



Rachel Talbot Ross
Senator; District 28

THE MAINE SENATE
132nd Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Rachel Talbot Ross introducing
**LD 785, “An Act to Enact the Remaining Recommendations of the Task Force on Changes
to the Maine Indian Claims Settlement Implementing Act”**
before the Joint Standing Committee on Judiciary
February 19, 2026

Senator Carney, Representative Kuhn and esteemed colleagues of the Judiciary Committee, I am Rachel Talbot Ross. I represent Senate District 28 which includes part of Portland, Casco Bay Islands, and is home to the University of Southern Maine. It is my honor to present LD 785, "An Act to Enact the Remaining Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act."

While I am honored to be the lead sponsor of this legislation in the 132nd Legislature, its current form is the result of several years of work by this committee, the Wabanaki Nations, the Executive Branch, Attorney General, the allies, advocates, partners of the Wabanaki Alliance and so many Mainers fighting for the restoration of tribal sovereignty.

I want to acknowledge and thank the cosponsors of LD 785 who help articulate the strong bipartisan support for the self-determination of the Wabanaki Nations and to usher in a new period of positive tribal-state relations.

LD 785 is the product of then-Speaker Sara Gideon and then-Senate President Troy Jackson affirmatively reaching out to the tribes in Maine in the spring of 2019 to express the desire of the State Legislature to modernize the Settlement Acts that govern the relationship between the state and Wabanaki Nations. Their desire to modernize the Settlement Acts came as a result of the 2016 Roundtable to Review the Maine Indian Claims Settlement Act hosted by the Maine Tribal-State Commission. The State Legislature agreed and enacted a Joint Resolution to Support the Development of Mutually Beneficial Solutions to the Conflicts Arising from the Interpretation of An Act to Implement the Maine Indian Claims Settlement and the Federal Maine Indian Claims Settlement Act of 1980, establishing a Task Force to develop recommendations on changes that should be made to these laws and submit any necessary legislation to move them forward.



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- Although the Settlement Acts supposedly guaranteed the Tribes the full right to govern their internal affairs, lawsuits brought by three paper corporations led to a state court decision in 2001 finding that the Settlement Acts required the Tribes to release a substantial amount of their internal documents to the paper corporations under Maine's Freedom of Access Act.
- In 2012, Congress enacted amendments to the federal Stafford Act that would allow federally recognized tribes to directly request a presidential disaster and emergency declaration rather than go through their respective states. Maine opposed these amendments applying to Wabanaki Tribes and argued to Congress that the Settlement Acts prevented the amendments from applying. The Stafford Act amendments would have allowed the Wabanaki Nations to seek federal resources when there are disasters on their Tribal lands. The Penobscot Nation reported that Maine's efforts specifically prevented them from accessing federal resources when ice jams caused flooding on their Tribal lands. The failure of these amendments to apply in Maine also delayed Tribal access to federal resources to combat the COVID-19 pandemic.
- A 2012 report of the United Nations' Special Rapporteur on the Rights of Indigenous Peoples found that the Settlement Acts create structural inequalities that limit the self-determination of Maine Tribes and contribute to Maine Tribal members experiencing extreme poverty, high unemployment, short life expectancy, poor health, limited educational opportunities and diminished economic development.
- In 2013, Congress enacted a law that restored the criminal jurisdiction of Wabanaki Nations over non-Indians who commit certain acts of domestic violence on Tribal lands. The Penobscot Nation was set to be a pilot project for the U.S. Department of Justice. However, the State of Maine challenged the application of the new federal law to the Maine Tribes. The result was that the Maine tribes could not prosecute non-Indians for crimes of domestic violence, the Penobscot Nation was not allowed to be a pilot project and lost out on millions of dollars of federal law enforcement resources, and women who are victims of domestic violence on Tribal lands continued to have no access to justice.
- In 2014, the Maine Department of Professional and Financial Regulation, which issues licenses to health care facilities in Maine, began sending letters to the Passamaquoddy Tribe's health clinic demanding that the facility only hire Maine-licensed medical professionals. However, Congress enacted a law in 2010 that allowed all Wabanaki Nations to hire any medical professionals that were licensed by any state. Congress did



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of the Wabanaki Nations in Maine compared to existing Federal Indian Law that applies to most other Wabanaki Nations.

I do so with the hope that my colleagues will join these efforts to close a chapter on the State-Tribal relations that have existed for the past 40 years and to begin a new chapter, one that respects the Wabanaki Nations in this state for what they are: the indigenous nations that pre-exist the United States with the full powers and authorities of other Wabanaki Nations. Rather than continue to see the Wabanaki Nations as enemies or a threat to our state government, I see LD 785 as an opportunity to partner with our Wabanaki Nations and work with them on a government-to-government basis to develop progress for all the communities within this state.

I have long heard that the goals of the 1980 Settlement Acts were to prevent the existence of a government within a government. The State of Maine somehow thought that recognizing the full political existence of our Wabanaki Nations would somehow diminish us as a state. Whatever the cause for those feelings in 1980, they simply have not turned out to be true in Maine or in other states. Instead, state governments that have embraced their Wabanaki Nations and developed productive and meaningful political relationships with them have seen those relationships bring progress to the entire state. There remain disagreements, just like there remain disagreements between Maine and our neighboring states at times. But having respectful, equal political relationships seems to be much more productive than what Maine has done for the past 40-plus years.

In 1970, President Richard Nixon delivered a special message on Indian Affairs to the United States Congress. This message was that the federal government's policies up until that time were wrong and not working. Nixon condemned prior federal efforts at forced termination of Tribes and proposed recommendations for specific action to allow and support the self-determination and self-governance of Wabanaki Nations. The policy set forth by President Nixon remains the policy of the federal government towards Wabanaki Nations today. And, by all accounts, it is the only policy that seems to be providing benefits to both the Tribes and the country, so it is not expected to change any time soon.



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The Wabanaki Nations pre-exist the State of Maine. The Tribes are not looking to harm the state. The tribes of Maine are not looking for special treatment. Rather, they are looking for the restoration of their legal sovereignty and to benefit from the opportunities that other Wabanaki Nations in the country have benefited from and elevate the lives of those living within and near their communities.

Thank you for allowing me to present LD 785. I believe this is truly momentous legislation that can provide meaningful benefits to the Wabanaki Nations, as well as to the nearby communities and the entire state.

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