



**Testimony of Jess Fay on Behalf of
the Maine Council on Aging to the
Committee on Judiciary
In Favor of LD 785**

February 19, 2026

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

My name is Jess Fay and I am the Policy and Advocacy Director at the Maine Council on Aging (MCOA). The MCOA is a broad, multidisciplinary network of over 140 organizations, businesses, municipalities, and older community members working to ensure we can all live healthy, engaged, and secure lives with choices and opportunities as we age at home and in community settings. I am testifying in favor of LD 785, An Act to Enact the Remaining Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Act.

There are 574 federally recognized indigenous tribes in the United States and all but four of them are treated as sovereign entities that have the right to self-determination. Since 1980, the indigenous tribes of Maine, the Mi'kmaq Nation, Houlton Band of Maliseet Indians, Passamaquoddy Tribe and the Penobscot Nation, have been deprived of the same status as other indigenous tribes, and we believe this must change.

Why is the MCOA showing up to testify on this issue? We think it's a matter of life or death. Nationally, life expectancy grew significantly for all populations over the last fifty years, including for the collective population that is described by the United State census as "American Indian and Alaskan Native." However, that population saw the smallest increase in life expectancy nationally, and according to the National Indian Council on Aging, "American Indians die 12 to 13 years earlier than white Americans." Due to a number of factors, COVID deaths among Native Americans were the highest among all racial groups.¹

Public health leaders for the indigenous peoples of Maine say life expectancy is significantly lower than the national average for their people. Maine is failing its older people in so many ways, but most of the solutions are not easy. Failing to recognize the sovereignty of the Wabanaki Nations is one of the ways we're failing older people, tribal elders specifically. Thankfully, this problem has a solution – Maine can recognize the Wabanaki Nations as sovereign.

¹ Leggat-Barr, Uchikoshi, and Goldman, *COVID-19 Risk Factors and Mortality among Native Americans*, Demographic Research, 2021.

Tribal sovereignty is the inherent right of tribes to govern themselves. Under the U.S. Constitution, federally recognized tribes generally have the same powers, with a few exceptions, as federal and state governments with respect to the regulation of affairs on tribal land. Federally recognized tribes are still subject to federal statutes and court decisions that are generally applicable to tribes and their citizens.

In 1980, the Maine Legislature and the Federal Government passed the Maine Implementing Act and the Maine Indian Claims Settlement Act respectively, and though these Acts were supposed to have paved the way Wabanaki tribes to buy back non-ceded lands from the State of Maine and establish the means to achieve greater control over their own affairs, there has been almost no forward progress since the Acts were enacted.

When tribal sovereignty is not recognized by the State, the consequences are severe and far-reaching. Economically, the lack of self-determination for the indigenous peoples of Maine has resulted in significant hampering of economic improvement, and poor health among tribal members. Where other federally recognized tribes' average income growth since 1989 is 61% the Wabanaki Nations in Maine have seen a mere 9% increase over the same time period. Recognizing the sovereignty of the Wabanaki Nations, would positively impact on our economy.

According to a report released by Harvard in 2022, restoring the right to self-govern and eliminating the barriers to preventing access to the federal benefits that every other native tribe in the nation receives, could result in hundreds of millions in increased GDP, the creations of thousands of jobs, and millions in increased tax revenue.² This growth is also projected to happen in the state's rural areas, which have long been deprived of the kinds of supports that exist in more urban areas.

It is not for the state of Maine to grant sovereignty to the Wabanaki Nations, that right is inherent. However, in order for the indigenous tribes in Maine to thrive, the state must recognize that they are sovereign nations and peoples so they can enjoy the same rights and privileges as the other sovereign tribes across North America. This recognition is long past due.

We urge this Committee to support LD 785.

Thank you.

² Kalt, J., Medford, A. B., Taylor, J. Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine. (2022) Harvard.