

**Testimony of John Banks, Penobscot Nation Commissioner, Maine Indian Tribal-State Commission (MITSC), Concerning the Appropriation Proposed for MITSC in FYs 2014 and 2015 contained in LR 1046, The Governor's 2014-2015 Biennial Budget
March 15, 2013**

Senator Hill, Representative Rotundo, and honorable members of the Joint Standing Committee on Appropriations and Financial Affairs; and Senator Valentino, Representative Priest, and honorable members of the Joint Standing Committee on Judiciary; my name is John Banks. I serve as one of the two Penobscot Indian Nation representatives on the Maine Indian Tribal-State Commission (MITSC). I appear before you today to address the State appropriation to MITSC for fiscal years 2014 and 2015 as proposed in LR 1046.

For Committee members who are unaware, MITSC functions as a statutorily authorized intergovernmental body under the Maine Implementing Act found in Title 30, §6201 et. seq. The Maine Implementing Act represents Maine's codification of the legal settlement it reached in 1980 with the Houlton Band of Maliseet Indians, Passamaquoddy Tribe, and Penobscot Indian Nation that took effect upon Congressional passage of the Maine Indian Claims Settlement Act. This settlement resolved a land claim initiated by the Passamaquoddy Tribe and Penobscot Nation in 1972 and later joined by the Houlton Band of Maliseet Indians. The United States provided the funding to implement the 1980 Settlement Act with the condition that the State and the Tribes reach agreement on jurisdictional issues. The Maine Implementing Act delineates that jurisdictional agreement.

MITSC exists to "continually review the effectiveness of this Act and the social, economic and legal relationship between the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and the State." The settlement negotiators recognized that despite years of extensive talks gray areas remained in the final agreement. They also anticipated issues of interpretation would arise in the future. MITSC was created to serve as the balanced body with equal representation from the Tribes and the State to examine questions related to the Maine Implementing Act and offer suggested resolution of contested matters to the signatories.

The Legislature and the Maliseet, Passamaquoddy, and Penobscot Tribal Governments approved important changes to the budget process for MITSC in 2010 that better reflects the fact that MITSC exists as an intergovernmental body of sovereign signatories. Title 30 Section 6212 subsection 6 describes the MITSC budget process. "The Governor or the Governor's designee and the chief executive elected leader or the chief executive elected leader's designee of the" Maliseets, Passamaquoddies, and Penobscots "shall communicate to produce a proposed biennial budget for the commission and to discuss any adjustments to funding."

The first of those discussions for this budget cycle took place February 11. The governmental representatives who met via conference call all expressed a desire to achieve the goal of having the equivalent of a full-time Executive Director. We have been recently able to have MITSC Executive Director John Dieffenbacher-Krall work nearly full-time due in part to some funding we have received via the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission (TRC). There is no secured funding for John's time beyond the end of this fiscal year. Therefore we believe the signatories need to make a sufficient financial commitment to

reach that goal. The governmental representatives discussed consulting with their respective governments to ascertain what level of increase they might be prepared to make to achieve the mutual goal of a full-time Executive Director. All four Wabanaki Tribal Governments have pledged to increase their voluntary support by 25% for FYs 2014 and 2015. Documentation for those financial commitments is being assembled by John Dieffenbacher-Krall and will be provided to Commissioner Millett and Carlisle McLean. When they receive that information it will be presented to Governor LePage. The Commission hopes that the State of Maine can respond in the same spirit as the Tribal Governments to provide the necessary financial resources for MITSC to do its job.