

Charles Pray, Executive Director at Maine County Commissioners Association speaking in opposition to LD 2094 "An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act" on the first day of public hearings, February 14, 2020.

Charles Pray was a Senator in the Maine Legislature from 1978 - 1992, serving as Assistant Majority leader and Majority Leader consecutively from 1978 - 1984, and President of the Maine Senate from 1984 - 1992.

Sen. Mike Carpenter:

Charlie Pray, speaking on behalf of the county commissioners.

Charles Pray:

Senator Carpenter, Representative Bailey, members of the Judiciary Committee and Natural Resources Committee. I am Charles Pray, executive director of the incoming commissioners' association. I'm here today on behalf of the association to express concerns and reservations of the legislative proposal as written and as presented due to a significant amount of seemingly vague implications and references to communities and counties access across the state. The association in their position do not claim that the Tribes have not been grieved. The government, both at the federal and national level, even at the state level, we're not opposed to efforts to continue to improve the relationship with our Native American citizens here in Maine. There are concerns the state may be ceding some of its governing authority on behalf of a more recent generation of citizens of Maine to the individuals herein as recognized as sovereign Nation Tribes.

These issues arise in taxation and authority and natural resource regulatory oversight and authorities, which possibly would not allow those communities and regional governments to act in the best interest and the benefits of their citizens in each of the counties as prescribed by Maine statutes enacted by their elected representatives here. The association strongly encourages the community to proceed very cautiously in trying to undo or correct a real or perceptual wrongs that some have said that the Maine agreement in the 1980 Settlement Act imposed on them. The Maine County Commissioners Association wishes you well in working out an agreement that clarifies

the implications to all Mainers to benefit and improve the standing and lives of the oldest historical Natives as well as all citizens of Maine. Thank you for your attention.

Sen. Mike Carpenter:

Thank you Senator Pray. Are there questions? The executive director of the Maine County commissioners. Thank you.

Corey Hinton, Esq. Passamaquoddy Tribal Member and Lawyer for the Passamaquoddy Tribe speaking in support of LD 2094 "An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act"

Corey Hinton is former president of the Native American Bar Association of Washington, D.C.

Corey Hinton:

Good afternoon. Chairman Carpenter, Chairwoman Bailey and members of the committee. I apologize, I didn't come here prepared to speak so I have no written remarks to share with you. I sat back there and I felt compelled to put my name on the list to come speak with respect to the issue of natural resource regulation in the environment. I am Peskotomuhkati. Passamaquoddy. I'm a citizen of Sipayik . Passamaquoddy means people who spear Pollock. Pollock is a sea-run fish. It only lives in the saltwater. Over time, our identity formed on our ability to harvest and survive upon the natural resources. This includes clean water, clean air, clean fish, and clean game.

As my good friend Ed Bassett, who spoke earlier today so eloquently about the restoration efforts that the Passamaquoddy Tribe has been engaged in with respect to its environment. The State of Maine, notwithstanding some of the most stringent environmental regulations in the United States, has overseen the destruction of its own natural environment. It is wonderful for us all to sit here today and to talk about these very stringent environmental laws that are currently on the books, but I will add that those laws were not on the books when the mills opened up, when they blocked the fish

ways, when they dumped pollutants, when they killed the water that my people survived upon, and now we still attempt to survive upon.

Where are we today? Well, we can't eat the fish without getting cancer. As we heard from John Banks, that would be freshwater fish. I'm told that the sea-run fish, such as the Pollock have lower rates of toxins, which is wonderful. We can't eat freshwater fish, but we can eat saltwater fish, but there are no salt water sea-run fish left in our waterways. The essence of who we are as Passamaquoddy people and our ability to harvest the Pollock has been taken away from us. It has been taken away under the dominion of this sovereign. In my community at Sipayik, we don't have fish and the water that comes through the faucets is poisonous.

Under the State of Maine's watchful eye, under the dominion of the State of Maine, the State of Maine has allowed a public utility to consistently be derelict in its duties with respect to the maintenance of a public water drinking supply. As a result, the water that flows through the faucets in my community contains significant levels of trihalomethane, which is a byproduct of cleaning a dirty water source. The State of Maine has for decades allowed this problem to go with nothing and only now are we just starting to engage in a responsible dialogue among the sovereigns about how to address these issues.

I see my time is up, but I'm going to keep going. Please cut me off if you wish. What is the law? I've heard a lot about the laws. What's going to happen if we pass this framework, federal Indian law. I know that the Task Force members, they read that [American Indian Law in a Nutshell] (title of book by William Canby), they absorbed it. We talked about it. We had great dialogues about it. I just heard the counsel for the Maine Forest Products Council resuscitate just a great litany of federal Indian law cases and points of law. I would offer to all of you that we can all learn what federal Indian law is. But how are we going to figure out what laws apply to us and what laws don't apply to us?

Well, let me use an example. If I'm standing in my backyard and I take a baseball and I throw it into my neighbor's backyard right next door, and I see my neighbor standing there and it hits him in the head and causes a concussion, one might say, "Oh, well that's his backyard, not your backyard. Don't worry about it." But that's not how the law works. Actions have repercussions and the repercussions of those that will pollute our environments, destroy our waters, cut our trees without discretion, these are actions to which we should all be concerned.

