

Sovereignty Starts Here:

Land, Economy, and Tribal Rights in Maine

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Executive summary

Maine's future prosperity is tied to justice for the Wabanaki Nations. For centuries, state and federal governments seized Wabanaki lands, denied sovereignty, and treated the tribes as a burden rather than partners. Correcting these injustices is both a moral obligation and an economic opportunity. States that respect tribal sovereignty have seen stronger growth and more resilient communities. In contrast, the Wabanaki Nations and Maine's neighboring rural communities needlessly lag behind.

This report focuses on the fundamental importance of land acquisition and usage to lay out an economic case for fully recognizing the Wabanaki Nations' inherent sovereignty. It highlights current Wabanaki-led development, successful models from other tribes, and the changes needed to state and federal Settlement Acts.

The report highlights opportunities for land use partnerships that combine Indigenous caretaking traditions with state and federal resources, noting that returning public lands to Wabanaki stewardship would both honor history and strengthen Maine's economy.

Finally, the report details how Maine has profited from centuries of land theft — through land sales, resource extraction, and recreation revenues — and argues these profits obligate the State to support Wabanaki land return.

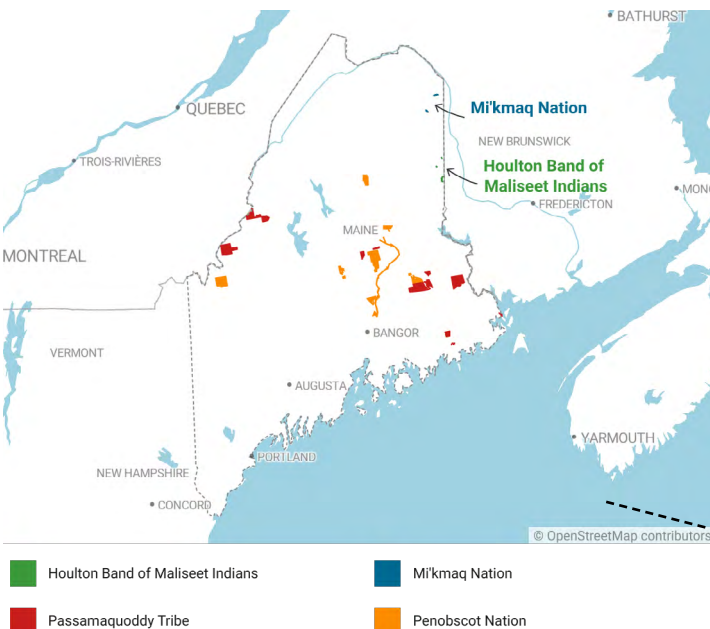
The report concludes with state and federal policy recommendations that chart a path toward land return, trust-building, cooperation, and shared prosperity for the Wabanaki Nations and all of rural Maine.



Wabanaki Territorial Loss, Late Colonial Period and U.S. founding (c.1755-1790)



Wabanaki Lands Today



Maine has profited from centuries of Wabanaki land loss. **Supporting land return and sovereignty reforms is both a moral responsibility and a smart economic investment.**

Timeline

- 11,000 BCE** ▶ Artifacts confirm Wabanaki ancestors in Dawnland.
- 1524** ▶ European explorers and fishermen arrive in Dawnland.
- 1616 – 1619** ▶ 75% of Wabanaki perish in The Great Dying.
- 1776** ▶ After aiding revolution, Wabanaki sign treaty with new US government.
- 1790** ▶ Non-Intercourse Act says only federal government can make treaties and land deals with tribes.
- 1794 – 1818** ▶ Massachusetts continues making treaties with Wabanaki for large parcels of land.
- 1820** ▶ Maine becomes a state, assumes Massachusetts treaty obligations.
- 1820 – 1842** ▶ Maine seizes and sells Wabanaki land, violating treaties. New borders with Canada divide tribal land.
- 1935** ▶ Impure water sources for tribes fuel rise in deadly diseases, federal government finds state negligent.
- 1942** ▶ Maine officials admit to defrauding Wabanaki Nations, ignoring treaties, in effort to ultimately eliminate tribes.
- 1975 – 1979** ▶ Federal courts affirm federal trust responsibility to Wabanaki Nations, rule Massachusetts treaties invalid, and affirm tribal sovereignty in Maine. US government files land claims case against Maine.
- 1980** ▶ The Settlement Acts bring an end to the federal government's land claims case.
- 2012** ▶ Maine Indian Tribal-State Commission's letter to the United Nations says Settlements Acts' impact leads to human rights violations.
- 2020** ▶ A commission evaluating the Settlement Acts releases 22 recommendations for improving it.

Historical context

Communal ecosystems disrupted by a race for wealth

For at least 13,000 years, the Northeastern Woodlands has been home to Eastern Algonquian tribes who refer to themselves collectively as Wabanaki, or “people of the Dawnland.” Today there are four federally recognized Wabanaki Nations within the borders of what is now called the State of Maine — the Houlton Band of Maliseet Indians, Passamaquoddy Tribe, Penobscot Nation, and Mi'kmaq Nation.

When Europeans first arrived in the Dawnland, one of their first goals was to establish principles of property ownership for that land and its resources. Europeans asserted a “doctrine of discovery” based on a view of cultural and religious superiority, which they saw as giving them an inherent right to the land. Their practices of individual and corporate ownership stood in stark contrast to those of the Wabanaki Nations. Sharing resources communally and intertribally, and moving seasonally in alignment with fish, game, and foraging resources, Wabanaki people had an interdependent relationship with the natural world and each other. They consider the land, water, air, as well as the plants and animals that live there, relatives. Wabanaki people are collective stewards of the Dawnland, and Wabanaki individuals do not have exclusive rights to specific tracts of land.

In contrast, European settlers viewed the Dawnland as a source of wealth to exploit as quickly as possible. This was particularly true of the English settlers who made up the majority of the colonists in what would become Maine. Many arrived looking for gold and, when that did not appear, sought riches through fishing, fur-trading, and timber-harvesting — without regard for sustainability. English Captain John Smith, visiting Wabanaki homelands in 1616, described a climate suitable for farming and an abundance of fish, timber, and minerals.

The exploitative outlook of European settlers and colonizers inevitably conflicted with the Wabanaki sense of collective land stewardship and responsible caretaking. **When the English negotiated treaties with the Wabanaki Nations, they assumed**

“For us, it would be absurd to say ‘I own my grandmother,’ or ‘I own my cousin,’ or ‘I own my brother.’ You don’t talk about things like that. And so when we’re talking about land ownership, it’s that same idea — these are our relations, these are things that hold a lot of significance to us.”¹

- Lakota Sanborn, a Penobscot activist, 2020

“I am not so simple to think that any motive other than wealth will ever erect there a Commonwealth; or draw company from their ease and humors at home, to stay in New England to effect my purposes... If a man work but three days in seven, he may get more than he can spend.”²

- English Captain John Smith visiting Wabanaki homelands, 1616

they were buying land in a system where they alone could fully recognize and transfer land titles, while the Wabanaki assumed they were negotiating over shared use and care of the land, within an ever-changing landscape of human and non-human relations. Adding to these cultural differences were basic logistical barriers. **The Wabanaki people had no written language** (and spoke several distinct languages) and recorded their own complex treaties orally and through wampum belts. **Permanent, hierarchical notions of land from legal concepts written in English were**

Map 1: The Dawnland Before 1600

Numerous indigenous groups inhabited the area now known as Maine before the arrival of Europeans. Their territorial areas were not always precisely defined but often followed the rivers that shared their names. This map shows just a selection of the many groups that lived in this area. Note that the territories of these groups often extended beyond the state and national borders we know today. *Note: Outline of current Maine border added for reference.*



