



TESTIMONY OF MICHAEL KEBEDE
LD 395 – Ought to Pass

An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations

Joint Standing Committee on Judiciary

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Senator Carney, Representative Kuhn, and distinguished members of the Joint Standing Committee on Judiciary, greetings. My name is Michael Kebede, and I am policy director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, I urge you to support LD 395.

Of the 574 federally recognized tribes in the United States, the Wabanaki Nations the only ones who must be written into each federal law to benefit from it. Wabanaki Nations deserve no less control over their own destiny than all others. This bill would help put the Wabanaki Nations on equal footing.

Specifically, LD 395 would amend the Maine Implementing Act to make it clear that Wabanaki citizens can enjoy the benefits of laws that Congress passes specifically for the benefit of tribal nations, with certain exceptions. This bill will help ensure that Wabanaki Nations are not left behind as other tribal nations are able to improve living standards, governance, and economic development.

Indeed, at a time when our rural healthcare and other infrastructure is crumbling, it is especially important for Maine policymakers to consider how this bill would bring prosperity not just for Wabanaki, but also for neighboring communities. In 2022, a Harvard study on the impacts of restrictions on the applicability of federal Indian policy to the Wabanaki Nations found that all the Wabanaki Nations “are stark economic underperformers relative to the other tribes in the Lower 48 states.”¹ This

¹ Joseph P. Kalt et al, Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine, at i, Harvard Kennedy School, ASH Center for Democratic Governance and Innovation,



underperformance hurts native and non-native communities alike, since “tribal economic development spills over positively into neighboring non-tribal communities and improves the abilities of state and local governments to serve their citizens.”² A future of shared prosperity: that’s the promise of this bill.

This bill aligns with the nationwide and global trends toward enhancing tribal sovereignty. For at least the past 25 years, the United States, numerous state and local governments, and countries around the world have dedicated themselves to protecting and promoting the rights of Indigenous peoples. This is reflected, for instance, in the signing by every member of the United Nations of the United Nations Declaration on the Rights of Indigenous Peoples. In Alaska, for instance, the Alaska Supreme Court held in 1988 that the Native villages in Alaska are “not self-governing or in any meaningful sense sovereign.” *Native Village of Stevens v. Alaska Management & Planning*, 757 P.2d 32, 34 (Alaska 1988). Eleven years later in 1999, that same court reversed itself and held that the Native villages in the State possess inherent powers of self-government. *John v. Baker*, 982 P.2d 738 (Alaska 1999). This bill gives Maine a chance to similarly transform its relationship with Wabanaki Nations.

These commitments and changes in other states stem from a recognition of the truth that many Indigenous peoples were treated unjustly and unfairly, and that all of us have an obligation and moral duty to respect Indigenous peoples and governments, and to promote Indigenous independence, recovery, freedom, and prosperity.

We urge you to vote ought to pass on LD 395.

Dec. 2, 2022, *available at* https://ash.harvard.edu/wp-content/uploads/2024/02/wabanaki_report_vfin_for_dist_2022-12-09.pdf

² *Id.*