

Testimony in Support of LD 785: Architecting the Post-MICSA Sovereign Economy

TO: The Joint Standing Committee on Judiciary **FROM:** Mac Webber Adams, Chief Strategic Systems Architect **DATE:** February 8, 2026 **RE:** LD 785, An Act to Enact the Remaining Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act

1. Introduction: The Systems Perspective on Wabanaki Sovereignty

As a strategist focused on regional resilience and industrial design, I urge this Committee to view **LD 785** not through the lens of social justice alone, but as a critical "systems update" to Maine's economic operating system. I have walked the hollowed-out floors of the "Ghost Factories" in Wilton and the Lauren Commerce Center; I have seen the rot that sets in when a region's economic engine is stalled by obsolete code. LD 785 is the patch required to fix a structural failure. My perspective is rooted in **Sovereign Industrialism**: an economic model where indigenous sovereignty acts as an anti-fragile engine for regional prosperity. The current framework, established by the 1980 Maine Indian Claims Settlement Act (MICSA), functions as a "jurisdictional ceiling." It is a hardware lock on Maine's potential, inducing regional fragility by keeping our most vital rural anchors in a state of managed dependency. By transitioning from a model of zero-sum extraction to one of co-sovereign design, Maine can finally unlock the "Sovereignty Bonus" that has been suppressed for nearly half a century. To understand why LD 785 is an industrial necessity, we must first analyze the strategic failure of the original source code.

2. The Architecture of Extinguishment: From Shoebox to Legal Trap

The 1980 MICSA framework was never a high-minded treaty; it was a crisis management tool designed to stabilize the state's timber and municipal sectors. In the 1970s, the discovery of a 1794 "shoebox treaty" revealed that Maine had violated the **1790 Nonintercourse Act**, clouding property titles across 12.5 million acres. This "economic hurricane" threatened to freeze municipal bonds and real estate across two-thirds of the state. MICSA provided the fix for the state's title insurance crisis, but the trade-off was a jurisdictional enclosure. It "municipalized" sovereign nations, treating them as sub-units of the state. For 46 years, this "municipality fallacy" has effectively stood on the "oxygen hose" of federal resources.

Table 1: The Municipal Trap: MICSA vs. Standard Federal Indian Law

Category, Standard Federal Indian Law (570+ Tribes), Wabanaki Status under MICSA/MIA Foundational Legal Status, Domestic Dependent Nations; Inherent Sovereignty, "Akin to Municipalities"; Creatures of the State."

Applicability of Federal Law, Automatic access to all federal Indian beneficial laws., "Section 1735b Bar: Blocked if laws "affect or preempt" state law."

Disaster Relief Access, Direct government-to-government petition to the President., Stafford Act bottleneck; must petition the Governor.

Jurisdictional Reach, Authority to prosecute non-Indians (VAWA) and set standards., "Restricted ""Internal Matters""; subject to state preemption."

3. Economic Divergence: Evaluating the Cost of Stunted Sovereignty

The 2022 Harvard Kennedy School study provides empirical proof that this "managed exception" is a failed economic strategy. Since 1989, a "Parity Gap" has emerged: while per capita income for non-Maine tribes grew by **61%** due to self-determination policies, Wabanaki income growth was stunted at just **9%**. From a systems-architecture perspective, this is not just a tribal loss; it is **induced fragility** for the entire state of Maine. We are making our own rural borders vulnerable by keeping these economic anchors weak.

The Opportunity Cost of Exclusion

- **Annual GDP Loss:** Maine's economy takes a **\$330 million annual hit** because the Wabanaki are blocked from modern tribal development.
- **The 2,700 Job Deficit:** Restoration of sovereignty would create roles where **85% of the benefits flow to non-tribal rural neighbors**.
- **Fiscal Leakage:** Maine loses **\$4.6 million in annual federal funding** for healthcare and disaster management due to the Section 1735b filter. LD 785 is the strategic intervention required to reclaim these lost millions and secure the regional "Sovereignty Bonus."

4. LD 785 as the Structural Correction: Implementing the Task Force Recommendations

Incrementalism has historically functioned as an "extraction license"—granting minor concessions while maintaining the underlying architecture of containment. LD 785 implements the consensus recommendations of the 2019 Task Force to move Maine toward a model of **Co-Sovereign Design**.