Wabanaki Territory

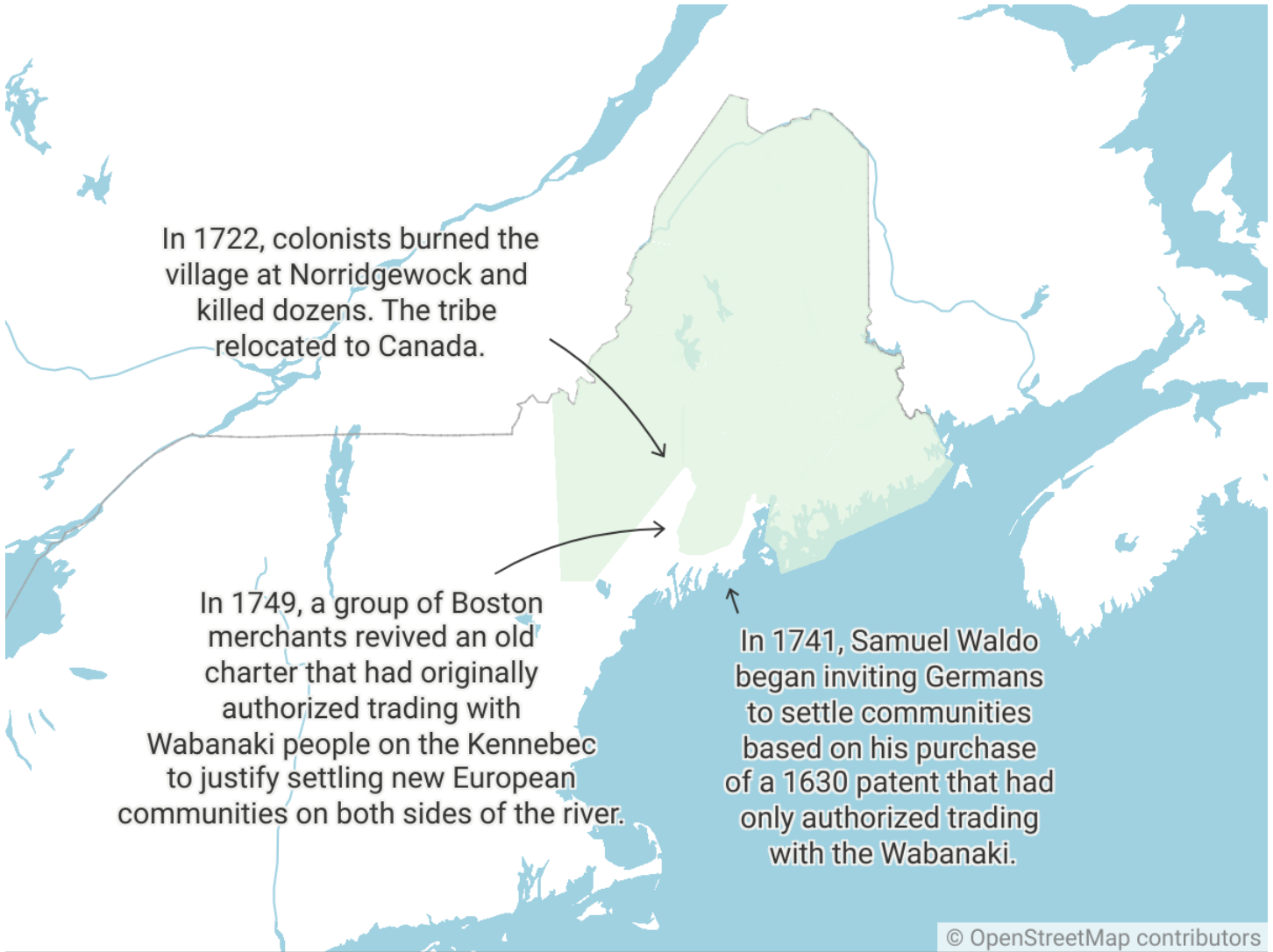
Source: Adapted from a map created by [Wabanaki community members](#).


difficult to convey and easy to exploit. English leaders did nothing to resolve these issues mutually, insisting on their interpretations under English law, which greatly advantaged them. In fact, they often compounded their unfair advantages by deliberately mistranslating terms to Wabanaki signatories.

When European settlers subsequently restricted access to the land they claimed or “bought,” Wabanaki people were outraged. Not only did Europeans close off access to lands in shared use since time immemorial, but they severed Wabanaki people from their interconnected and sacred ecosystem, along with their ability to care for their homelands as they had done for thousands of years.

Map 2: Wabanaki Territorial Loss in the Early Colonial Era (c. 1600-1755)

The French and English maintained competing claims in the area, with the Kennebec River dividing the District of Maine from French Acadia. In general, the French area was sparsely inhabited, with less conflict between Europeans and the indigenous inhabitants. In 1712, France ceded its claim to England, increasing the rate of English land acquisition and theft. The Massachusetts government did not draw lines of European and Indigenous territory, but acknowledged that land which had not been ceded by the indigenous inhabitants through deeds belonged to them.



 Wabanaki Territory

Source: Based on John Mitchell's 1755 "Extract from a Map of the British and French Dominions in North America, 1755." [Collections of Maine Historical Society.](#)



Five years after speculators drew this map illustrating the Wabanaki village and planting grounds at Norridgewock, the village was brutally attacked by settlers.

*Source: Collections of Maine Historical Society
[MMN # 11976](#)*

In the face of European encroachment — their natural resources ravaged and their populations reduced by between 75-90% due to disease and conflict³ — the Wabanaki were forced to negotiate on the colonizers' terms. The Wabanaki Nations signed treaties that recognized different spheres of ownership and control over the Dawnland, but even these provided little protection to the tribes. Settlers repeatedly came back to demand more land, sometimes coercing the Wabanaki into giving up land in exchange for a pittance, with treaties backed by implicit threats of violence. For example, in 1755 the Governor of the Massachusetts Colony issued a bounty for the scalps of Penobscot men, women, and children, requiring colonists to “embrace all Opportunities of pursuing, captivating, killing and destroying all” Penobscot people.⁴ The following year, the Governor of Nova Scotia renewed a similar bounty for Mi'kmaq scalps that was never rescinded.⁵

A state built on stolen land

By the 1790s, the Wabanaki population was reduced from tens of thousands to several hundred individuals fighting for survival with increasingly diminished access to territory and resources. **In 1790, the United States Congress passed the first Non-Intercourse Act, which defined the relationship between the federal government**

and tribal nations, and declared that only the federal government had the authority to negotiate with the tribes.

But the Non-Intercourse Act would go unheeded in Massachusetts, and later in Maine, for nearly two centuries. In 1794, the Commonwealth of Massachusetts (of which Maine was then a part) entered into a treaty with the Passamaquoddy Tribe, in which the Tribe gave up its claim to the vast majority of its ancestral lands in exchange for a reservation of slightly more than 23,000 acres and fishing rights in the Saint Croix River.⁷ In 1796, a similarly lopsided treaty with the Penobscot Nation ceded their claim to millions of acres in exchange for recognition of the remaining territory and some basic supplies.⁸ A second treaty with the Penobscot in 1818 reduced their reserved land to just four townships and a series of islands in the Penobscot River.⁹ Between them, these treaties allowed the Commonwealth of Massachusetts (and later the State of Maine) to seize approximately 12.5 million acres of Indigenous land — around two-thirds of the present land area of the State.

“I am not uninformed that the six Nations have been led into some difficulties with respect to the sale of their lands since the peace. But I must inform you that these evils arose before the present government of the United States was established, when the separate States and individuals under their authority, undertook to treat with the Indian tribes respecting the sale of their lands.

... But the case is now entirely altered. The general Government only has the power, to treat with the Indian Nations, and any treaty formed and held without its authority will not be binding.”⁶

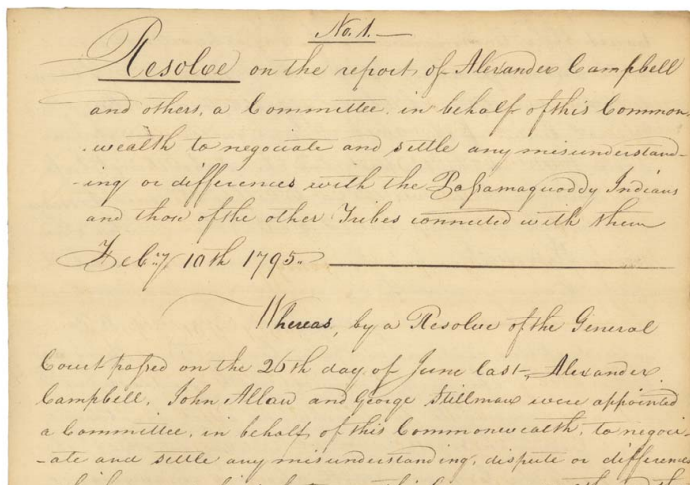
- Pres. George Washington, 1790

Map 3: Wabanaki Territorial Loss, Late Colonial Period and U.S. Founding (c.1755-1790)

By this period, Wabanaki territories were generally recognized as their traditional hunting grounds around the river basins from which they took their names (the English sometimes called the Mi'kmaq and Maliseet in Maine the "Saint John Indians" after that river). The Treaty of Watertown in 1775 and attempted treaty negotiations by Massachusetts with the Penobscot make it clear that the Wabanaki were understood to maintain rights to these lands at the time of the federal Non-Intercourse Act of 1790, which forbade further state negotiations with tribal nations. This area was the basis of the 1970s Indian Land Claims.



Source: Adapted from "Economic Profile Of The Indian Claims Region," [Maine State Planning Office, Dec 3, 1976.](#)



The 1794 Treaty between the Passamaquoddy Tribe and Massachusetts was the basis of the historic land claims case that led to the 1980 Settlement Acts

Source: *Maine State Archives*, [36748](#)

In 1820, the new State of Maine, having just won a struggle to obtain its own sovereignty, reaffirmed the 1818 treaty with the Penobscot Nation, but refused to honor a promise from Massachusetts to purchase an additional two acres in Brewer for the Penobscot Nation.¹⁰

Maine was well aware of the deprivations the remaining Wabanaki Nations suffered. Not only did the Penobscot delegates in 1820 make a point of mentioning their own poverty and the problems caused by encroachments onto their land by white men, but some of the earliest correspondence received by the first legislature contained petitions from the Penobscot Nation and Passamaquoddy Tribe.

On January 26, 1821, a petition from the Penobscot Nation asked the new legislature to stop overfishing in the Penobscot River because there were now so few fish available to them that “we cannot catch enough for the use of our families even in the season of the year when fish used to be the most plenty.”¹¹

The same month, a written petition on behalf of the Passamaquoddy Tribe noted “the game and fish were formally plenty in the forests and rivers and of great advantage to your petitioners but of late years they have been deprived of this advantage by the fish in the rivers being mostly destroyed and little or no game being left in the forests or streams for

hunting” and, “that they are in great want of a piece of woodland for the purposes of getting wood in the winter for the use of the elderly Indians, their women, and children, as they live on a point of land called Pleasant Point where they cannot produce wood as all the woodland for a distance of thirty miles is owned by private individuals.”¹²

The tribes’ petitions fell on deaf ears. Instead, the new state government continued to acquire as much land as possible by any means necessary.

