

## Testimony Regarding L.D. 1626

February 15, 2022

Mark Chavaree, Legal Counsel for the Penobscot Nation

Hello Senator Carney, Representative Harnett, and members of the Judiciary Committee. My name is Mark Chavaree, a citizen of the Penobscot Nation. I was raised and live on Indian Island, the Nation's primary residential area and its seat of government.

While I am grateful for this opportunity to share my thoughts regarding L.D. 1626, I am tired -

Tired of providing testimony seemingly in vain.

Tired of having to repeatedly define and defend our sovereignty especially since Wabanaki Nations predate the State of Maine by thousands of years.

Tired of listening to and giving the benefit of the doubt to those who wish to keep the terms of the Maine Indian Claims Settlement Act (MICSA) and the Maine Implementing Act (MIA) as they are.

Tired of feeling hopeful only to be let down when the good work of allies is overshadowed by fear and misinformation.

I was 18 when the MICSA was first ratified and ten years later I began my tenure as in-house legal counsel for Penobscot Nation. I have spent my career dealing directly with the terms of MIA.

Over these thirty-two years, I have participated in many attempts at resolution – task forces, workgroups, committees, public events, and hearings. While it is always encouraging when tribal and state representatives work in cooperation, there has yet to be a fair and just outcome.

You have the power to change that by voting yes on L.D. 1626. A yes vote shows that you respect tribal sovereignty and tribal people.

The request is simple – to place tribes in Maine on par with all other federally recognized tribes and end the disparate treatment the tribes in Maine have faced under the MIA. Now is the time - after more than four decades and countless meetings and hours of testimony. Now, at this critical juncture in tribal state relationships. As the state of Maine begins another centennial and Wabanakiyik begin another millennial.

Tribal leadership entered into this agreement in good faith and understood that the *internal tribal matters* language would protect our inherent authority to govern ourselves within our own territories free from outside interference. They also clearly understood that the *municipal* language was an additional grant of tribal authority, enhancing our inherent rights as tribal governments.

The MIA has **not** been interpreted in a manner that supports what the Tribes agreed to and understood.

The *internal tribal matters* phrase has been so narrowly interpreted that it has been largely rendered meaningless and the *municipal* language has been interpreted in a manner that does not recognize our primary status as tribal nations indigenous to this territory with inherent, sovereign rights that predate not only the State of Maine but the United States of America. That needs to change.

Contrary to statements by the opposition, the Tribes' efforts to change the MIA to more accurately reflect and honor our original understanding is not a new initiative. There is a long-documented history of the differences in interpretation of the MIA between the tribes and the state. In fact, not more than three years after the MIA was enacted, Penobscot Nation and the State went to court in a dispute over the meaning of the language around *internal tribal matters*.

There have since been numerous disputes and plenty of litigation seeking to resolve these differences. Friends and allies in Maine state government and in Maine communities who want change have joined us. Citizens whom you represent; Mainers who support this legislation.

Any statement that this effort for change is somehow a new phenomenon is simply not true. As sovereign Nations, we always have and always will work with allies toward change in honor of our ancestors and on behalf of our children and descendants. You can join us by voting to pass L.D. 1626.

Those that oppose changes to the MIA have attempted to make Mainers fearful of what the tribes will do if given the authority to regulate their own lands. This tactic, to get good people to believe they somehow have something to lose if tribal sovereignty is recognized, has been used indiscriminately, even in areas where tribal authority has long been established.

Section 6207 of the MIA recognizes that the Penobscot Nation has the **exclusive authority** within its territory to regulate hunting and the taking of wildlife and the taking of fish in any pond of less than 10 acres wholly within its territory. The state only has authority if tribal regulation is adversely affecting or likely to adversely affect the stock of any fish or wildlife outside of its territory.

The state has never had to invoke its authority because the Penobscot Nation has and will continue to carefully, sustainably, and responsibly manage its territory, as we have done for thousands of years.

There is nothing to fear in voting yes to support L.D. 1626.

There is no legitimate reason to treat the Wabanaki Tribes in Maine differently than all other tribes across the country. To continue to do so is wrong. Your vote in support of L.D. 1626 will make it right.