



Testimony Before the joint Standing Committee on Veterans and Legal
Affairs

On LD 554

“An Act to Create Gaming Equity and Fairness for the Native American
Tribes in Maine”

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Senator Lucchini, Representative Caiazzo, and members of the Joint Standing Committee on Veterans and Legal Affairs:

Thank you for the opportunity to testify in support of LD 554, “An Act to Create Gaming Equity and Fairness for the Native American Tribes in Maine” which amends the 1980 Act to Implement the Maine Indian Claims Settlement Act to allow gaming under the terms established by the federal Indian Gaming Regulatory Act.

My name is Barbara Brown and I live in Portland. I am here today on behalf of the Maine Unitarian Universalist State Advocacy Network, motivated by the dedication of our faith tradition to justice, equity, and compassion in all human relations and to the inherent worth and dignity of all people. Like others you will hear from today, I would claim, as a person of faith, that this bill is the just and equitable thing to do.

The 1980 settlement implementing act has put the Wabanaki Tribes in a category separate from all other federally-recognized tribes in the U.S. and has stifled the Tribes’ right to self-determination, causing both cultural and economic hardship.

The tribes in the land we call Maine (Penobscot Nation, Passamaquoddy Tribe, Houlton Band of Maliseet Indians and Aroostook Band of Micmacs) deserve the rights, privileges, powers, duties and immunities ascribed to all other federally recognized Native American tribes.

I believe this is not an instance of our state granting new rights but rather restoring rights long withheld from the Tribes. The Wabanaki are sovereign nations and have the right to make their own decisions for themselves as to how to improve their economic conditions.

In 1987, the Supreme Court held that gaming could be conducted under tribal sovereignty and in a manner not subject to state criminal or regulatory jurisdiction. A year later, in 1988,

Congress passed the Indian Gaming Regulatory Act (IGRA), which limited tribal sovereignty in the field of gaming and adopted a tribal-state-federal framework to balance each sovereigns' interests in the area.

However, Maine has continued to enable out-of-state corporations to proceed with for-profit gaming enterprises while refusing to allow efforts by the Tribes to generate governmental revenues and local economic development through gaming.

Over time, traditional Native American ways of life have been curtailed or taken away from the Tribes in Maine and all across this country, resulting in widespread poverty and few avenues for economic development and well-being. Developing gaming facilities on their land in accordance with the rules established by the Indian Gaming Regulatory Act provides one avenue for economic improvement they may use if they so choose. All other federally recognized tribes in the United States have the ability to pursue this option. The Tribes of Maine should have no less.

Moreover, the State of Maine has not proscribed gaming within its borders and allows gaming by non-indigenous corporate entities. It is only the indigenous people who have been deemed ineligible, an inequity that must be rectified. In the name of fairness, the Tribes in Maine should be allowed to establish gaming facilities under IGRA if they so choose.

It would be paternalistic and disrespectful for the state to suggest that gaming isn't right for the Tribes or that the Tribes should accept some other form of compensation for lost gaming opportunities: this is about the rights of self-determination of sovereign nations.

I therefore believe passage of LD 554 is a moral imperative to help restore the Wabanaki peoples' sovereignty and right to self-determination, as well as for the State of Maine to provide equity in the state's gaming industry.

Thank you.