In the early 1830s, Maine moved to acquire the “four townships” of Penobscot land near present-day Millinocket. Penobscot leaders insisted any land sales required approval by the entire nation, yet state agents bypassed this process by striking deals with individual tribal members.¹³ This violated Penobscot traditions of collective decision-making — a system not unlike town meetings in Maine itself — but the State pursued whatever method best served its interests.

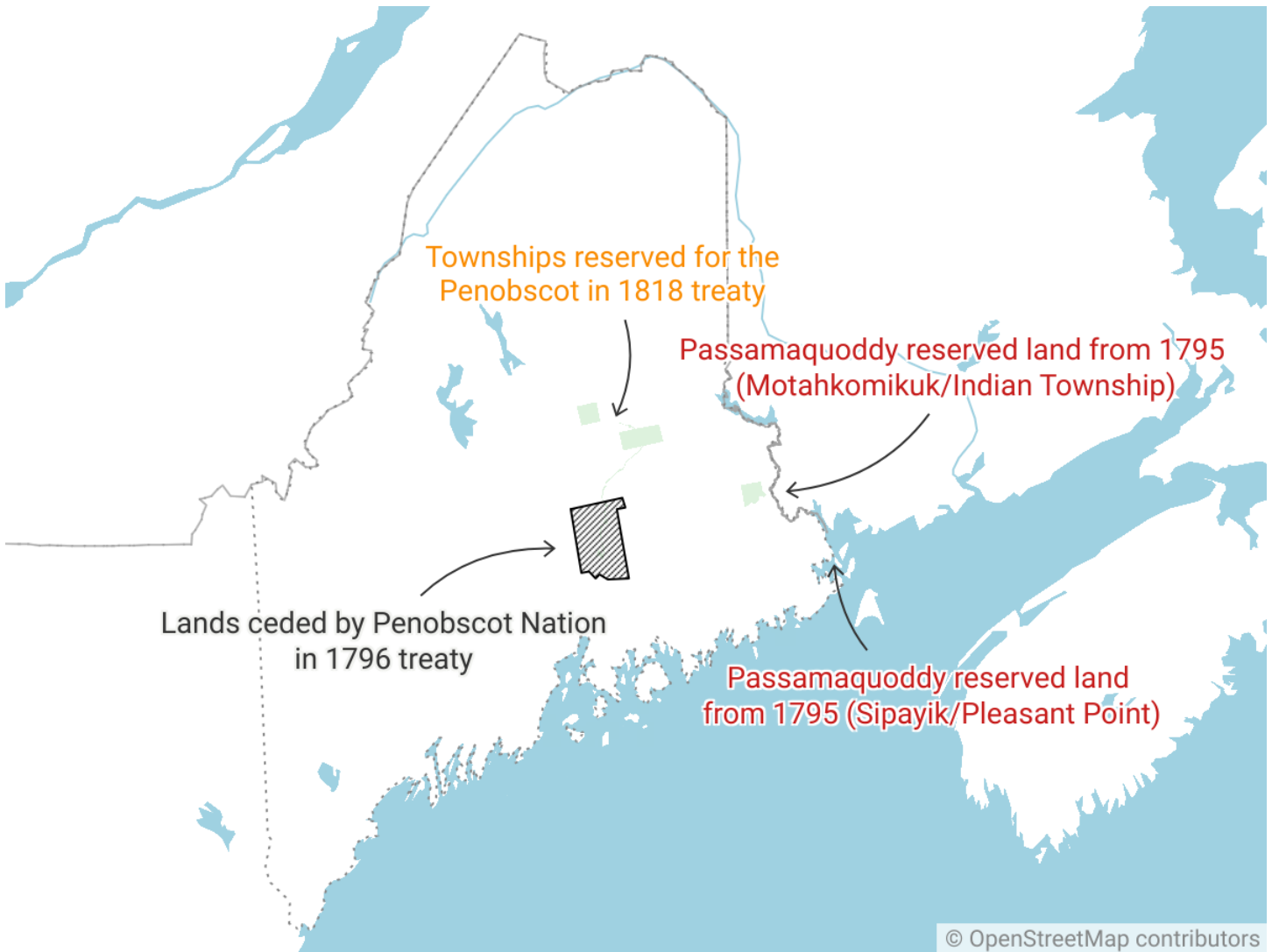
In 1833, Maine claimed to have purchased the land for \$50,000. The Penobscot Nation filed a remonstrance declaring the deal fraudulent, noting it was designed “with the intention of injuring the Tribe in their property and rights.” Maine ignored the protest and kept the land.¹⁴

“Just consider today how many rich men there are in Calais, in St Stephen, Milltown, Machias, East Machias, Columbia, Cherryfield, and other lumbering towns. We see a good many of them worth thousands and even millions of dollars. We ask themselves how they make most of their money? Answer is, they make it on lumber and timber once owned by Passamaquoddy Indians.”¹⁵

**— Louis Mitchell,
Passamaquoddy citizen,
in an 1887 speech to the
Maine legislature**

Map 4: Wabanaki Territorial Loss Following U.S. Founding (c.1795–1820)

Despite the passage of the federal Non-Intercourse Act, which forbade states from negotiating directly with Indigenous nations, both Massachusetts and Maine continued to take land from the Wabanaki with illegal and coercive treaties. In 1795, Massachusetts forced the Passamaquoddy Tribe to cede all their claims in exchange for title to 20,000 acres of defined territory. In 1796, the Penobscot Nation relinquished claims to some land along the Penobscot River. A second treaty with the Penobscot in 1818 reduced their territory to Indian Island and the other islands in the Penobscot River, as well as four townships upriver. These townships would later be sold to Maine in contested circumstances in 1833. Neither state reserved lands for the Maliseet or Mi'kmaq Nations, simply ignoring their land claims.



Wabanaki Territory

Ceded Territory

Source: A Location of the Four Townships and the land ceded in 1818 is confirmed by Moses Greenleaf's Map of the District of Maine, 1815. [Osher Map Library, Sheet Map Collection](#). Also Osgood Carlton's "Accurate Plan of the 189,120 Acres of Land on Penobscot River Being the Purchase from the Penobscot Indians by Government from about 1798." [Harvard Map Collection](#).



Mill operations on the Penobscot River at Indian Island, 1854

Photo Credit: *Library of Congress Prints and Photographs Division, LC-DIG-ds-14356*

The acquisition of Indigenous land fueled Maine's economic rise. Selling the land to settlers and speculators and exploiting its timber wealth powered the lumber, paper, and shipbuilding industries of the 19th century.

Today, natural resources have diminished as a source of wealth for Mainers, but still play a significant role in the economy, as do outdoor recreation and tourism, built upon enjoyment of what was originally Indigenous land. As this report will show, **the State of Maine has profited directly and indirectly for centuries from the land stolen from the Wabanaki Nations and has paid next to nothing in compensation.**

Settlement Acts leave promises unfulfilled

In the mid-1970s, the Passamaquoddy Tribe and Penobscot Nation sued to challenge the State of Maine's claim to tribal land referenced in the treaties with Massachusetts. Because they were never ratified by Congress — which has the sole authority to negotiate treaties and land sales with tribal nations — the courts found the treaties invalid, setting up federal recognition of the Wabanaki Nations and prompting the federal government to sue the State of Maine on the tribes' behalf.

This landmark land claims case ultimately fell victim to years of state stubbornness, a changing federal

political environment, and intense pressure on the tribes to settle out of court.

In 1980 a settlement was reached, spelled out in a pair of state and federal bills collectively referred to as the Settlement Acts. The tribes gave up claim to the treaty lands in exchange for a federally funded pathway to buy back a small fraction of it, including funding for the Houlton Band of Maliseet Indians to create an official reservation. But a "construction clause" provision, inserted at the last-minute without tribal approval, fundamentally changed the state's interpretation of its authority over tribal affairs. These changes, along with biased reinforcement of the state's authority by Maine courts, led to a stark weakening of tribal sovereignty not seen in any other state. Maine even took complete jurisdictional authority over the Mi'kmaq Nation while excluding it from settlement negotiations. Maine retained separate policies for the Mi'kmaq Nation until 2023.

The Settlement Acts represented a failure of both the state and federal government to live up to their responsibilities. The State of Maine neither gave back the land it had taken in illegal treaties, nor did it provide any financial compensation to the Wabanaki Nations. The federal government abandoned its own legal trust obligations to the Wabanaki Nations, allowing them to fall under the jurisdiction of the state and denying them full access to federal Indian law.

While a settlement was intended to bring clarity to the relationship between the Wabanaki Nations, the State of Maine, and the federal government, the Settlement Acts failed to do so. Conflicting interpretations of sovereignty linger, the Wabanaki Nations are hindered from acquiring the full amount of land envisaged by the Settlement Acts, and economic disparities remain. Three decades after the settlement's enactment, the Maine Indian Tribal-State Commission (an entity created to oversee the settlement's implementation) told the United Nations Special Rapporteur on the Rights of Indigenous Peoples: "The [Settlement] Acts have created structural inequities that have resulted in conditions that have risen to the level of human rights violations."¹⁶ In 2020, a report from a bipartisan commission established to evaluate the Settlement Acts issued 22 consensus recommendations for improving tribal-state relations and restoring self-governance.¹⁷ In the years since, only a few of the recommendations have been enacted, despite growing bipartisan support.

