

Presented by three Friends to Falmouth Quarterly Meeting, April 24, 2021
for consideration at the All Maine Gathering of Friends, May 1, 2021

**Draft Minute on the Inherent Right of Tribal Sovereignty of the Wabanaki People
and the Support for Bills before the Maine State Legislature
that would Recognize and Implement Tribal Sovereignty**

Members of *Falmouth Quarterly Meeting, Religious Society of Friends (Quakers)* unite in urging full support by the Maine State Legislature for bills supporting Tribal sovereignty this legislative session. Bills before the legislature encompass most of the consensus recommendations reached in 2020 by a Task Force composed of Maine legislators, state officials and Wabanaki leaders. The bills acknowledge and support the sovereignty of the Wabanaki Tribes and Nations within Maine.

The terms in the 1980 Maine Indian Claims Settlement Act (MICSA) and the Maine Implementing Act (MIA) have proven disastrous for the Tribes. These bills are designed to address those wrongs. For example, they would correct a fundamental denial embodied in the 1980 federal Maine Indian Claims Settlement Act (MICSA) that has prevented Wabanaki Tribes in Maine from benefiting from over 150 federal laws passed during the last 40 years, laws that were designed to assist and support Tribal health, safety, well-being and self-determination. As a result, Indigenous peoples in Maine suffer from disadvantages not found in any other state.

Unlike the 570 federally recognized Tribal communities on lands outside of Maine, Wabanaki Tribes and Nation contend with restrictions and complicated regulations imposed by the Maine Implementing Act (MIA). Tribal communities outside Maine are subject to federal Indian law. Current bills before the legislature would make federal Indian law applicable to Tribes and Nation within Maine. It should be noted that federal Indian law, while supporting greater Tribal self-determination, enables states to enter into productive relationships with Tribal nations that not only benefit the Tribes, but also the surrounding non-Native communities, and the State. It has been shown time and again, throughout the country, that when Tribes are prosperous the surrounding rural communities prosper as well. This bill is our opportunity to create this reality for Wabanaki communities and for Maine as a whole.

The current situation imposed by the State on Wabanaki peoples is morally and ethically wrong. Wabanaki communities only want what Tribes in other states enjoy—greater freedom to control their own destiny and to thrive. The bills addressing the shortfalls of the MICSA and the MIA provide the means to make this possible.

This Minute reflects the Quaker testimony of the sacredness of all individuals and our witness to support the inherent rights and dignity of Indigenous communities.

End of Minute

Clarifying information - April 16, 2021:

Currently there are 2 bills before the Maine State Legislature which address most of the consensus recommendations developed by the 2020 Task Force composed of Maine legislators, State officials, and Wabanaki leaders with the goal of solving longstanding issues with the 1980 laws. Neither has yet been assigned an LD number or an official title. Both are expected to be heard at a public hearing on **May 4**. Strong support for the bills in the form of testimony, letters to the editors, contact of the Judiciary Committee and members of the legislature has been requested by the Wabanaki Alliance, an organization of the Wabanaki Tribes and Nation in Maine, and their allies.

One bill, submitted by Representative Jeffrey Evangelos, supports all 22 recommendations in the Task Force Report. The second bill, submitted by Representative Rachel Talbot-Ross, includes the 22 recommendations minus the federal provision to authorize the Wabanaki to engage in gaming. A third, stand alone bill has been submitted and heard by the Judiciary Committee which would authorize gaming according to federal Indian law provisions.

The important aspects of the two bills which address the recommendations of the Task force include:

- They recognize the sovereignty of the Wabanaki Tribes and Nation;
- They recognize and refer to federal Indian law as the default;
- They are based on the consensus recommendations of the Task Force made up of legislators, State representatives, and Wabanaki leaders;
- They resolve longstanding issues with the Maine Indian Claims Settlement Act and the Maine Implementing Act of 1980.

Quakers have a longstanding testimony against gaming. In the case of the bill which includes Indian gaming, the concern is with the way the settlement act truncated the sovereignty of Tribes. Tribes deserve recognition of their sovereignty and should have the same rights as other Tribes across the nation. Testifying for this bill is testimony in support of Wabanaki Tribes' and Nations' rights to make their own decisions.

It should be noted that, under federal Indian law, the Tribes would follow The Indian Gaming Regulatory Act, a complex process which requires an agreement be drawn up between the Tribes and the State for high stakes gaming. Many Quakers understand that support for this complete bill is not personal support in favor of casinos, but rather support for Tribal sovereignty.

Note to individuals who might wish to use this for personal testimony or letters to the editor:

Feel free to adapt the first paragraph of the document to reflect the entity or person from whom it is being sent. For example: *{name of Meeting}* unites in full support.....; or "I offer full support for..."

If it is being offered as testimony from a Meeting or individual, typically the preface to the testimony reads:

To: Senator Carney, Representative Harnett, and Members of the Joint Standing Committee on Judiciary

From: *{Your name or organization}* representing

Re: Support for LD XXXX, An Act to Implement the Recommendations of the Task Force on Changes to the Maine Indian Land Claims Settlement Implementing Act

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Typically, a statement which thanks the Committee for hearing the testimony in support of the bill is included as well.