

JUDICIARY COMMITTEE HEARING ON LD 1136 APRIL 24, 2013

(Sponsor, Representative Peter Johnson)

Testimony of Tribal Chief

Brenda Commander

Good afternoon Senator Valentino, Representative Priest and distinguished members of the Judiciary Committee.

My name is Brenda Commander; I am the elected Chief of the Houlton Band of Maliseet Indians. I would like to thank the members of the Judiciary Committee for providing me with the opportunity to speak in opposition of LD 1136.

Maliseets were extended Federal Recognition on October 10, 1980. Our current registered enrollment consists of 1337 members and the Tribe has acquired a total of 1277 acres of land in the towns of Houlton, Littleton, and Monticello.

With respect to individuals here today who believe they are descendants of a Kineo Band of Indians, we were unaware of such a Maliseet Band until we read it on the front page of the Bangor Daily News a short while ago.

There are several concerns I would like to raise. This bill would likely set an illegal precedent by granting tribal recognition to others when all of the other Tribes in the State were, first, extended Federal Recognition before obtaining state recognition under the Settlement Act of 1980. Would it be fair and equitable for the State of Maine to recognize a deviation from this process?

I would like to ask the Committee, what is the "State recognition" process, policy and qualifications, and will the State be in the business of deciding who is

a Maliseet or any tribal person and who is not? Under current federal law, those issue are decided by the Tribes themselves.

The proposed Bill will, in fact, violate the Maine Indian Land Claims Settlement Act, and/or its companion the Maine Implementing Act. Clearly, the acts were established to resolve a serious land dispute in Maine and to extend specific recognition to the Houlton Band of Maliseet Indians as the **“sole successor ... to the aboriginal entity generally known as the Maliseet Tribe** which years ago claimed aboriginal title to certain lands within the State of Maine.” The Acts also specifically extinguished any recognition toward any Maliseet Indian person, tribe, nation or band that were not part of that Settlement. That would, unfortunately, include any Kineo Band of Maliseets.

Otherwise, I am humbled by the situation of those Maliseets who now find themselves unrepresented and disconnected from their Maliseet families who are members of my Tribe. I know that our ancestors and elders held on to a dream that we, the Maliseets, would all be re-united and be recognized one day to re-build and live in our traditional territory. To a great extent, this became a reality in 1980. Although some work still needs to be completed to finalize a fair and equitable relationship between ours and the governments of Maine and United States.

Having said this, on behalf of the Houlton Band of Maliseet Indians, I urge you to oppose LD 1136, “An Act to Provide State recognition for a Kineo Band of Maliseet Indians” a bill that has no legal or historical basis.

Woliwon! (Thank you)