In an era of tribal self-determination, Maine lags behind



Harvesting sweetgrass
in Acadia National Park

Photo credit: Yehyun Kim, Friends of Acadia

Maine's treatment of the Wabanaki Nations is out of step with other governments in North America, which have recognized tribal nations' rights to self-determination, while Maine maintains a relationship that keeps the Wabanaki Nations largely subservient to the State.

- The US Congress passed the Indian Self-Determination and Education Assistance Act in 1975 and further strengthened it in 1988.
- In 1982, Canada recognized the sovereignty of First Nations people in its constitution.
- Since 2021, Mexico has implemented a Pueblo Yaqui Justice Plan to address historical injustices against Indigenous people.¹⁸

Momentum has grown beyond simple self-determination toward repairing historic wrongs through the return of land and other reparations. Governments are also increasingly realizing the benefits of partnerships with tribal nations and the value of Indigenous knowledge, culture, and ecological caretaking.

There are four federally recognized tribes in Maine:

Houlton Band of Maliseet Indians consists of approximately 1,700 members¹⁹ and owns about 2,800 acres near the town of Littleton, Maine.²⁰

Mi'kmaq Nation consists of over 1,500 members²¹ and owns 3,300 acres around Presque Isle, Maine.²² Unlike the other Wabanaki Nations, the Settlement Acts did not provide the Mi'kmaq consolidated reservation land.

Penobscot Nation includes 2,200 members, including about 550 living on a reservation on Indian Island in the Penobscot River near Old Town, Maine. It owns about 130,000 acres of land.²³

Passamaquoddy Tribe includes around 3,600 members,²⁴ with reservations at Sipayik (Pleasant Point) and Motahkomikuk (Indian Township). While each reservation has its own chief and local government, a tribal council exercises authority over some matters for the whole tribe, including the use of trust lands. The Passamaquoddy Tribe owns about 120,000 acres of land.²⁵

Maine can look to several examples elsewhere for the benefits of fully recognizing Wabanaki sovereignty over land use and working with the Wabanaki Nations as equals. To do so, Maine must give up some of its power. It must remove the antiquated restrictions placed on the Wabanaki Nations by the Settlement Acts and cede its colonialist claims to tools such as eminent domain on tribal land.

Maine should also look at ways to make amends for past bad behavior, as other states have done. This could include transferring existing public lands to the Wabanaki Nations' ownership, adopting co-stewardship models, or providing monetary reparations.

In addition to being an issue of historical and contemporary justice, land return is also an important economic issue. Tribal nations with full land sovereignty have launched innovative economic development projects, which not only benefit the tribes themselves but also surrounding communities.

In addition to land rights, **water rights** are of considerable importance to the Wabanaki peoples. The Penobscot Nation shares its name with Maine's largest river; and the Passamaquoddy people are named for the pollock once plentiful in their homelands.²⁷ Yet waterways have been an ongoing source of contention between the tribes and the State. The treaties made between Maine and the Wabanaki Nations reserved the rights of tribal citizens to freely use the rivers they depend on for sustenance and their traditional way of life. Yet from the beginning, the State routinely ignored complaints that Mainers were intruding into tribal waters or depleting the waters through overfishing. As Maine industrialized, these complaints would include the considerable pollution of the river and the erecting of hundreds of dams. To this day, the State contests the Wabanaki Nations' jurisdiction over their traditional waterways.

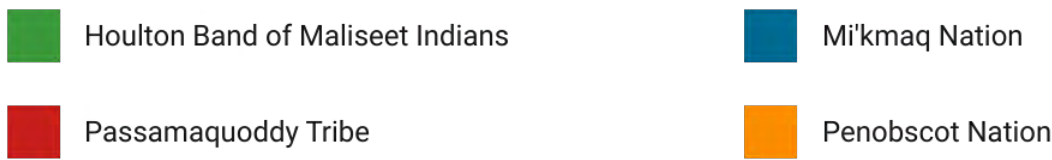
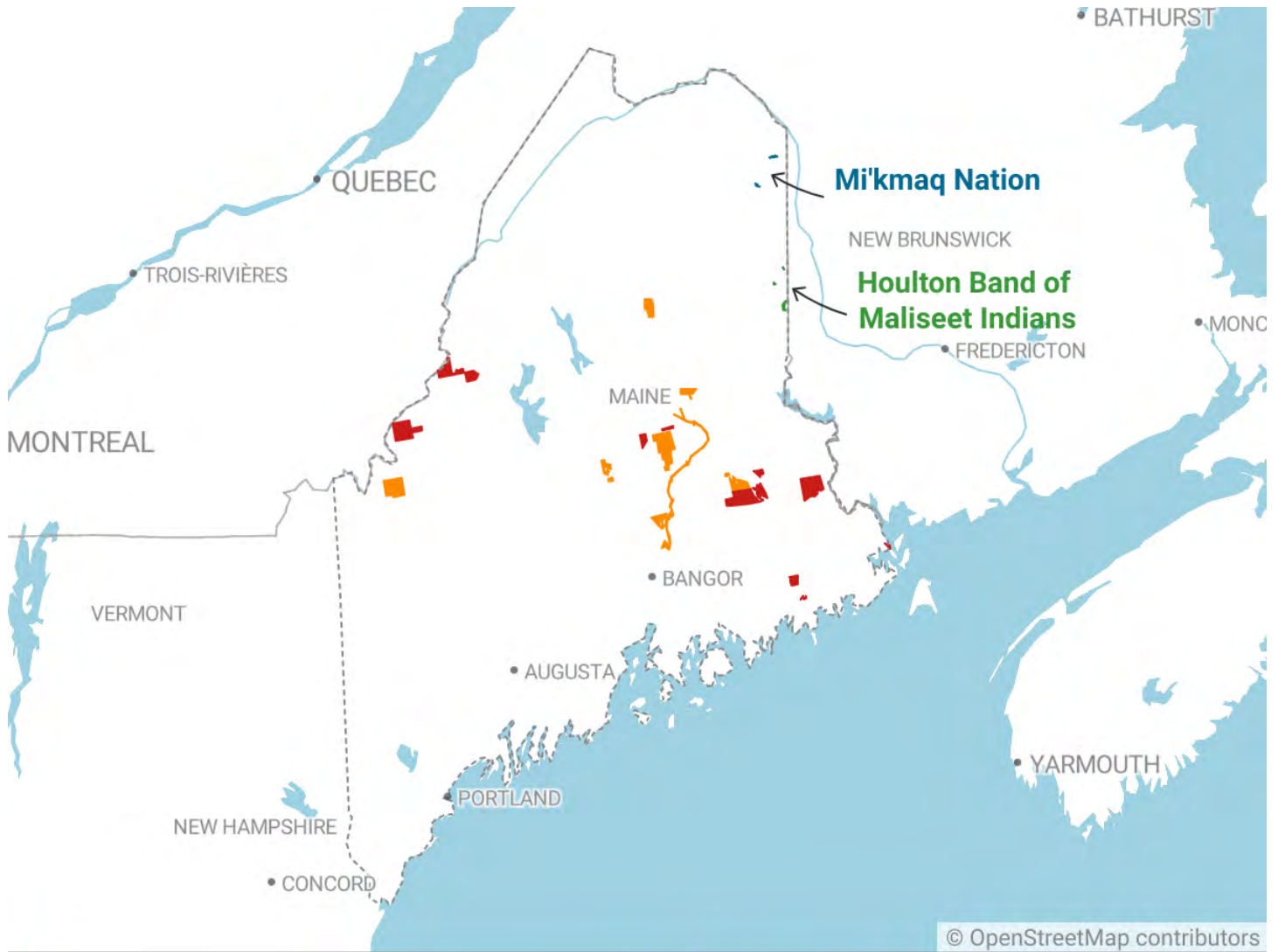
There are three major types of tribal land under Federal Indian Law. Democratic consultations with all tribal citizens typically decide land use:²⁶

Reservation land is established by treaty or other agreement that is set aside as a permanent tribal homeland.

Trust land is held in trust by the federal government on behalf of the tribal nation. Outside of Maine, federal Indian law generally gives tribal nations broad sovereignty over reservation and trust land. Ownership of trust land cannot be transferred or sold without the permission of the federal government.

Fee land is held by the tribe collectively like any other private corporation. It can more easily be disposed, including through sale, and can be used as collateral for loans. Fee land can also be transferred to the federal government to hold as trust land.

Map 5: Wabanaki Lands Today



Source: Data from US Census Bureau, 2024.

Modernizing the Settlement Acts

While the 1980 settlement primarily intended to resolve a major land claim dispute and improve tribal-state relations, it did not resolve the underlying issue of the State's failure to fully recognize Wabanaki sovereignty.

Forty-five years later, issues around land ownership, use, and regulation remain some of the most contentious and unresolved issues in the relationship between Maine and the Wabanaki Nations.

In 2019, the Maine legislature established a task force to look at issues of tribal sovereignty and propose changes to the Maine Implementing Act (the state law which implemented the 1980 federal settlement).

Their final 2020 report made several key recommendations for Maine on tribal land sovereignty:²⁸

Hunting and fishing: Recognize tribal jurisdiction over hunting and fishing rights on tribal lands and relinquish most of its authority to regulate hunting and fishing by tribal members outside tribal land (recommendations 7, 8, 9).

Natural resource regulation: Recognize tribal jurisdiction over natural resource and land use on tribal lands (recommendation 10).

Gaming: Allow the federal Indian Gaming Regulatory Act to apply to tribes in Maine (recommendation 17).

Trust land acquisition: Make it easier for tribes to acquire trust land and to remove state and local governments' ability to veto trust land acquisition (recommendations 21, 22).

