



Janet T. Mills
GOVERNOR

STATE OF MAINE
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04333-0001

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Dear Legislative Leaders and Tribal Chiefs:

When I became Governor in January 2019, I pledged to pursue a new era of Tribal-State relations for the State of Maine and the Wabanaki Nations – one defined by collaboration, not litigation; by trust, not animosity.

Since then, the Wabanaki people, the Legislature, and my Administration have worked together to make significant strides, including:

- negotiating and signing into law legislation to amend the Settlement Act to expand the Penobscot and Passamaquoddy's authority to prosecute domestic violence against non-Tribal members in Tribal courts;
- writing and signing into law legislation that implements the nation's strictest water quality standards to protect sustenance fishing in culturally important Tribal waters;
- writing and signing into law legislation that transfers ownership of culturally significant land in Meddybemps from State ownership to the Passamaquoddy Tribe;
- granting a full posthumous pardon, believed to be the first in Maine history, to Don Gellers, who was a former attorney and advocate for the Passamaquoddy Tribe;
- calling for and signing into law a ban on the use of Native American mascots, which are both offensive and culturally insensitive to the Wabanaki peoples, in Maine schools - the first state in the nation to do so;
- signing into law legislation that replaces Columbus Day with Indigenous Peoples' Day in Maine;
- signing into law legislation establishing a Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to promote, implement and coordinate programs that create and improve opportunities for historically disadvantaged racial, indigenous and Tribal populations in Maine – and dedicating \$50,000 from the Governor's Contingent Account to begin its work;
- signing into law a bill that creates a process to review all legislation for potential impacts on historically disadvantaged populations; and



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- appointing Tribal members to Boards and Commissions such as the Maine Criminal Justice Academy and the University of Maine Board of Trustees to enhance Tribal representation.

I think we would all agree that none of these achievements were obvious or easy, but they are the result of communication and collaboration. I am proud of these measures, as I believe you are, too, but most importantly, I believe they are just the beginning of progress. I strongly believe there is room to continue working together for the benefit of the Wabanaki people and the people of Maine.

For example, LD 906 and LD 585 are two of the latest examples of the progress we can make when we work together respectfully and deliberately.

LD 585 is the result of a months-long negotiation between the Wabanaki Nations and my Administration that would make institutional changes in how State government interacts with the Tribes. It would make Maine one of only a few states to put into law a formal State-Tribal collaboration process on policy decision-making.

The bill also would deliver important tax benefits to Tribal communities, providing tax relief to Tribal members and businesses to keep more money in – and attract more investment to – Tribal communities.

And it would give the Tribes the opportunity to benefit from online sports wagering in Maine, providing a meaningful way for the Tribes to participate in the gaming industry in Maine from which they have historically been excluded.

I am proud of and grateful for the work that the Wabanaki Nations and the State have put into negotiating this legislation and believe it will result in meaningful progress.

When it comes to LD 906, like you, I believe that all Maine people deserve access to clean, safe drinking water, and both the Pleasant Point Reservation and Town of Eastport have experienced issues with drinking water for far too long. I am committed to working to resolve them once and for all.

That's why my Administration has been working closely with the Passamaquoddy Tribe, the local water district, and the Federal government since 2019 to solve this regional problem. As a result of this work, we expect to install a water treatment system this summer that will result in significant improvements for the people who live and work in both Pleasant Point and Eastport.

And with respect to LD 906 itself, I am grateful that the Passamaquoddy put forward an amendment that addresses my concerns about jurisdictional issues. I appreciate the Tribe's willingness to engage in a constructive dialogue over the legislation. I am proud to say that I have signed it into law. Thank you for your partnership.

However, I also recognize that, while these bills are progress, the Wabanaki Nations do not consider either of them to be a substitute for LD 1626, which I continue to have concerns about. As the Office of the Attorney General testified about LD 1626:



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“L.D. 1626 will almost certainly result in more – not less – litigation. [...] Changes to MIA on the scale proposed by L.D. 1626 will dramatically alter the longstanding jurisdictional relationship between the States and the Tribes. Changes to this relationship should be made cautiously and deliberately, with careful consideration given to all possible consequences. As noted above, changes cannot easily be undone if they prove problematic, and there may well be unintended consequences given the breadth of changes being made.”

I agree with this assessment. There are provisions in LD 1626 that should be carefully and deliberately reviewed and well-understood by all people involved. These provisions include: 1) allowing the Tribes to acquire new territory – even within existing towns and cities – without gaining the consent of the municipality; and 2) removing any new lands and the nearly 300,000 acres of land now held in Trust from any State or local regulation, including: fish and game regulations, water quality and land use regulations, Forest Practices Act provisions, restrictions on mining, air quality standards, labor laws, fire safety and building standards, nondiscrimination laws, school funding and education requirements, subdivision laws, and health care regulations, among others.

However, I recognize the Tribes’ desire to see LD 1626 become law, just as I hope that the Tribes and lawmakers recognize that my concerns about the legislation are based in policy – and are not personal – and that my fears are that it would yield years, if not decades, of new, painful litigation that would only divide the state further.

I do not wish to have a confrontation over LD 1626. It would serve no constructive purpose and only inflame emotions on all sides of the discussion, while likely harming the positive and constructive relationship we have worked so hard to build. To help us continue to move forward, I ask that LD 1626 remain with the Legislature and that LD 585 be enacted into law while we continue our work together on areas of mutual concern.

I strongly believe that we can continue to work with the Tribes and the Legislature to make progress on health, education, economic development and jurisdictional issues through deliberate and considerate work that is grounded in respectful, mutual dialogue. For example, I believe we can make progress on issues addressed in H.R. 6707, *Advancing Equality for Wabanaki Nations Act*, now pending in Congress. Like you, I do not want to see the Wabanaki Nations unfairly excluded from certain benefits that are generally available to Federally recognized Tribes, and I believe there is potential for negotiated agreement.

The progress we have made through LDs 906 and 585 – as well as the process we undertook to arrive at them – are a blueprint for the future. They can and should represent the beginning of our work, not the end.

I care for the health, welfare, opportunity, prosperity, and future of the Wabanaki people, just as I care for every person in Maine. We have different histories – in some ways painful histories – but today we call this beautiful place that we know as Maine our home. We are fortunate to hunt in the same woods; fish from the same rivers; drink the same water; breathe the same air; and we want the same things for our children and grandchildren and for the health and safety of this great state.



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Let us continue to work together to make real progress on behalf of the Wabanaki people and all Maine people.

Sincerely,



Janet T. Mills
Governor



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