

**Testimony of John Dieffenbacher-Krall, Executive Director, Maine Indian Tribal-State Commission (MITSC), Concerning the Appropriation Proposed for MITSC in FY 2011 contained in LD 1671, An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2010 and June 30, 2011
January 8, 2010**

Senator Diamond, Representative Cain, and honorable members of the Joint Standing Committee on Appropriations and Financial Affairs, and Senator Bliss, Representative Priest, and honorable members of the Joint Standing Committee on Judiciary; my name is John Dieffenbacher-Krall. I serve as the Executive Director of the Maine Indian Tribal-State Commission (MITSC). I appear before you today to add information to the testimony MITSC State Commissioner Diana Scully has presented.

For Committee members who are unaware, MITSC is a creation of 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. 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 Federal Government funded the settlement of \$81.5 million 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.

MITSC plays a critical role in facilitating tribal-state relations. We fulfill many of the functions typically performed by a state office of Indian affairs. Signatories to the Settlement Act regularly turn to MITSC for contact information and diplomatic assistance. MITSC also staffs initiatives related to Wabanaki-Maine relations. From 2006 to 2008, MITSC staffed the Tribal-State Work Group, initially begun under a Governor Baldacci executive order, and later as a legislative creation via LD 1263, Resolve, To Continue the Tribal-State Work Group. MITSC also assists its Indian constituents with scheduling and organizing periodic Wabanaki Leaders meetings.

The Commission has increasingly focused during the last four years on implementing and supporting initiatives backed by the Settlement Act signatories. MITSC also monitors the progress of past achievements, such as LD 291, An Act to Require Teaching of Maine Native American History and Culture in Maine's Schools, and the 2000 amendment to Maine's Offensive Place Names Law that added the words "squaw" and "squa" to the list of existing

banned words. The Commission has a much higher public profile and maintains a website with extensive information about the Settlement Act, the Commission, the Wabanaki, and tribal-state relations.

MITSC is the entity the Settlement Act signatories turn to when they want something done in the area of tribal-state relations. During FY 2009, MITSC worked on a dozen different initiatives ranging from LD 1377, the law enacted last year to establish a Maliseet Tribal Court and create seats for the Maliseets on the Commission, writing and overseeing passage of LD 797, An Act To Fully Implement the Legislative Intent in Prohibiting Offensive Place Names, to supporting the Wabanaki/Bates, Bowdoin, and Colby Collaborative. This Collaborative formalized in May 2007 expands educational opportunities for Wabanaki students and strengthens the liberal arts missions of Bates, Bowdoin, and Colby Colleges. The Native American and Indigenous Studies Association informed the WBBC Collaborative earlier this week it will hold a roundtable discussion about this highly successful initiative at its annual meeting scheduled for May 20-22 in Arizona.