Each of these recommendations would put the Wabanaki Nations on the same footing as other federally recognized tribes across the United States and apply the principles of Federal Indian Law, which generally give tribes broad latitude to acquire and use land as they see fit.

Though the Maine Legislature has made several bipartisan attempts to modernize the Settlement Acts since the task force's report was issued, they have enacted only modest changes so far. One example of progress is the 2022 amendment to the Settlement Acts which allowed the Passamaquoddy Tribe at Sipayik to place land into trust without the approval of the neighboring town of Perry – a change that will bring the tribe's wells under federal water standards and provide access to clean drinking water for the first time in decades.²⁹ Despite success stories like these, underlying issues relating to land acquisition and regulation remain unresolved.

Reforming the Maine Indian Tribal-State Commission

The Settlement Acts created the Maine Indian Tribal-State Commission (MITSC) to monitor the implementation and effectiveness of the settlement. Including representatives of the Wabanaki Nations and the State of Maine, it has the potential to act as a mediator in disputes over sovereignty and as a forum for fostering greater cooperation. However, structural issues limit its effectiveness:



Penobscot Nation's Director of Natural Resources Chuck Loring, Jr. holds a Penobscot River striped bass

Photo credit: Joe "Hugga" Dana

Not all tribes are represented. Currently, only three of the four Wabanaki Nations have representatives on the Commission. Because the original Settlement Acts did not include the Mi'kmaq Nation, they are not included as members of MITSC. To function most effectively, MITSC must include representatives of all Wabanaki Nations.

Chief executive has disproportionate control. The governor appoints six of the Commission's 13 members, giving the chief executive the power to obstruct MITSC's work by withholding nominations. The statute sets a fixed quorum of nine members, regardless of vacancies, so if appointments are left unfilled—as is currently the case with only two of six state-appointed seats filled—the Commission can't function without 100% attendance to achieve a quorum.³⁰ Revising the statute to define a quorum as three-quarters of filled seats would resolve this issue. Additionally, allowing other officials, such as the House Speaker or Senate President, to make appointments would help limit political interference.

Lack of funding. Without adequate funding, the Commission cannot operate at full capacity — and with funding decisions in the hands of the legislature and governor, state interests could hobble MITSC through underfunding. The legislature should establish a dedicated, independent revenue stream for the Commission's ongoing operations that insulates it from political interference.

Lack of authority to act. Currently, the Commission may only make non-binding recommendations to the legislature on issues such as acquisition of trust land and changes to the Settlement Act. There may be opportunities to empower MITSC to take

certain actions without requiring the approval of the legislature and governor. MITSC should also be given the authority to introduce legislation on its own behalf, without needing a legislative sponsor, as state departments and some commissions already have.

Tribal sovereignty drives economic success

Mainers have not historically viewed tribal nations as economic partners. To the contrary, the State saw its obligations to the Wabanaki Nations as a burden and resented what little assistance it offered to the people it had made destitute through the seizure of their land.

From the Wabanaki Nations' perspective, economic partnership has been impossible while engaged in a fight for survival in the face of largely hostile state institutions. As a result, there has been relatively little opportunity for investment or economic development opportunities. The Wabanaki Nations have also suffered from a lack of capital and access to financing due to this same history of economic exploitation and deprivation.³¹

A modernized settlement that fully recognizes Wabanaki sovereignty offers potential for economic growth, benefiting the tribes as well as their neighboring communities. Tribal nations that enjoy full sovereign recognition build independent and robust institutions, a prerequisite for economic development and shared prosperity.³²

In Maine, the Settlement Acts hinder economic development in several ways:

Investment is discouraged. The uncertainty about which laws apply on tribal land discourages outside investment. Businesses hesitate to partner with tribes on projects when regulations are uncertain.

Innovation lags. The Wabanaki Nations cannot benefit from the flexibility granted by federal Indian law, which allows many tribes to experiment with new forms of economic development on their lands.



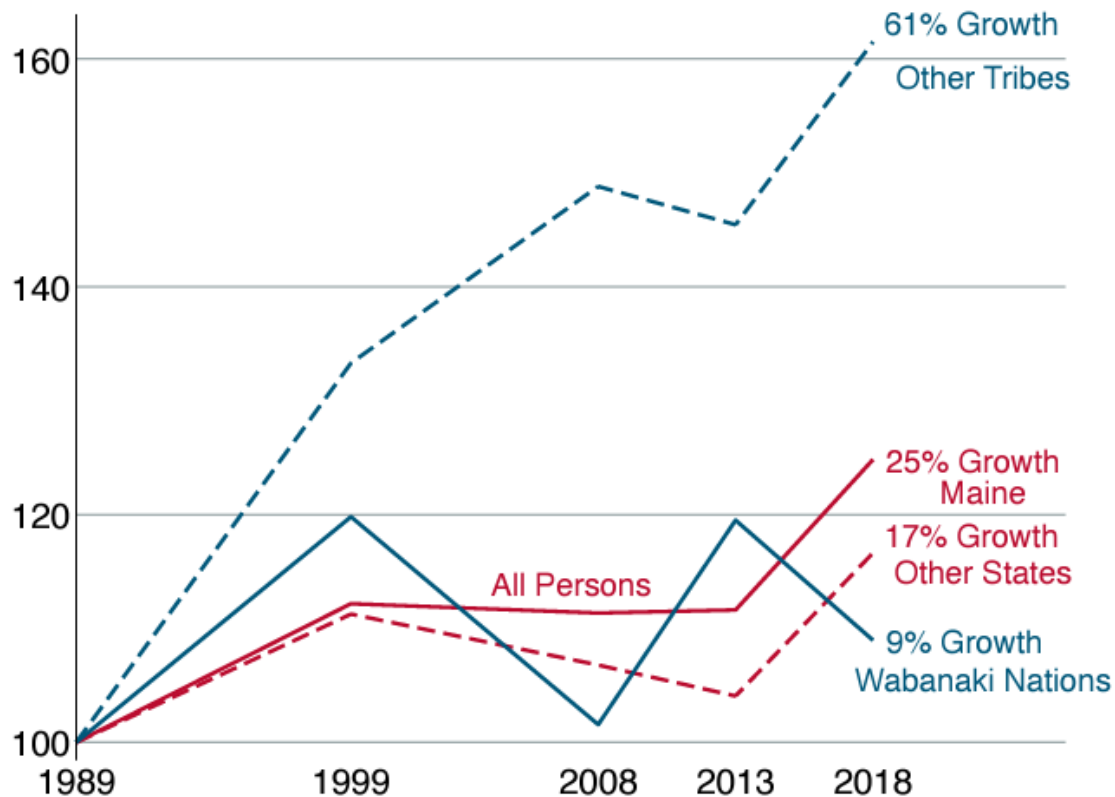
Photo credit: Nolan Altvater

Federal funding is inaccessible. The exclusion of the Wabanaki Nations from some federal funding deprives the broader Maine economy of an infusion of federal dollars. A comparison of grants received by other federally recognized tribes but not the Wabanaki Nations suggests the Wabanaki could benefit from up to \$4.6 million a year in additional federal funds if they had equal access to federal funding as other tribes.³³

This situation limits the economic potential of both parties. **Numerous examples from across North America demonstrate tribes can act as powerful agents of economic growth.** Tribes bring centuries of cultural knowledge of land stewardship and resource management, while their unique sense of history can bring added value to cultural heritage endeavors.

Chart 1: Relative Economic Growth

Comparison of inflation-adjusted growth in per-capita incomes between 1989 and 2018. The chart compares incomes for Wabanaki Indians living on reservations to those of Indians in reservations in the other lower 48 states, as well as the per-capita incomes of all lower 48 residents and Maine residents.



Source: Kalt, Joseph P., Amy Besaw Medford & Jonathan B. Taylor, "Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine." *The Harvard Project on American Indian Economic Development*. Dec 2022.

Tribal operations are especially valuable to rural Maine, where the economy is still reeling from the exodus of manufacturing operations to cheaper labor markets, because they are rooted in a strong sense of place. Tribes' longstanding connection to the land itself distinguish them from ordinary business operations. Unlike typical for-profit corporations that may shut down or relocate for better opportunities, tribal nations remain tied to their communities. They also cannot engage in land speculation the way a private owner might. The federal government holds tribal trust land for the tribes that cannot be sold on a whim.

In Canada, the country's constitution enshrined the sovereignty of First Nations people over their land in 1982. Since then, communities where Indigenous people are able to exercise their rights have seen per-capita incomes increase much more quickly for both Indigenous and non-Indigenous residents. Between 1980 and 2016, per-capita incomes in areas with Indigenous autonomy increased by CA\$32,000, while those in other parts of Canada increased by CA\$21,000. The ability of First Nations to direct investment locally appears to be one cause.³⁴

In the United States, per-capita incomes on Indian Reservations have risen three times faster than those of average Americans since 1989.³⁵

Similarly, a comparison of economic conditions among the Wabanaki Nations and other federally recognized tribes found between 1989 and 2020, greater recognition of sovereignty for other tribes led to per-capita income growth more than six times higher than in Wabanaki communities.³⁶

One comparison of the economic contributions of tribal communities between the states of Washington and Maine suggests **fully recognizing tribal sovereignty could eventually boost Maine's Gross Domestic Product by \$330 million per year, create 2,700 new jobs, and lead to an additional \$51 million per year in state and local tax revenues.**³⁷

Tribal enterprises

Tribal governments across the United States operate businesses — known as tribal enterprises — that create jobs for their members and help provide revenue for basic government functions like public safety, education, and health care. At the same time, **these enterprises also employ many non-Indigenous residents of nearby communities, generating economic activity that spills over and benefits the wider community.**

Economic activity on Wabanaki trust land has primarily been through management of natural resources. Examples include:

- The Passamaquoddy Tribe operates blueberry and maple syrup harvesting operations.
- The Mi'kmaq Nation owns a produce farm, fish hatchery, and Christmas tree farm.
- The Penobscot Nation engages in significant timber management and harvesting on its trust lands.
- The Houlton Band of Maliseet Indians operates Wilderness Pines Campground.

