

# Testimony before the Joint Standing Committee on Inland Fisheries and Wildlife on LD 1456

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## Offered by John Dieffenbacher-Krall on behalf of the Maine Indian Tribal-State Commission

First I would like to thank both Senator Martin and Representative Davis for the opportunity to offer this testimony on behalf of the Maine Indian Tribal-State Commission. I would also like to thank Representative Madonna Soctomah for introducing this crucial legislation that will ultimately fix a conflict with the Maine Implementing Act.

In 2000, a very confusing amendment to the free lifetime license provision added the Wesget Suppo (later Wesget Sipu) while deleting the Central Maine Indian Association, which had closed its doors. There is no discernable organizational connection or similarity of purpose between the CMIA and the Wesget Suppo. The CMIA was staffed by and worked with the 4 federally recognized Tribes to provide services to Tribal members who were outside of the Indian Service Area, the Wesget Suppo is not connected to the 4 Tribes nor does it provide services to their members.

Because the amendment was not introduced prior to cloture, its proponents had to argue that there was a compelling need for the amendment. The following is from the most troubling section of the preamble, which upon my read, is at least misleading if not entirely false:

**Whereas**, the Central Maine Indian Association no longer exists; and

**Whereas**, until "Wesget-Suppo" is recognized in the statutes as the organization authorized to issue fishing, trapping and hunting licenses, Native Americans will be unfairly denied benefits under the inland and fisheries laws; and

Recognizing now that MITSC should have raised questions immediately: What follows is the text of the 2000 law, as amended:

8. Native American. The commissioner shall issue a hunting, trapping and fishing license, including permits, stamps and other permission needed to hunt, trap and fish, to a Native American, 10 years of age or older, of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs that is valid for the life of that Native American without any charge or fee if the Native American presents a certificate from the respective reservation governor, the Aroostook Micmac Council or "Wesget-Suppo" stating that the person described is a Native American and a member of that nation, band

or tribe. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit.

The list of Tribes that are referred to was not changed, but the term “Native American” was inserted, without definition, in place of the term “Indian.” This is of great concern because the term “Indian” has an established legal and statutory meaning that connotes a member of a formally recognized Tribe while Native American is a generic term that refers to a person of North American Indigenous ancestry—indeed a potentially much larger group of people. While there are slightly more than 8,000 people on current Tribal rolls, there are an additional 13,000 people in Maine who claim dual ancestry on the 2010 census. Additionally, with no formal consultation, the Central Maine Indian Association, which had a close working relationship with the 4 federally recognized Indian Tribes, was ***replaced by the “Wesget-Suppo,” which at that time had no formal connection to the 4 federally recognized Indian Tribes, and still has no formal connection to those Tribes.***

As a result of the 2000 amendment, for the first time a non-profit with no relationship to the legally recognized Tribes was given the authority to certify that an individual was a member of one of those Tribes. The reference in the statute to “that Nation, Band or Tribe” clearly refers to the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet and the Aroostook Band of Mic Mac. I urge you to read this carefully, “Wesget Suppo” was not listed as a Tribe in this legislation; it was simply awarded an authority to certify “Native Americans” who are members of the named Tribes. No definition added for the new descriptor, “Native Americans.” We are unaware of the criteria that “Wesget Suppo” was or Wesget Sipo is using since they have not checked with the Tribes to confirm status of individuals seeking these licenses nor have they given notice when a license has been conferred.

**It is here that we see a conflict with the MIA: under both fundamental principles of Federal Indian law and the specific terms of the Maine Implementing Act, the determination of Tribal membership status is exclusively controlled by the Tribes as an internal Tribal matter.**

This brings us to LD 1456, “An Act Regarding the Right of Native Americans to be Issued Hunting, Fishing and Trapping Licenses,” which provides the necessary fix to the problem created in 2000 with the addition of the Wesget Suppo (Sipu) to the fish and wildlife statute. This act replaces the word Native American with “person of the Passamaquoddy Tribe, Penobscot Indian Nation, Houlton Band of Maliseet Indians or Aroostook Band of Mic Mac” and deletes the Wesget Sipo from the statute.

The only change MITSC would recommend for consideration in the work session is a change of the word “person” to the term “Indian,” a term defined in the Fish and Wildlife Statute as members of the Passamaquoddy, Penobscot, Maliseet and Mic Mac Tribes.

