

# Maine Indian Tribal-State Commission



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February 13, 2023

**RE: Testimony of the Maine Indian Tribal-State Commission On LD 294, An Act to Include a Tribal Member in the Baxter State Park Authority**

**To: Senator Ingwersen, Representative Pluecker, and Members of the Joint Standing Committee on Agriculture, Conservation, and Forestry.**

**My name is Paul Thibeault. I am the Managing Director of the Maine Indian Tribal-State Commission, and I submit this testimony on behalf of the Commission, neither for nor against LD 294.**

The Maine Indian Tribal-State Commission (MITSC) was created in 1980 as part of the Maine Implementing Act. The primary responsibilities of MITSC are to continually review the effectiveness of the Maine Implementing Act and the social, economic, and legal relationships between the State of Maine, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, and the Penobscot Nation. In a broader sense, MITSC is tasked with supporting effective Tribal-State relations, and emphasizes outreach, networking, and education. Based on its ongoing reviews and studies, the Commission makes legislative and policy recommendations to the State and Tribal governments. MITSC also provides education and acts as a resource for information on Tribal-State issues.

MITSC recognizes the importance of Baxter State Park to all the people of Maine. MITSC has long recognized, respected, and supported the special and unique cultural and spiritual relationship between Wabanaki people and the Katahdin region. MITSC appreciates the actions by the State and the Baxter Park Authority to promote access to the Katahdin region by the Wabanaki people. MITSC encourages the Tribes and the State to consider MITSC as a forum for examination of Tribal-State issues involving Baxter State Park. Further discussion of LD 294 will be on the agenda for the next MITSC meeting on March 10. Pursuant to its statutory authority and responsibilities, MITSC is available to provide analysis and recommendations in work sessions and otherwise as LD 294 moves through the legislative process.

Over the course of many years, MITSC has received numerous communications from Tribal leadership about complex issues regarding natural resources and sacred places located within the present-day borders of Maine, part of the aboriginal homeland of the

**Wabanaki people. MITSC has studied these issues and has published many findings and recommendations. MITSC has repeatedly found that there has been no clear and consistent State process for consultation with Tribes on these issues. The effectiveness of the Maine Indian Land Claims Settlement and the relationships between the Tribes and the State are undermined when meaningful consultation does not take place. Maintaining and strengthening the government-to-government relationship between Wabanaki Tribal Governments and the State of Maine requires open and transparent conversations about issues that ensure timely sharing of all relevant information before proposals, policies, and laws are finalized and publicly announced. MITSC has repeatedly found that the lack of consultative practice undermines many aspects of Wabanaki-Maine relations.**

**MITSC does not view LD 294 as an isolated piece of legislation. It is one part of a larger context of promoting effective government to government consultation, with the goal of achieving mutually beneficial collaboration. Recent years have brought several positive developments which MITSC has encouraged and welcomed, including the new tribal-state collaboration statute enacted last year. The designated state agencies have been developing their policies to implement that promising statute. Other positive recent developments include adding Wabanaki seats to the Maine Criminal Justice Academy Board of Trustees, the UMS Board of Trustees, the IF&W Advisory Council, and the Marine Resources Advisory Council. Passage of LD 294 could be viewed as one more logical and important step in promoting effective tribal-state collaboration on matters that substantially and uniquely impact the Wabanaki tribes and their citizens.**

**MITSC also encourages the committee and the legislature to consider LD 294 within the framework of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted by the UN General Assembly on September 13, 2007 and supported by a Joint Resolution of the Maine Legislature on April 15, 2008. In recent years MITSC has consistently encouraged the use of this framework regarding review of all issues affecting the Wabanaki-Maine relationships.**

**All actions affecting the natural resources and lands “traditionally owned, occupied or otherwise used or acquired” by the Wabanaki ought to take into account UNDRIP Article 19, which requires “free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.” The principle of free, prior, and informed consent aims for a decolonized approach when consulting with indigenous peoples in the uses of ancestral territory and resources. The Declaration recognizes and values the distinct relationship that Native people have with lands and waters and requires other governments to consult and cooperate with indigenous representatives over matters that impact indigenous practices, institutions, and traditions. Article 25 of UNDRIP states that: “Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.”**

**Since the 1980 Settlement the Wabanaki Tribes have proven to be outstanding stewards of the natural environment that they share with their non-Indian neighbors. The Wabanaki have unique knowledge and perspectives that no other group of people can provide. Their special relationship with Katahdin is just one example. In their worldview and culture, the Wabanaki are intimately connected to all of Creation, and can provide insights to strengthen the conservation and protection of resources. They have a record of a relationship with the natural world compiled from hundreds of generations of Wabanaki Peoples unmatched by Western science. The committee should consider how the Baxter Park Authority and the people of Maine could benefit from an institutionalized seat for the Wabanaki to share their collective knowledge.**

**Respectfully Submitted,**

*Paul Thibeault*

**Paul Thibeault, Managing Director**

**Maine Indian Tribal=State Commission**