restoration Act"**

Quay, good morning Senator Carney, Representative Moonen, and Distinguished Members of the Joint Standing Committee on Judiciary, my name is Edward Peter Paul and I am the Chief of the Mi'kmaq Nation. Thank you for the opportunity to speak in support of L.D. 1620, the Mi'kmaq Restoration Act.

It is difficult to explain fully the impact this bill will have on the Mi'kmaq people in the limited time I have before you today

But if I can leave you with just two takeaways, they are that  
30 years. For the first time in 30 years...

(1) this bill will provide jurisdictional parity for the Mi'kmaq Nation with the rest of the tribes in Maine, and

(2) this bill will enable the Nation to properly to begin its nation building efforts and provide essential governmental services for the health, welfare and safety of my people.

As I will discuss in the next few minutes, this legislation is critically necessary because there are major disparities that exist here in Maine regarding Native Americans. I am not just talking about the disparities between the jurisdiction that the Wabanaki have here versus tribes elsewhere. No, I am talking about the very significant and problematic disparities that exist even among the federally recognized Wabanaki Nations.

For the past 30 years, the Mi'kmaq Nation is the only tribal nation here in Maine without an agreed upon jurisdictional arrangement with Maine. We are federally recognized by Congress, but under state law we are not considered to have the same jurisdictional powers as the Maliseet, the Passamaquoddy or the Penobscot. The other nations have existing provisions of state law that allow them to operate courts and to establish police departments. We have no such agreement with Maine as of now, and as a result, we have no court or law enforcement that the Nation is permitted to operate under state law on our trust lands. This bill is about addressing some of those basic

disparities, which have held back my nation's self-determination.

The Mi'kmaq Nation has a very long and proud history, having lived and thrived in this part of Turtle Island since time immemorial. While I hope everyone takes the opportunity to learn more about our Nation and our history, for today's purposes, I will mention only a few key moments in time. The first was just two weeks after the United States declared its independence from Great Britain. The Commonwealth of Massachusetts, on behalf of the United States of America, signed a "Treaty of Alliance and Friendship", today known as the Treaty of Watertown, with the Mi'kmaq Nation and other tribes, to establish a military alliance against Great Britain. Thus, since the very birth of this country, the Mi'kmaq people were recognized as sovereign and of equal status to the new nation.

Fast forward to the 1970s when the State of Maine negotiated with the Maliseet, Passamaquoddy and Penobscot and entered

into the Maine Indian Claims Settlement Act of 1980 (MICSA). The Nation was not a part of the discussions leading up to the passage of MICSA and was not included in its provisions.

Finally, in 1991, the United States acknowledged the fact that the Nation also had land claims throughout the State of Maine and entered into a separate congressional settlement act with the Nation. Among other things, this agreement authorized the State of Maine to enter into its own agreement with the Nation regarding the authority of the State of Maine to exercise jurisdiction over Mi'kmaq Nation lands.

Prior attempts to reach agreed upon jurisdictional agreements with the state have failed or have been ignored by state officials. Thus, unlike the other three tribes in Maine, the Nation has gone more than thirty years without state recognized authority to govern itself and its territory.

As a result, the Nation has been left without the tools necessary to face great community challenges. Not only does Mi'kmaq fall behind the non-tribal Mainers with respect to per capita income,

but we also fall behind the other tribes. For example, in 2019, Mi'kmaq's annual per capita income was \$11,431, compared to \$18,809 for Penobscot Nation and \$34,593 for the State of Maine. In 2019, the five-year average poverty rate for children in Maine was 15.1%. For Passamaquoddy at Indian Township, it was 40.2%. For Mi'kmaq Nation it was a staggering 76.9%.

This is a stunning level of inequality that must be addressed.

This bill removes the stark distinctions between the Mi'kmaq Nation and the other three tribes, the Passamaquoddy, Penobscot and Maliseet caused by MICSA in most regards. And while the Maine Indian Claims Task Force identified that immense progress still needed for all tribes in Maine, this is a critical first step forward for the Mi'kmaq Nation's people.

This Act represents an agreement between the Mi'kmaq Nation and the State of Maine regarding the allocation of jurisdiction within Mi'kmaq's trust lands as they stand today.

This legislation acknowledges Mi'kmaq's sovereign authority over its people and lands.

Importantly, it also recognizes that the Nation is building its capacity to fully exercise that authority and ensures that there are not gaps in jurisdiction while that happens.

By explicitly recognizing the Nation's exclusive jurisdiction over internal tribal matters, this bill enables myself and Tribal Council to properly govern our own citizens. It contemplates the development and operation of a Mi'kmaq tribal court where the Nation will handle criminal and civil matters arising within Mi'kmaq Trust Lands.

This law also recognizes Mi'kmaq authority to regulate hunting, fishing and trapping within our trust lands, an integral part of our culture and relationship with the earth and our animal relatives.

30 years. If passed, then this Bill will finally bring jurisdiction parity to the Mi'kmaq Nation. If passed, then this Bill will finally give the Mi'kmaq Nation the tools it needs to begin its nation building efforts and allow it to properly provide for the health, welfare and safety of its citizens.

In closing, members of this committee, this jurisdictional agreement achieves equality for the Mi'kmaq Nation with the other tribes in Maine and recognizes the Nation's expertise and ability to govern ourselves.

This legislation does not full address all of the past injustices to my people, but it does represent an incremental and extremely important step for the Mi'kmaq Nation.

It also shows that where injustice is found, it can be addressed by meaningful discussion, and negotiated agreement.

I wish to close my testimony by thanking the both the House and Senate Leadership... of both parties, as well as the Governor and AG's Offices for engaging in the discussions that produced this Bill.

Please support LD 1620 and vote it favorably out of committee.

Woliwoni,..I thank you for your time and your consideration.

Edward Peter Paul

Tribal Chief of the Mi'kmaq Nation