

# FRIENDS COMMITTEE ON MAINE PUBLIC POLICY

Committee on Tribal-State Relations  
129 Chesterville Hill Road  
Chesterville, ME 04938

March 15, 2021

To: Co- Chairs Luchini and Caiazzo and Distinguished Members of the Veterans and Legal Affairs Committee

From: Diane Oltarzewski, Recording Clerk of the Friends (Quaker) Committee on Maine Public Policy and full-time resident of Belfast, Maine

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

Our Friends Committee on Tribal-State Relations welcomes this bill, not because our members universally favor gambling (quite the contrary), but because of the principle it enshrines: Namely, that it is not the place of non-Native people to decide whether to grant or deny Wabanaki people and nations the right to participate in gaming.

Friends reject this paternalistic attitude because it denies Tribal communities the freedom to determine their own economic destiny, a freedom implicit in their sovereign status.

As the bill states clearly: *"Any law of this State that is contrary to the...Indian Gaming Regulatory Act (IGRA) **does not apply** to the conduct of gaming activities by Passamaquoddy Tribe, Penobscot Nation, and Houlton Band Maliseet Indians **within their respective Indian territory or trust land.**"*

Maine's obstruction of legitimate Tribal activity, as described and regulated under IGRA, has been a misinformed abuse of power because it violates Federal Indian Law.

So LD 554 is a simple but necessary correction, and reminder to state government and the citizens of Maine that what happens on Tribal land is the sole mutual concern of the Federal government and any Federally-recognized Tribe or Nation directly involved.

That said, IGRA also mandates that Tribal-state agreements be negotiated for each Tribally-owned casino. And across the country, billions of dollars have been shared with local and state governments through these compacts, and a regional economy undeniably benefits from the activity.

Most importantly, Penobscot, Passamaquoddy, and Maliseet leadership and legal teams have demonstrated their common sense and deep commitment to open-ended, respectful consultation with state and local officials to reach such mutually beneficial agreements. It is time we meet them halfway with our own commitment to defer to the well-established canons of Federal Indian Law.

Let 2021 be the year in which Maine awakens to these legal realities, and acts accordingly. It will be a welcome sign that Maine has finally understood its historical overreach, and intends to move forward fairly and honorably with the respect that is due to Wabanaki people and communities.

We strongly urge "Ought to Pass" for LD 554.