- **Adjudicatory Jurisdiction:** Restoring tribal court authority over civil and criminal actions is a **lean management** move. It eliminates the "maze of injustice" and the resource-draining litigation currently clogging the state's own judiciary.
- **Natural Resource Regulation:** Returning stewardship of "Dawnland" waters to tribal designers allows for stringent regulation of PFAS and dioxins—pollutants the state has historically failed to mitigate.
- **Federal Parity:** Amending the "Explicit Inclusion" requirement removes the Section 1735b filter, granting Wabanaki access to the **"Suffolk 151"**—a specific list of 151 missed federal opportunities in healthcare, safety, and infrastructure.

5. Sovereign Industrialism: The "Maineiac Mac" Vision for the Tech Archipelago

My vision for the **Dirigo Renewal Endeavor (DRE)** utilizes the "Sovereignty Stack" as a modern competitive advantage. We are currently architecting a "Tech Archipelago" to reactivate idle industrial sites. This strategy relies on the **"51% of 51% Principle"**: by ensuring Wabanaki nations hold majority equity, we unlock **SBA 8(a) super-rights**. This creates an **unassailable economic moat**, allowing rural Maine ventures to secure federal defense contracts up to \$100 million without standard bidding wars. We are already proving this via the **"Wyoming Maneuver"**—using Series LLCs and honeycomb structures to bypass state walls and protect

tribal assets. LD 785 simply brings this reality through the front door. Furthermore, projects like the **MAG-95 industrial strategy**—converting waste potatoes into industrial sweeteners—provide "**Caloric Insurance**" for Maine. By securing our own food and energy outputs through tribal-led industrial design, we insulate the state from global threat vectors. This high-tech manufacturing future is impossible as long as we remain tethered to the "Municipality Trap."

6. Conclusion: The Moral and Strategic Imperative

LD 785 is not a "concession" to be negotiated; it is a prerequisite for an anti-fragile, thriving Maine. The 1980 experiment in municipal containment has failed, costing our state thousands of jobs and hundreds of millions in GDP. We must now **abolish the managed exception**, **reclaim the sovereignty bonus**, and **design the post-settlement order**. In a volatile global market, Wabanaki sovereignty is Maine's greatest strategic asset. It is time to replace the extraction license with a blueprint for co-sovereign prosperity. **When the Wabanaki thrive, all of rural Maine thrives. The time for extraction in the Dawnland is over.**

Maineiac Mac Webber Adams
Wilton
LD 785

Testimony of Mac Webber Adams in Support of LD 395: Restoring Access to Federal Beneficial Laws for the Wabanaki Nations

To the Honorable Members of the Joint Standing Committee on Judiciary:

My name is Mac Webber Adams. I am here to discuss the structural reconfiguration of Maine's economic operating system. As an industrial architect and systems strategist, my focus is the engineering of regional anti-fragility and long-term caloric insurance for the State of Maine. I stand in support of LD 395 because it serves as the necessary strategic correction to a 45-year-old jurisdictional anomaly that has become a self-imposed ceiling on our collective prosperity. For over four decades, the State has treated the Maine Indian Claims Settlement Act (MICSA) not as a peace treaty, but as an extraction license—a mechanism to siphon political and economic value from the Wabanaki Nations at the direct expense of rural Maine's resilience. By passing LD 395, we are not granting a favor; we are removing the legislative friction that forces Maine to leave hundreds of millions of dollars in regional growth on the table.

The "Municipality Trap": Deconstructing the 1980 Structural Anomaly

The current legal status of the Wabanaki Nations is a functional failure of federal-tribal policy and a deviation from the constitutional norms governing the other 570+ federally recognized tribes in the United States. Under the 1980 framework, the Wabanaki are forced into a "municipality trap," legally subordinated to the State through a dual-lock system comprising Section 1735(b) of the federal MICSA and Section 6(h) of the Maine Implementing Act (MIA). Together, these provisions function as a jurisdictional enclosure, freezing Wabanaki rights in a 1980 time capsule while the rest of Indian Country evolves.

This "Maine Exception" acts as a poison pill, screening out federal laws unless Congress explicitly names Maine's tribes in the text—a rare occurrence in the vast machinery of federal legislating. The impact of the "Suffolk 151" blockade is not abstract; it is a systemic screening of over 150 federal policies designed to foster regional health and safety.

* The Indian Health Care Improvement Act: This blockade prevents Wabanaki Nations from utilizing federal professional recruitment tools that bypass state medical licensing hurdles. This creates a physician shortage by design, as the state maintains a low-cost veto over tribal clinical staffing capacity.

