

Testimony in Support of LD 554: An Act to Create Gaming Equity and Fairness for the Native American Tribes in Maine

Submitted by Maulian Dana, Penobscot Nation Tribal Ambassador

Senator Luchini, Representative Caiazzo and distinguished members of the committee. I am happy and honored to speak in support of this legislation sponsored by Representative Benjamin Collings.

You will hear from many tribal leaders and citizens, friends and allies, experts, and organizations that will discuss the legal and societal histories and current realities when it comes to tribal gaming in Maine. It is a fact that the Maine tribes have not been able to take advantage of this economic development activity that we should have access to due to our status as federally recognized tribal nations, a status that we did not sign away when we entered into the Maine Indian Land Claims Settlement and Implementing Acts of 1980. It is also a fact that Maine citizens are willing to expand casino gaming in our state as we have seen in Bangor and Oxford. Another fact that is glaringly obvious to the tribes is that Maine has been strongly opposed to extending these same opportunities to us.

It is important to note that there is no specific project or plan on the table from the tribes. This is about placing into law an amendment to the 1980 act that would make the Indian Gaming Regulatory Act applicable to the Maine tribes, thus making the tribes equal in this respect to other tribes in the country. There is precedent for doing this via the Maine legislature, as we saw with the expanded Violence Against Women Act (VAWA) jurisdiction that was signed into law in the 129th legislature. Both of these amendments are also recommendations that were agreed to by the task force convened by the state that comprised of the Tribal Chiefs, lawmakers, and non-voting members from the Attorney General and Governor's offices.

For the tribes this is not about the ethics or mechanics of the gaming industry itself. This is about our inherent sovereignty as tribal nations and the right to self-determination and self-governance. The Wabanaki Nations have been stewards of the lands and waters now called Maine since time immemorial. For us, this is not a place that has existed for 201 and years. This is our homeland and ancestral territory. We owe it to our ancestors, many of whom fought and died protecting our sacred culture and traditions, to claim our rights and space as sovereign nations. Although the right to gaming is not always the most pretty or palatable right to some Mainers, it is one that we are entitled to as federally recognized tribes.

When talking about tribal gaming there is often an element of fear and an attitude of scarcity. Something I want to stress is a shift in the narrative. We can educate and communicate to break down the fear and we can start to embrace an attitude of abundance and fairness. If any tribal gaming operations were to exist they would be on specific tribal lands, there would be negotiations with other governmental entities, and the revenue would not only go back into the tribal communities it would provide a boost to surrounding municipalities. As a state, country, and world that is recovering from a global pandemic we should all be open to coordination and partnerships around economic prosperity, especially for the most vulnerable and disadvantaged corners of our state.

I have lived my whole life as a tribal citizen under the parameters of the settlement act and very aware of the restrictive nature of the law. In this era of tribal state relations I think we are all hopeful for a new beginning and ways to come together around shared goals and understanding. For the Wabanaki Nations this means seeking ways to provide for our communities, protect sacred Mother Earth, and advocate for the restoration of rights such as tribal gaming. We are coming to the table once again in good faith, knowing that we have been turned away many times before. The way to truly realize equity when it comes to tribes is to see us as sovereign entities able to govern and make decisions for our people. We can emerge from the era of paternalism, chaos, and tension by working together from a place of respect and truth. I urge you to vote ought to pass and take an important step towards healing.

Maulian Dana