

To: Committee on Judiciary

From: Dan Berger, North Adams, MA, Direct Maternal Descendant of the First Nation Mi'kmaq

Date: February 19, 2026

RE: Testimony in support of LD395 - An Act to Enact the Remaining Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act

Senator Carney, Representative Kuhn, and members of the Committee on Judiciary,

Kwe' - n'in teluisi Dan Berger. Hi - my name is Dan Berger. I am a direct maternal descendant of the First Nation Mi'kmaq through Madeleine-Angèlique of Kalaget, Siknikt, Mi'kma'ki. What we now call Caraquet, New Brunswick. My Grandmothers have lived on these lands since time immemorial. Wettapeksi Muhheakunnuk Amissohaendiek, pasna wiki Hoosic. My roots are from the People of the Waters that are Never Still place where small fish are caught, but I live in the Beyond Place.

We now call Hoosic North Adams, MA. And we now call Muhheakunnuk Amissohaendiek the Fish Creek in Schuylerville, New York, which lies on the traditional border of the Mohican and Abenaki peoples. It is where my Grandmothers are buried - and where in the archaeological record, we see documented year-round habitation of Algonquin peoples, of whom my Mi'kmaw ancestors belong culturally and linguistically, as well as the greater Wabanaki Confederacy of the Abenaki, Penobscot, Wolistiquay, Passamaquoddy, and the Mi'kmaq collectively. One of the only acknowledged year-round habitations, at least that I've found in this area.

How is this relevant to me? My family members are direct maternal descendants of Madeleine-Angèlique, a member of the First Nation Mi'kmaq. Who are our closest maternal relatives when it comes to our mtDNA, our mitochondria? Descendants of the daughters of the wife of Chief Madockawondo, members of the Penobscot, considered the "Eastern" Abenaki.

Where is there another place named Amissohaendiek? Along the Sandy River, in Farmington Falls, Maine.

There is a creation story in the Wabanaki tradition of the First Mother, the Corn Mother, walking these riverbeds and sacrificing herself, giving us the crops we were able to grow to sustain ourselves and our families for generations. The fact that my grandmothers ended up back down in Amissohaendiek, where they operated a boarding house along the Champlain Canal, and where my mom was a librarian for 30 years, seems like no small coincidence. They were living in the Abenaki equivalent of our Penobscot sisters Amissohaendiek, living in a place, and being buried where one of the few acknowledged year-round Algonquin settlements I've found is located. In the tradition of our Grandmothers, since time immemorial.

I also point you all towards the stories of Madeleine-Angèlique and the daughters of Madockawondo to help conceptualize what our Wabanaki grandmothers were doing in their lives. They lived during a time when the Council of Grandmothers was operating in a real way; they had a real role in domestic affairs, and way more of a role in the matriarchal societies they

were born into than our European counterparts would like to let on. Our maternal ancestors specifically helped give refuge to the fleeing Acadians, whose descendants, myself included, still frequent the shores of Caraquet. Being there as a refuge, as we have for generations.

They also dispatched war parties, were active in diplomacy, being catalysts for treaties, and were in charge of shared resource protocols of the areas.

It is in this spirit that I reach out, as my ancestors have reached out before me. Joseph Orono, the hereditary Chief of the Penobscot during the Revolutionary War, is my maternal cousin. We share a common maternal ancestor and the same mitochondria. And a common cause.

In 1775, Orono pledged to fight alongside the Americans. The following year, on July 19, 1776, the Treaty of Watertown was signed by delegates from the Mi'kmaq and Wolistiquey, uniting the Americans with our Wabanaki communities and binding us to the common fight for freedom. When Charles Robin's fisheries in the Chaleur Bay, which Madeleine-Angélique and my family were associated with, began to be raided by American privateers in 1777, Madeleine-Angélique's greater kinship networks would have been involved in these resistance efforts.

I am not the only person with Mi'kmaw ancestry who has stories like these. When the international and state borders were drawn that we are now forced to cross, many of the sacrifices of our communities were muddled and forgotten. We all deserve - all of us Wabanaki - as the first allies of this Nation, and as the First Nations of these lands, we deserve the same dignity and respect as all of the federally recognized tribes. Our ancestors did not sacrifice for this. And our current and future generations do not deserve to suffer. This is why I write you to support LD 395 - An Act to Enact the Remaining Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act.

I point you toward these talking points from the Wabanaki Alliance:

- **LD 395 puts the Wabanaki Nations on equal footing with all other federally recognized tribes.** Currently, the Wabanaki Nations are the only federally recognized tribes that must be explicitly written into each federal law to benefit from it. LD 395 would modernize the 1980 Maine Indian Claims Settlement Act (MICSA) and the Aroostook Band of Micmacs Settlement Act so that the Wabanaki Nations can benefit from most existing and future federal laws that apply to the other 570 federally recognized tribes. The legislation also extends to the Mi'kmaq Nation, which did not participate in MICSA – the same rights granted to the Penobscot Nation, Passamaquoddy Tribe, and Houlton Band of Maliseet Indians.
- **Modernizing the Settlement Acts is an economic win-win.** Amending the two acts would benefit not only the Wabanaki Nations but also rural Maine, according to a 2022 analysis by the Harvard Project on American Indian Economic Development. Removing the jurisdictional barriers would help the Wabanaki Nations take advantage of federal self-determination policies, programs, and funding that elsewhere in Indian Country have led to the creation of thousands of jobs and hundreds of millions of dollars in goods and services produced by Native businesses.

- **The bill doesn't change existing gaming laws.** The bill excludes federal tribal gaming laws, stipulating that the Wabanaki Nations would be subject to state gaming laws.
- **LD 395 has broad bipartisan support.** The legislation is co-sponsored by Democratic, Republican, and Independent legislators, including leadership in both caucuses in both chambers. And the bill is similar to legislation that passed the Maine House and Senate in 2023 with broad bipartisan support before it was vetoed by Gov. Janet Mills.
- **The bill would address 40 years of missed opportunities.** The exclusion requirement has blocked Wabanaki nations from at least 151 federal laws over the past 40 years.

Examples include:

- **The Stafford Act.** Provides emergency funds for natural disasters and public health crises. Wabanaki Nations have been denied direct access to these funds, including resources to address the opioid epidemic.
- **Violence Against Women Act (VAWA).** Permits tribes to arrest and prosecute non-tribal individuals who commit certain domestic violence crimes in tribal communities. Implementation was blocked in Maine until a new state law was passed after lengthy negotiations.
- **Indian Health Care Improvement Act (IHCIA).** Permanently authorized in 2010, the IHCIA helps tribal governments recruit licensed medical professionals to work in tribal health centers – addressing the challenges tribes face recruiting health care workers in rural and isolated communities. Maine has sought to prevent Wabanaki Nations from using this recruitment authority.
- **Environmental Protection Laws.** The Clean Water Act and Clean Air Act authorize tribes to assume primary regulatory authority for federal environmental programs on their lands. Despite being environmental stewards in Maine for generations, Wabanaki Nations have been blocked from accessing these laws through court battles, hampering their efforts to protect water quality, ensure clean drinking water, and restore wildlife and marine habitats.

When I learned the extent of the modern struggles we are forced to endure - unnecessarily, especially compared to every one of the 570 federally recognized tribes, well, it is still hard to make sense of it. You all have the power to change that. We have the power to change that. Let's continue to walk together - in a good way, as our ancestors did. So that the next 7 generations can as well.

Wela'lioq - I thank you all.

Sincerely,

Dan Berger

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North Adams
LD 395

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