

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.**

Maineiac Mac Webber Adams
Wilton
LD 395

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