Both the Penobscot and Mi'kmaq Nations have recently conducted comprehensive economic development strategies that identify areas of potential economic growth in sectors such as aquaculture, clean energy, and tourism.³⁸ All these sectors build on existing Wabanaki strengths and values as well as the Maine economy more broadly.



Mi'kmaq Nation's fish hatchery supplies native brook trout to Wabanaki Nations

Photo credit: Fred J. Field

While traditional uses of tribal land in Maine emphasize conservation and a relationship to the environment that is familiar to Mainers, true recognition of tribal sovereignty means honoring tribes' rights to conduct any manner of activities on their land. Anything else would be a continuation of the paternalistic attitude Maine adopted for centuries as a colonial overlord rather than an equal partner.

This must include recognizing the ability of the Wabanaki Nations to conduct gaming operations on tribal land. **Unlike other federally recognized tribes, the Wabanaki Nations have not been able to benefit from the 1988 Indian Gaming Regulatory Act (IGRA), which recognizes tribes' exclusive authority over gaming activities on tribal land, allowing them to operate casinos.**

More than 240 tribes operate gaming facilities under IGRA which generated \$44 billion in revenue in 2024.³⁹

Efforts by the Wabanaki Nations to operate casinos in Maine have been blocked by legislative action and popular referendum. Instead, the State has favored state-sanctioned monopolies by large out-of-state corporations on casino operations in Bangor and Oxford. The recent legalization of online sports betting, with exclusive operational rights given to the Wabanaki Nations, has redressed some of this fundamental unfairness but falls short of full tribal sovereignty.

Expanding gaming can have negative social effects, especially for individuals with lower incomes,⁴⁰ but it is not the State of Maine's role to decide whether the Wabanaki Nations operate a casino, just as Maine does not set gaming laws in New Hampshire or Massachusetts. It's also worth noting **many tribes have successfully used casino revenue to improve economic conditions both for their own citizens and surrounding communities.**⁴¹

Casino payments have reduced poverty, increased high school graduation rates, and decreased arrest rates on reservations.⁴² At the same time, casinos have provided jobs for non-Indigenous residents in surrounding communities.⁴³

Gaming is not the only economic development option open to the Wabanaki Nations. Tribes elsewhere across the United States and Canada engage in activities that include manufacturing, natural resource extraction, energy generation, and housing development. **In the United States, 344 federally recognized tribes operate more than 5,500 businesses across the breadth of the economy.**⁴⁴

Some examples from other tribal nations include:

The Hualapai Tribe in Arizona operates a tourism business, Grand Canyon West, which allows visitors to experience the natural beauty of the Grand Canyon as well as immerse themselves in tribal culture and history. This enterprise employs 1,500 people, half of whom are non-native, and is the second-largest employer in the county. It attracts one million visitors every year.⁴⁵

The Lummi Nation in Washington operates a shellfish hatchery and fishery and is the second-largest employer in its county. It has also balanced development and conservation by issuing conservation credits that developers must buy when building on tribal wetlands, providing funds to the tribe to offset environmental impacts.⁴⁶

The Menimonee Tribe in Wisconsin sustainably manages a 230,000-acre forest, employing 300 people and harvesting 20 million board-feet of timber every year while also winning international awards for sustainability. It supports one in five jobs in its county and generates half the county's economic impact.⁴⁷

The Gros Ventre and Assiniboine Tribes' Island Mountain Development Group in Montana operates e-commerce, construction, and real estate businesses which employ more than 200 people directly, support more than 450 jobs in the wider economy, and generate \$42 million a year in added value.⁴⁸

The most successful tribes pursue economic development not just for themselves, but to invest in their people and communities. In many ways, they are better positioned than state governments to do so, because tribal governments are traditionally participatory and prioritize sharing prosperity among all members.

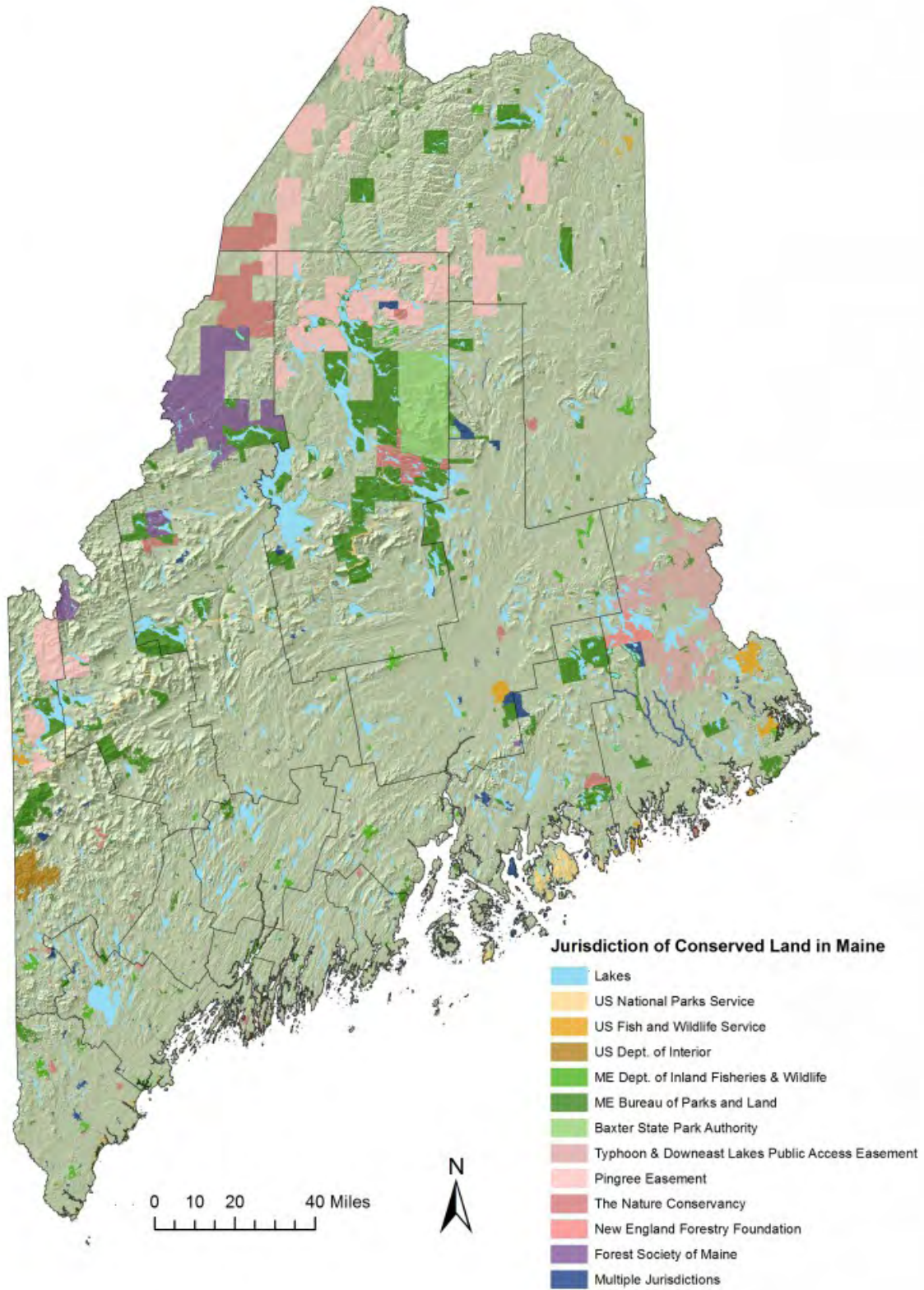
Paths to returning land

Public land return and co-stewardship

In addition to recognizing tribal sovereignty, increasing the amount of trust land held by the Wabanaki Nations is foundational to realizing the economic gains other federally recognized tribes and their non-tribal neighbors have enjoyed.

With around 95% of land in Maine privately owned,⁴⁹ the greatest potential for returning land to the Wabanaki Nations will be through purchase or donation agreements with private landowners. Nonetheless, the direct roles played by state and federal governments in taking land from the Wabanaki Nations places an obligation on both governments to reconsider the use of publicly held lands in Maine.

