

Maine Indian Tribal- State Commission



Chairperson
Paul Downing

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April 2, 2021

RE: Statement of the Maine Indian Tribal-State Commission (MITSC) Regarding LD 1060, An Act to Increase the State Revenue from Casino Net Income, Reallocate the State Distribution and Provide Tax Uniformity

To: Sen. Luchini, Rep. Caiazzo, and Members of the Committee on Veterans and Legal Affairs:

The Maine Indian Tribal-State Commission was created in 1980 as part of the Maine Implementing Act. The primary role of MITSC is to continually review the effectiveness of the Maine Implementing Act and the social, economic, and legal relationships between the State of Maine, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, and the Penobscot Nation. Based on its ongoing reviews, the Commission makes legislative and policy recommendations to the State and Tribal governments. MITSC also has other statutory responsibilities, provides education, and acts as a general resource on Tribal-State issues.

On behalf of MITSC I submit this statement regarding LD 1060.

With respect to LD 1060 specifically, it is MITSC 's understanding that there was no consultation with Tribal leadership prior to the submission of LD 1060. Prior consultation is one of the core principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). By Joint Resolution of the Maine Legislature dated April 15, 2008, Maine became the first state to endorse the principles of the UN Declaration. MITSC has a long-standing policy of encouraging prior consultation by State officials, including State Legislators, on matters that would impact the Tribes. Under federal Indian law and by the terms of the 1980 Settlement, the federally recognized Tribes in Maine have a government-to-government relationship with the State. The availability of public hearings on state legislative proposals is not a substitute for government-to-government Tribal-State consultation.

With respect to proposals that relate to the question of Tribal gaming generally, MITSC has been and remains neutral on whether gaming should be pursued by the Tribes as a means for economic development. However, it has been and continues to be MITSC's position that the federally recognized Wabanaki Tribes should be able to make their own decisions about their economic development, including decisions about gaming, that will enable them to meet the needs of their Tribal communities.

Accordingly, it is the view of MITSC that concerns expressed by Tribes to the passage of LD 1060 should be respected by the Maine Legislature.

Respectfully Submitted,

Paul G. Thibeault

Paul Thibeault, Managing Director