

LD 785: RECOGNIZE WABANAKI SELF-DETERMINATION

Honor the Wabanaki Nations' inherent sovereignty and restore the right to tribal self-determination.

Tribal self-determination is the right of indigenous nations to govern themselves.

- Under the U.S. Constitution, federally recognized tribes have a government-to-government relationship with the United States and the power to regulate affairs on tribal land.
- This includes the inherent right to sustain their traditional cultural values and practices, establish their own form of government, determine citizenship requirements, enact legislation, and establish law enforcement and court systems.
- Federally recognized tribes are still subject to federal statutes and court decisions that are generally applicable to tribes and their citizens.

The Wabanaki Nations have a different, more restrictive status than the other federally-recognized tribes in the United States.

- In 1980, the State of Maine and U.S. Congress passed legislation to resolve a dispute between federal and state governments over the illegal sale and seizure of federally protected tribal land.
- The Maine Indian Claims Settlement Act of 1980 (MICSA) required the Wabanaki Nations to give up their claim to their dispossessed lands in exchange for a federally funded pathway to buy back just 2.5% of the 12 million acres lost.
- The State of Maine has interpreted this legislation to deny the Wabanaki Nations' tribal self-determination, effectively reducing Wabanaki Nations to municipalities and excluding the Houlton Band of Maliseet Indians, Mi'kmaq Nation, Passamaquoddy Tribe, and Penobscot Nation from many rights and protections guaranteed by federal Indian law.

MICSA has harmed Wabanaki Nations and the State of Maine.

- The Wabanaki Nations and the State of Maine have been unable to benefit from more than 150 federal laws passed since 1980, missing out on opportunities for economic development, health care, housing, environmental protections, disaster response, and development of tribal government services.
- Research shows that the tribes' lack of self-governance has resulted in lagging economic growth for Wabanaki Nations and for surrounding rural Maine communities. This lag includes thousands of lost jobs, millions of dollars in lost tax revenue, and loss of opportunity for both tribal and non-tribal citizens.

Recognizing Wabanaki self-determination has strong bipartisan support and will move the Wabanaki Nations and the State of Maine forward together.

- In 2020, a bipartisan task force recommended changes to MICSA to restore self-governance over a range of issues, including criminal justice, the use of natural resources, gaming, taxation, and land acquisition.
- Since then, three consecutive Maine legislatures have considered bills to recognize the inherent sovereignty of the Wabanaki Nations by implementing the task force recommendations. Each time, a comprehensive bill advancing the provisions has been whittled down to a few areas where tribal leaders and the Governor can agree. Tribal authority to regulate drinking water and jurisdiction over certain criminal offenses have been affirmed in this way, but there is much more to do.
- Support for tribal self-determination continues to grow across Maine. Recognizing the Wabanaki Nations' inherent rights to self-govern will improve economic opportunity, foster careful stewardship of the land, and renew partnership among neighbors.

Support fairness and equity. Restore self-determination and treat Wabanaki Nations like all other federally-recognized tribes.

For more information, please contact

Maggie Somers, Maine Conservation Voters, at (207) 592-2782 or maggie@maineconservation.org.



Environmental Priorities Coalition

Maine's Environmental Priorities Coalition is an inclusive statewide alliance of 40 conservation, climate action, and public health organizations. Each year we collectively identify a slate of policy priorities to act on the climate crisis, further environmental justice, protect land, water, and wildlife, and cultivate healthy Maine communities.



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