All that my people have done since the moment that we were graced with the opportunity to be on this earth that we call the mother, is to protect our environment. Before coming up here today, my friend Ed Bassett gave me this, which is a rock that came from the bed of Grand Falls, which sits next to our community at Motahkomikuk, Indian Township. Let's talk about land use because where we come from, land use was never up to us. The State of Maine took our lands, damned our waterways, flooded our lands, and then when they took money and resources from us, they put it in a trust account and they paid it back to us over time. So, if we want to talk about land use and what the contributions were to the Settlement Act. The state's contribution was its credit. Its credit was based upon their exploitation of our resources. And anybody who tells you otherwise is being intellectually dishonest. Anyone who tells you that there is fear about the Indians regulating resources into over-exploitation into non-existence, they are being intellectually dishonest.

Our proposal to this body proposes the ability to engage on the local level all the way up to the highest level of the state, to work out the local issues. We propose agreements to work with the counties, to work with the local governments, to work with the governor's office, to work with every single department. That is what we want. It is in our nature to be good neighbors and we seek to be good neighbors.

Now, I recognize that there may be concerns about additional regulation creating costs that may or may not need to be borne by private actors or municipalities. I would counter with this: the cancer rates in our communities as stated by John Banks are astronomical. What are the costs to our communities that we've borne over generations as our people die at a young age, as children are left without parents, as the very food that we're being told that we can rely on is poisoning us? Where is the economic value that we should be given to help support our communities into perpetuity? Right now there is none. We don't ask for money. We're not asking to undo the settlement act. We're asking for respect for our sovereignty, for our ability to survive and to be your neighbors. I'll conclude my comments there. Woliwon

Sen. Mike Carpenter:

Just made three minutes. It was amazing. Right on the spot. Glad you didn't have prepared testimony. For those of you who don't know, Mr. Hinton was an integral part, a very integral part of the Task Force operation. Somebody that we relied on a lot and I appreciate very much your help and your passion. I just have one question because we did, and I wish that the council for the forest products council had not left because he does give us that historical bridge. Oh, he's still here? I'm sorry. I'm going to ask you the

question, Mr. Hinton. Do you believe that the interest of the forest products industry in 1980 were represented at the time that the original Settlement Act was negotiated?

Corey Hinton:

Well, I wasn't alive in 1980. I wasn't alive five years after 1980 when the Penobscots had their celebration. But 40 years later here I am and I'll tell you what, when I look at the Settlement Act and I read what lands were made available for the Tribes to re-acquire, they were lands that were owned by forestry companies. They were owned by Pacific, Georgia Pacific. They were owned by Domtar Paper. They were owned by the companies that polluted our waterways for decades. Those companies clear cut their lands and then offered them up to be sold as a part of a deal. So yes, I do think that they were at the table.

Sen. Mike Carpenter:

Thank you. Questions of Mr. Hinton? Representative DeVeau.

Representative John DeVeau:

Thank you, Mr. Chair. Thank you for your testimony. My question kind of touches on the chair's as well. Do you think they were there in order to develop this Act or do you think it was just three, just federal, state and the Tribes?

Corey Hinton:

I don't like to be a conspiracy theorist, but sometimes my mind just goes there. No, I don't think that the paper companies and the lumber companies were there just to manipulate the Tribes. They were there, just like they're there now looking out for their top dollar. They want to improve their profit margins. They want to be able to give dividends to their shareholders and demonstrate to all the people around the world that the forest products industry is standing up against regulation, which is code for standing up against efforts to regulate and improve the environment. I don't think that they were there to manipulate the Settlement Act process, but I do think that they were there to encourage it along because I think when they looked at the ability to give the lands and be able to wash their hands of those lands, it was a good deal for them. They would not have participated if it was not a good deal because that's how businesses work.

Representative John DeVeau:

Thank you.

Sen. Mike Carpenter:

The other thing that's very important to remember, and I was around. I was a little bit older than Mr. Woodcock. The other thing that we need to keep in mind about 1980 is there were serious questions about title. About title of the land in the area where I grew up, all of Northern and Eastern Maine's real estate titles were under a cloud and so that was a major, the major probably driving force after the Passamaquoddy lawsuit, the initial decision in that. That was the major driving force for the state anyway, to resolve this issue in the way that it did. Thank you very much Mr. Hinton. I think that is going to conclude our work for the day.

Sen. Mike Carpenter:

As I said at the beginning this morning, this is an imperfect document written by imperfect people and we've been through an imperfect process today. It's only the beginning. We have a tremendous amount of work going forward. I don't think anybody on the committee is deterred from moving forward with coming out with a final product. I think it's also fair to say that we listened and we heard people whose interests are at stake here, and I'm sure that'll all be taken into consideration as we move down the road. I would disagree with Mr. Woodcock in that this is by far not a final product yet, but we're getting there. Representative Talbot-Ross, you had a question?

Representative Rachel Talbot-Ross:

Thank you, Mr. Chair. I did not have a question for Corey. I did want to find out if he would be available for the work sessions since you were such a good resource for the Task Force. Would you be available for the work sessions throughout so that we can rely upon your expertise?

Corey Hinton:

Yes, ma'am.

Representative Rachel Talbot-Ross:

And thank you so very much for your testimony.