Map 6: Conserved Lands in Maine



Source: [Maine Forest Dashboard: Conservation Lands](#), University of Maine School of Forest Resources

Elsewhere, state and federal governments have generally taken two approaches to Indigenous rights to public land:

- **Returning the land.** In some cases, governments have simply returned public land to its original Indigenous caretakers. In March 2025, Illinois passed legislation to return the Shabbona Lake State Park to the Prairie Band Potawatomi Nation after concluding it had been stolen by the federal government in 1829.⁵⁰ The federal government has also returned dozens of parcels of land to tribal trust land since 1970.⁵¹
- **Co-stewardship.** Since 2021, the federal government has engaged co-stewardship of federally owned land with tribal nations, allowing both sides to benefit from shared knowledge and resources while building trust and respect. This has allowed the federal government to benefit from Indigenous knowledge of land management rooted in millennia of experience, respect the cultural value the land holds for its original inhabitants, and recognize and allow for traditional forms of land care and stewardship by Indigenous people.⁵² At the same time, the federal government offers technical and scientific support to tribal nations for the management of their own lands. These partnerships can also

“Our legends have taught us for generations since time immemorial that Katahdin is a sacred place where we pray, gather, and nourish our connections to our ancestors and relatives. I have known my whole life that Katahdin is our homeland and returning there often is a key part of how I actively take pride and comfort in my identity as a Penobscot person.”⁵³

- Penobscot Nation Ambassador Maulian Dana, 2023

include agreements to allow tribal citizens to engage in traditional hunting and fishing activities on federal public lands.

In Maine, the lands that are now Acadia National Park, Baxter State Park, and the federally managed Katahdin Woods and Waters National Monument all lie within traditional Wabanaki homelands and are obvious candidates for either co-stewardship or land return. The Katahdin region parks are particularly relevant. Massachusetts seized these traditional Penobscot homelands under the illegal treaty of 1795 and Maine later sold them to logging companies. When former Governor Percival Baxter purchased the lands he would later donate to the state for use as a state park, there was no consultation with the Penobscot Nation. What’s more, Katahdin has special significance to the Penobscot and other Wabanaki people.

Despite this history, only limited efforts to make amends to the Penobscot Nation have been made.

- The **Baxter State Park Authority** has consulted the Penobscot Nation more in its decision-making in recent years, but concrete changes remain elusive. The legislature has refused to facilitate Wabanaki involvement in the operations of the park, saying it is not its role to “interfere” in the operations of the independent park entity. On these grounds, in 2023 the legislature rejected even a modest attempt to include a Wabanaki representative as a member of the Park’s governing authority.⁵⁴



The Tekakapimək Contact Station at the Katahdin Woods & Waters National Monument. All Wabanaki Cultural knowledge and intellectual property shared within this project is owned by the Wabanaki Nations.

Photo credit: James Florio

- At the **Katahdin Woods and Waters National Monument**, the National Park Service has partnered with a private foundation and the Wabanaki Nations to create the Tekokapimək Contact Station, a cultural and educational welcome center highlighting the traditional Wabanaki connection to the land as well as artistic and cultural expression. The project is successful, in part, because it centers Wabanaki voices and agency. Strong agreements are in place to protect, rather than extract, Wabanaki cultural knowledge, and Wabanaki advisors have meaningful roles in the creation process.
- **N'tolonapemk**, a sacred Passamaquoddy place for generations⁵⁵ at the confluence of Meddybemps Lake and the Dennys River, was part of the lands illegally seized by the state of Maine and eventually used as a dumping ground in the 20th century. In 1985, the State Department of Environmental Protection identified the hazardous nature of the location, and it was eventually listed as a federal Superfund site. The historical and cultural significance of the site was recognized in the process of the federal cleanup operation, and the Passamaquoddy Tribe was brought in as a partner in the restoration work. In 2024, Maine returned the land to the Tribe.⁵⁶



**Kuwesuwi Monihq (Pine Island)
was returned to the
Passamaquoddy Tribe in 2021**

Photo credit: Mark Berry, The Nature Conservancy

Any other opportunities for state and tribal cooperation in the stewardship of public lands will require a greater degree of trust between the two groups. The Maine Indian Tribal-State Commission is an appropriate forum to explore potential co-stewardship endeavors.

Private land return

With the vast majority of Maine's land privately held, **facilitating land return by private owners, whether through donation or sale, is central to growing Wabanaki trust lands.** There are multiple examples of successful cooperation between private land owners and the Wabanaki Nations.

The First Light Land Return Initiative is a collection of non-Native land-oriented organizations working closely with the Wabanaki Nations to facilitate private land return in Maine. The collective has helped negotiate several critical land return projects, including Kuwesuwi Monihq (Pine Island). One of the areas designated as protected Passamaquoddy land

in the 1794 Treaty with Massachusetts, the 150-acre island in Big Lake was stolen with the help of a name change in the 1850s. Renamed White Island by settlers, it no longer matched the treaty records, challenging the Tribe's efforts to enforce their claim. When the island later was listed for sale, the Tribe worked with First Light and The Nature Conservancy, returning Kuwesuwi Monihq to the Tribe's care in 2021.

First Light is currently working on 11 distinct projects that will eventually return more than 50,000 acres to the Wabanaki Nations, including Wáhsehtək^w, a 30,000-acre land parcel adjacent to Katahdin Woods and Waters National Monument that will be the largest land return between a US-based nonprofit and a tribal nation.⁵⁷ Other recent successes include transferring land on the Meduxnekeag River to the Houlton Band of Maliseet Indians, expanding possibilities for the Tribe's abutting Wilderness Pines Campground, and opening up opportunities for cultural tourism as well as traditional activities for tribal citizens.⁵⁸

First Light also helped return to the MiꞤkmaq Nation 103 acres of unrestricted agricultural fields, forest, wetlands, and shore frontage on Big Brook and Long Lake,⁵⁹ and an additional 90 acres in Littleton, including Sunrise Tree Farm.⁶⁰

Despite these accomplishments, the Settlement Acts continue to restrict private land return due to legal barriers in the Acts. Trust land purchases or donations typically require approvals by both the local community and state legislature. MITSC has recommended removing these barriers so the Wabanaki Nations can acquire land as freely as other federally recognized tribes.

The state can also facilitate private land return in other ways. Around 1.9 million acres of land in Maine are under private conservation easements (the state manages another 400,000 acres of easements).⁶¹ Conservation easements are legally-binding agreements by a private landowner to limit activities on their land. The private landowner keeps ownership of the land, while the state or a qualified conservation organization holds the easement and ensures its conditions are followed. Currently, the Wabanaki Nations do not qualify to hold easements, despite their unparalleled experience in land management and stewardship. Allowing the Wabanaki Nations to be qualified easement holders would not be a substitute for full land return, but it would enable additional co-stewardship of the land between Wabanaki and other Mainers.

A further change to recognize Wabanaki land stewardship expertise could be a form of conservation easement that expires once land passes into Wabanaki ownership. Easements are traditionally designed to last indefinitely, consistent with the aims of conserving land for future generations. However, allowing easements to automatically expire when the land passes into Wabanaki ownership would recognize the Wabanaki Nations' unique relationship with the land and reinforce the principal of tribal sovereignty that trusts Indigenous peoples to manage the land they own.

While these policy changes could make it easier for the Wabanaki Nations to work with private landholders, the biggest barrier to land acquisition remains the cost and lack of capital available to the Wabanaki Nations.

Tribal land return funding requires more ongoing revenue

The compromise at the heart of the 1980 settlement was the federal government placing \$54.5 million into a settlement fund for the purpose of land acquisition by the tribes. This included \$26.8 million each for the



The Wáhsehtək^w parcel will return 30,000 privately held acres to the Penobscot Nation.

Photo credit: Chris Bennett, courtesy of Trust for Public Land

Passamaquoddy Tribe and Penobscot Nation, and \$900,000 for the Houlton Band of Maliseet Indians. (A separate settlement of \$27 million was awarded to provide for general tribal wellbeing.) In 1991, the federal government approved a further settlement of \$900,000 for the use of the Mi'kmaq Nation. The Settlement Acts envisaged the Passamaquoddy Tribe and Penobscot Nation would be able to purchase 150,000 acres of land each with these funds, and for the Houlton Band of Maliseet Indians to be able to purchase 5,000 acres. However, the cumbersome land acquisition process has allowed rising land values to outpace the interest earned on trust fund money. The 1980 settlement was based on a calculation of \$181 per acre.⁶² A recent purchase on behalf of the Penobscot Nation was valued at more than \$1,000 per acre.⁶³

While the Wabanaki Nations retain the ability to purchase land the federal government then places in trust, doing so is extremely difficult with limited revenue streams. At present, tribal governments sometimes purchase land with the help of the federal government, nonprofit foundations, or private donors. For example, the Penobscot Nation is due to acquire an additional 31,000 acres of new land on the East Branch of the Penobscot River (the area is known as Wáhsehtək^w in Penobscot). The nonprofit Trust for Public Land made this largescale land return

possible by securing \$32 million in loans to purchase the land from a timber company. The Penobscot Nation will receive the land in full once the Trust has raised the money to pay off the loans.⁶⁴

Without significant, sustainable sources of revenue to purchase more land, the Wabanaki Nations will struggle to reclaim even a fraction of what the State of Maine took from them.

Maine's moral obligation to fund tribal land return

The federal settlement funding was not enough for the Wabanaki Nations, and it's important to remember the State of Maine contributed nothing, despite 160 years of benefiting directly and indirectly from land taken illegally from the Wabanaki people. In 1976, an internal White House memo suggested that simply compensating the Wabanaki for the value of illegally-seized land would amount to \$150 million if simple interest were included, or \$105 billion if interest were compounded annually. (Those figures would rise to \$185 million or more than \$1 trillion respectively if interest were calculated through 2025).⁶⁵ While it is difficult to comprehensively calculate the total value the State of Maine and its inhabitants extracted from Indigenous land, some examples of this economic exploitation between the beginning of statehood in 1820 and the Settlement Acts in 1980 include:



Log jam on the Kennebec River near Skowhegan, 1870

Source: *Skowhegan History House Museum & Research Center*, [MMN# 8990](#)



By the 1930s, the Penobscot River and its tributaries had more than 100 dams.

