



MAINE INDIAN TRIBAL-STATE COMMISSION

*Maine Indian Tribal-State Commission Testimony Supporting
LD 1349 "An Act to Review State Lands and Waterways That Have Sacred, Traditional or
Other Significance to the Wabanaki People."
Before the Committee on Agriculture, Conservation and Forestry*

January 22, 2024

Good morning. Senator Ingwersen, Representative Pluecker, and honorable members of the Committee on Agriculture, Conservation and Forestry. My name is Jill Tompkins. I reside on *alenape meneha* (Indian Island), part of the *penawahpkekeyak* (Penobscot Nation) Reservation. I am the Executive Director of the Maine Indian Tribal-State Commission ("MITSC"). Thank you for this opportunity to provide this testimony on behalf of MITSC in support of LD 1349 "An Act to Review State Lands and Waterways That Have Sacred, Traditional or Other Significance to the Wabanaki People."

MITSC was created in 1980 by The Act to Implement the Maine Indian Claims Settlement Act ("Implementing Act"), 30 MRSA § 6201 et seq. MITSC is comprised of members representing the State of Maine and the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, and the Penobscot Nation. Its statutory responsibilities are to continually review the effectiveness of the Implementing Act and the social, economic, and legal relationships between the represented tribes and the State. The Commission also has regulatory responsibilities concerning designated bodies of water bordered by or within Indian Territory. In addition, MITSC is authorized to make recommendations regarding fish and wildlife policies on non-Indian lands to protect fish and wildlife on lands and waters that are subject to regulation by the Tribes and the Commission. MITSC also provides education and acts as a general resource on Tribal-State issues.

MITSC has supported and continues to support the return of lands of special importance to the Wabanaki Tribes. The specific language of LD 1349 as currently drafted however may generate some questions regarding the relationship between the proposed process and current provisions in the Implementing Act, including:

- (1) With respect to the return of lands to the Tribes, the MIA currently states in section 6205(5) that:

“Limitations. No lands held or acquired by or in trust for the Passamaquoddy Tribe or the Penobscot Nation, other than those described in subsections 1, 2, 3 and 4, shall be included within or added to the Passamaquoddy Indian territory or the Penobscot Indian territory except upon recommendation of the [MITSC] and approval of the State to be given in the manner required for the enactment of laws by the MRS Title

30, Chapter 601: MAINE INDIAN CLAIMS SETTLEMENT.”

- (2) With respect to the return of state waters to the Tribal Nations, questions may arise regarding the rulemaking role of MITSC in such waters. The Implementing Act, Section 6203, delegates to MITSC fishing rule-making authority over waters within or bordering Penobscot and Passamaquoddy territory.
- (3) It should be clarified whether the proposed bill would amend the Implementing Act. If it would, then the legislation should include language regarding securing tribal agreement that is mandated by the Maine Indian Claims Settlement Act, 25 U.S.C. §1721(e)(1) and the Aroostook Band of Micmacs Settlement Act, §1721(6)(d)(1991 Amendment).

MITSC encourages the Tribes and the State to consider MITSC as a resource for the examination of these and other questions that may arise regarding the relationship between LD 1349, the Maine Implementing Act, and the statutory duties of MITSC.

Woli won (thank you) for the opportunity afforded to MITSC to provide this testimony.

Respectfully submitted,



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