



An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations

Testimony in Support of LD 2004
Wednesday, May 31, 2023

Chairwoman Carney, Chairman Moonen and distinguished members of the Judiciary Committee, my name is John Dieffenbacher-Krall, and I'm the Executive Director of the Wabanaki Alliance. I am testifying in support of LD 2004 An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations.

This legislation originated from the 2019 *Task Force on Changes to the Maine Indian Claims Settlement Act*. The bipartisan Task Force consisted of five legislators, five tribal Chiefs, a Governor's designee, an Attorney General's designee and a member of the Maine Indian Tribal-State Commission. LD 2004 is just one consensus recommendation (Consensus Recommendation #20) out of twenty-two that the Task Force supported. This Committee has an opportunity to work solely on one recommendation from the report to begin chipping away at restoring self-determination to the tribes in Maine.

This legislation begins, albeit incrementally, placing the tribes on a road to a more prosperous future for their communities and the areas around them as well. Because the tribes have not been able to access approximately 151 federal Indian beneficial laws (*Suffolk University Law, Friederichs, N., 2019*) since 1980 due to the rigidity of Settlement Act, they have been left behind while other tribes across the country prosper. Passing this legislation will be a small step towards fair and equitable treatment of the tribes in Maine compared to the other 570 federally recognized tribes across the country.

Wabanaki Nations in Maine drastically underperform economically compared to the rest of Maine and other tribes across the country. The report, *Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations* (Kalt, Besaw Bedford & Taylor, 2022), highlights, for example, the child poverty rate in 2019 spanned as "low" as 40 percent on some tribal lands in Maine and as high as 77 percent on others, compared to Maine's 15 percent overall. The per capita income growth between 1989 and 2020 averaged 61 percent for tribal citizens elsewhere in the country but just a meager 9 percent for Wabanaki citizens in Maine. These statistics illuminate the unfortunate and stark reality that over the past 43 years the Settlement Act of 1980 has truly stifled economic prosperity for the tribes and depressed surrounding communities in Maine. The report authors find Maine is losing an estimated \$330 million in gross domestic product (GDP) annually, think of it as economic

activity, 2,743 tribal and non-Indian jobs, and \$68 million in tribal government revenue. The report concludes that excluding Wabanaki Nations from federal beneficial acts intended to boost Indian Country has constrained their ability to choose their economic path and is what has stymied their political development compared to many of their fellow tribes.

LD 2004 is a step forward towards prosperity. The Wabanaki Alliance asks you to help the tribes in Maine take that step forward by voting in favor of LD 2004.