Source: *Library of Congress Prints and Photographs Division*, [LC-DIG-ppcrd-1d01995](#)

Seizure of lands without compensation. Even after illegally signing treaties with the Passamaquoddy Tribe and Penobscot Nation in the 1790s, both Maine and Massachusetts continued to seize land they had reserved for the tribes without providing payment. Three identifiable examples relating to islands in the Penobscot and St. Croix rivers amount to over \$500,000 of lost tribal revenue in 2024 dollars.⁶⁶

Direct sale of lands. Between 1820 and 1875, Maine sold around 3.9 million acres of publicly held land for cash or the in-kind value of road labor, receiving almost \$2.3 million in return, a sum worth almost \$58 million today.⁶⁷ The Commonwealth of Massachusetts sold millions more acres. Much of this was acquired through coercive treaties with the Pasamaquoddy Tribe and Penobscot Nation.

Harvesting timber on state-owned land. The state profited for centuries from harvesting timber on state-owned land which was once Wabanaki territory. Between 1824 and 1960, the state received almost \$2.2 million from the sale of timber on public land (approximately \$60 million in today's dollars).⁶⁸

Exploitation of rivers. Rivers and waterways hold their own special significance to the Wabanaki people. Yet the state has spent centuries restricting Wabanaki use of their traditional waterways while simultaneously exploiting those rivers for its own profit, often poisoning them in the process.

The rivers of the Dawnland drove Maine's industrial revolution, providing cheap power to mills across the state. They were also important means of transportation for the lumber industry. Between 1832 and 1872 alone, companies floated an estimated six and a half billion board-feet of timber downriver to the state's biggest timber market at Bangor.⁶⁹ The tribes not only received no compensation for the use of their waterways but have faced the consequences of polluted rivers and diminished fish populations.

Mismanagement of tribal funds. The State held in trust money compensating the Penobscot and Passamaquoddy people for appropriated land and then went on to mismanage these funds. From 1860, Maine transferred the interest from the Penobscot and Passamaquoddy Trust Funds to the Indian Agents for their own use. At one point, the State effectively used the Passamaquoddy fund to bail out the city of Eastport, "investing" the trust fund in \$10,000 of municipal bonds subsequently defaulted on by the city. The tribe was never reimbursed. On another occasion, the state used Passamaquoddy trust funds to compensate a private landowner for tribal members' "trespass" on land which the state had previously awarded the tribe in the 1794 treaty. A 1942 legislative report identified the equivalent of \$473,000 in today's dollars (plus interest) in misappropriated funds never restored to the Penobscot Nation and Passamaquoddy Tribe.⁷⁰

Tax revenue from developed land. As the state sold off or gave away land previously held by the Wabanaki Nations, private owners developed the land and often derived significant profits, especially in the lumber industry, the backbone of Maine's economy through the middle of the 20th century. While it is difficult to calculate comprehensive estimates of the value of this industry, the available historical records suggest that between 1820 and 1980, lumber, paper, and associated industries generated almost \$40 billion in revenues (approximately \$390 billion in inflation-adjusted dollars).⁷¹ While the state taxed only a fraction of these revenues through the state tax on property, those revenues were substantial over time. In 1900 alone, the state tax on timberland and wood products manufacturing was approximately \$142,000 (\$5.4 million in inflation-adjusted dollars) – 16 percent of the state tax assessed for that year.⁷² Over the 160 years between statehood and the



**Wabanaki guides with canoes
in Bar Harbor, 1881**

Source: *Abbe Museum*, [MMN# 80729](#)

Settlement Act, the State likely collected hundreds of millions of dollars in tax revenue from the forest products industry on stolen land.

Tourism economy. As early as 1846, Henry David Thoreau made the Maine Woods famous in the records of the trips he took with Wabanaki guides.⁷³ The popularization of the automobile spurred a boom in tourism that generated economic growth and tax revenue for the state based partly on the popularity of the beauty of the Wabanaki homelands. By 1924, the State Publicity Bureau reported that there were 650,000 visitors to the state, who spent \$67.5 million that year (approximately \$1.2 billion in inflation-adjusted dollars).⁷⁴

Should the State actively finance the Wabanaki Nations' purchase of trust land, it would both address a moral obligation to right historical wrongs and promote economic development in some of the most rural parts of Maine.

A dedicated revenue stream from the State could also help fund economic development initiatives on tribal land, resolving the lack of capital which currently hinders investment in Wabanaki enterprises. This, in turn, would return economic benefits to surrounding Maine communities.

Options for funding tribal land return

Maine would not be the first state to create a land return fund. In 2022, California created a grant program for tribes to purchase ancestral land and implement traditional Indigenous stewardship practices. Through 2024, the funds have increased by \$100 million to support 33 different projects.⁷⁵

Similarly, this would not be Maine's first involvement in helping to finance land acquisition for a public good. Since 1987, Maine has appropriated \$174 million⁷⁶ for Land for Maine's Future (LMF) to acquire or protect around 630,000 acres including land for recreation and work. Most of the LMF funding has come through bonds approved by Maine voters. The state could issue similar bonds for Wabanaki land purchase and development. In the event that future LMF funding is approved, the Wabanaki Nations should be allowed to apply to purchase new tribal trust land.

The State also subsidizes land conservation through several other programs and could open some of them to allow the Wabanaki Nations to apply or act as sponsors. In some cases, these could directly fund land acquisition; in others they could facilitate tribal-private partnerships to care for the land. Programs which could be modified to add Wabanaki eligibility include the Forest Legacy Program, the Agricultural Conservation Easement Program, and Maine Outdoor Heritage Fund. Dedicated tax revenues could also replenish the trust funds:

A statewide land tax would predominantly impact the biggest holders of tribal homelands (like large timber and paper companies). A tax with a mil rate of 0.05 would raise \$15 million per year and cost the typical homeowner with a property value of \$400,000 just \$20 a year.⁷⁷

A special tax on tourism collected from individuals enjoying the land which tribal communities preserved for tens of thousands of years. Increasing the restaurant and lodging taxes by 0.2% each would raise \$11.6 million a year.⁷⁸



Passamaquoddy citizens of the tribe at Motahkomikuk (Indian Township) travel two days by canoe to the tribe at Sipayik (Pleasant Point) to reinforce familial and tribal obligations

Photo credit: Donald Soctomah

Summary of policy recommendations

The purpose of this report is not to dictate a path to economic development and prosperity to the Wabanaki Nations, but to demonstrate to Mainers how they can empower the Wabanaki Nations in a way that is beneficial to both parties. To that end, the state legislature and federal government should consider the following actions:

1. Fully recognize tribal sovereignty and land use rights. The state legislature should enact the 2020 recommendations of the Task Force on Maine Indian Claims to amend the Maine Implementing Act and more fully recognize Wabanaki sovereignty. Maine's federal delegation should also work to make necessary changes to the federal Settlement Act. In the context of land use and economic development, the most important amendments to the Settlement Acts include:

- a. End the state's power of eminent domain
- b. Recognize tribal jurisdiction of hunting and fishing rights on tribal land and relinquish state and federal authority to regulate hunting and fishing by tribal members elsewhere
- c. Recognize tribal jurisdiction over natural resource regulation and land use on tribal lands
- d. Apply the federal Indian Gaming Regulatory Act to the Wabanaki Nations
- e. Make it easier for the Wabanaki Nations to acquire trust land without state or local government vetoes
- f. Enable the Wabanaki Nations to fully benefit from federal grants and programs

2. Facilitate private land return and co-stewardship. This includes changes to the effective local and state vetoes that currently exist over private land transfers to the Wabanaki Nations. The State should also allow the Wabanaki Nations to act as conservation easement holders and design a form of conservation easement that can expire once the State transfers lands to full Wabanaki ownership.

3. Investigate opportunities for co-stewardship or return of public lands. Maine should recognize the value Wabanaki stewardship, rooted in millennia of experience, brings to conservation, and identify potential partnership or land return opportunities in Maine's public lands. Baxter State Park, with the spiritually significant Katahdin, and the Katahdin Woods and Waters National Monument are places to start.

4. Fully account for and restore mismanaged trust funds. A 1942 report of the Legislature's Research Committee identified the equivalent of hundreds of thousands of dollars in misappropriated and misused tribal trust funds. A modern accounting of these dollars owed to the Passamaquoddy Tribe and Penobscot Nation has not been conducted. The legislature should commission a comprehensive evaluation of lost funds and return them to the tribes with interest.

5. Establish dedicated funding streams for Indigenous land acquisition and economic development. In recognition of the significant revenue the State has historically derived from exploitation of land taken from the Wabanaki Nations, lawmakers should consider establishing dedicated revenue streams to benefit the Wabanaki Nations. This could be accomplished through issuing bonds, a statewide property tax targeted at large landowners, or a sales tax on tourists. This money would not only be an investment in tribal communities but would drive economic growth in rural areas of Maine.

6. Reform the Maine Indian Tribal-State Commission to fully represent all Wabanaki Nations, reduce the ability of the governor to control the membership of the Commission, and empower the Commission to make certain changes without the need for legislative and gubernatorial approval.

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About MECEP

Maine Center for Economic Policy (MECEP) is a nonpartisan research and policy organization dedicated to improving the economic wellbeing of Mainers with low and moderate income. Since 1994, MECEP has helped secure improved economic opportunity for Mainers throughout their lives by advocating for fairer tax policies; access to education, health care, and livable wage jobs; and critical investment in government programs and services on which Maine people rely.

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