* The Tribal Law and Order Act (TLOA): While other tribes utilize TLOA to expand sentencing powers and enhance public safety, Wabanaki courts are frequently restricted to "internal matters," a term the state has narrowly interpreted to maintain an inefficient monopoly on criminal jurisdiction.

* The HEARTH Act: By blocking federal surface leasing standards, the state subjects tribal business development to redundant state-level permits, effectively sabotaging the speed of commerce required for modern industrial investment.

The Economic Parity Gap: Analyzing the Cost of Stunted Sovereignty

Sovereignty is the primary engine for regional economic development. The Harvard Kennedy School has documented a staggering "parity gap" created by this jurisdictional subjugation. Since 1989, per capita income for tribes in the lower 48 states grew by 61% as they leveraged the "Sovereignty Bonus" of self-determination. In Maine, the Wabanaki were restricted to a mere 9% growth. This stunted sovereignty is an empirically failed economic strategy that harms every citizen of the Dawnland.

The GDP Opportunity Cost

The continued enforcement of MICSA's restrictive architecture results in a \$330 million annual loss to Maine's Gross Domestic Product.

The Job Creation Multiplier

Restoring standard federal Indian law through LD 395 would create approximately 2,700 potential jobs. Crucially, the data confirms that 85% of these positions would be held by non-tribal neighbors in Maine's most economically challenged rural counties.

The Fiscal Impact

The suppression of Wabanaki economic agency costs state and local governments an estimated \$51 million in annual tax revenue—capital that should be funding our schools, roads, and emergency services.

Case Studies in Exclusion: Public Safety and the "Oxygen Hose"

Tribal leaders aptly describe the state's current role as "standing on the oxygen hose"—an administrative bottleneck that mediates and restricts the flow of federal resources. This mediated relationship creates life-threatening procedural hurdles that distinguish the Wabanaki from their sovereign counterparts in the West.

* The Violence Against Women Act (VAWA): For seven years, Wabanaki women were denied the same legal protections afforded to every other Indigenous woman in the U.S. because the "poison pill" of Section 1735(b) blocked tribal courts from prosecuting non-Indian domestic abusers until the state finally permitted a late "opt-in" in 2020.

* The Stafford Act: In a disaster, a tribal chief in Oklahoma calls the White House directly to petition for aid. In Maine, Wabanaki leaders must go "hat in hand" to the Governor, asking the state to request federal assistance on their behalf. This bottleneck delays critical resources during emergencies, such as the opioid epidemic, where government-to-government interoperability is a matter of survival.

Sovereign Industrialism: LD 395 as the Foundation for a Resilient Maine

The future of our state lies in "Sovereign Industrialism," where Wabanaki Nations act as co-sovereign designers of a "Tech Archipelago." By restoring federal access, LD 395 allows tribes to build a "Sovereignty Stack" that serves as a strategic economic moat, shielding Maine-based manufacturing from globalized competition.

This architecture is operationalized through the "51% of 51% principle." By ensuring 51% tribal equity in regional enterprises, the Wabanaki can leverage SBA 8(a) super-rights. These rights allow tribally owned firms to bypass standard bidding wars for federal defense and high-tech contracts up to \$100 million. We can reactivate our "Ghost Factories"—such as the idle Forester Mill in Wilton—converting them into automated hubs for initiatives like MAG-95, which transforms potato waste into industrial sweetener, or the 3D printing of modular housing. This is how we achieve caloric insurance and house our workforce.

This vision requires a shift from the state motto *Dirigo* ("I lead") to the Dawnland concept of regenerative, co-sovereign leadership. We must move from an extraction model to one where the Nations and the State cooperate as mature, capable entities.

Conclusion and Final Directive to the Committee

The argument that tribal sovereignty creates "jurisdictional chaos" is a political diversion used to maintain an ontologically broken "wardship" model. The true chaos is the status quo: a maze of injustice that drains tribal resources through litigation and leaves \$330 million in annual growth on the table. This is a self-defeating economic choice.

I ask this committee: Is the resistance to Wabanaki sovereignty a sound economic strategy, or is it purely a political desire to maintain the "oxygen hose"?

We have the opportunity to move from a state of forced dependency to one of co-sovereign design.

I urge you to support the immediate passage of LD 395 to erase the asterisk next to Wabanaki sovereignty and unlock the true economic potential of the State of Maine.