

**Testimony of Corey Hinton on behalf of Chief William Nicholas, Sr.
Passamaquoddy Tribe**

Tuesday, February 25, 2025

Before the

**House Committee on Appropriations Subcommittee on
Interior, Environment, and Related Agencies**

Chair Simpson, Ranking Member Pingree and Members of the Subcommittee, my name is Corey Hinton, and I am here to testify on behalf of William Nicholas, Sr., Chief of the Passamaquoddy Tribe at Indian Township (“Tribe”). Thank you for giving me the opportunity to testify today. In addition to providing background on the Tribe, my testimony will focus on three key funding priorities in my community: law enforcement, family and child services, and fish and game services.

Relevant Background

I would like to begin by briefly sharing Chief Nicholas’s professional background, as I feel it demonstrates the knowledge and understanding he has of his community and its funding needs. Chief Nicholas has dedicated his career to serving the Passamaquoddy Tribe and the state of Maine through public service for many decades. He has been a Chief for over 14 years and has spent a large part of his professional career in law enforcement. He has law enforcement accreditations from state and federal agencies, and has served as Chief of Police, Investigator for the State Fire Marshal, Game Warden, and Drug Enforcement Agent. The passion Chief Nicholas has for those he’s served throughout his career has driven him to take on his current role as both a leader and advocate for the Passamaquoddy Tribe.

The Passamaquoddy People traditionally occupied the area now known as the State of Maine and New Brunswick, Canada since time immemorial. Our ancestors migrated seasonally throughout our territory. In the spring, we gathered plants for food and resided in villages strategically located throughout the St. Croix Watershed to provide access to migratory sea-run fish such as pollock, eels and salmon. In the late summer, we re-located to the wild blueberry barrens, where our people could easily subsist off the natural bounty of the earth. In the fall, we headed to the woods, where our hunters could harvest game such as moose, deer, and bear to sustain the people through the long winter.

Our warriors proudly fought alongside General George Washington, and our Chiefs signed the United States’ first treaty, the Treaty of Watertown, shortly after the Declaration of Independence. All three of Chief Nicholas’s children served in America’s Armed Forces. Our people are deeply proud to be both Passamaquoddy and American. Yet, despite our support, the Passamaquoddy way of life continues to be confronted with numerous challenges imposed upon us, largely at the hands of the State of Maine. The Passamaquoddy People were illegally considered wards of Maine until 1975, when a federal court ruled that the Passamaquoddy Tribe

was a federally recognized tribe just like any other.¹ Congress then enacted the Maine Indian Claims Settlement Act of 1980 (“Settlement Act”), which allowed Maine to continue to significantly restrict our ability to engage in self-determination and self-governance in exchange for the chance to reacquire a fraction of our stolen lands.

We had little choice but to take the deal and soon saw how the nature of the settlement would be used to suppress more than support us. Parts of the Settlement Act specifically block the Wabanaki Nations from accessing federal laws passed for the benefit of Indian country. A report commissioned by the Maine Legislature concluded that Congress has passed 151 such laws since 1980.² Some laws enacted or amended for the benefit of Indian country in this period include the Indian Health Care Improvement Act, Safe Drinking Water Act, Indian Gaming Regulatory Act, Clean Water Act, Tribal Law and Order Act, and the Violence Against Women Act. Congress enacted these laws to help improve the well-being of tribal communities. And yet time and again, the State of Maine, relying on the Settlement Act, blocked these laws from benefitting tribal communities in Maine. The detrimental consequences the Settlement Act has on the Passamaquoddy People has been well documented in a recent report by the Harvard Kennedy School.³

While Congress has worked to address tribal issues nationwide, Maine has blocked many of the efforts that would benefit the Passamaquoddy People. Because of this, we must seek our own help in mitigating the problems we face. While we are proud of our story of survival, we acknowledge that there is still important work to be done to build a safer, healthier community.

The Passamaquoddy Tribe Today

Today, the Passamaquoddy Tribe has two communities in the United States: Indian Township (*Motahkomikuk*, as we say in Passamaquoddy) and Pleasant Point (*Sipayik*). Many Passamaquoddy People continue to sustain themselves and their families off seasonal work including hunting, fishing, forest services, and raking blueberries. We are a sovereign, which exercises jurisdiction over more than 120,000 acres of trust or reservation land, all of which is under tribal control. The Indian Township Reservation alone is 23,000 acres, but the total area that Passamaquoddy law enforcement and wardens work spans across Maine, from the saltwater to Jackman. Whether it is enforcing our fish and game ordinances, maintaining tribal government services across two tribal communities, or working to bring economic development to Passamaquoddy territory and the surrounding areas, we are a sovereign government that is always working to protect, preserve, and improve the quality of life.

Public Safety Needs

¹ *Joint Tribal Council of the Passamaquoddy Tribe v. Morton*, 528 F.2d 370 (1st Cir. 1975).

² “Federal Laws Enacted After October 10, 1980 For the Benefit of Indians or Indian Nations: Research Findings Requested by the State of Maine Task Force on Changes to the Maine Indian Claims Settlement Implement Act”, Human Rights Indigenous Peoples Clinic, Suffolk University Law School (Dec. 2019).

³ “Economic and Social Impacts of Restrictions on the Applicability of the Federal Indian Policies to the Wabanaki Nations in Maine”, The Harvard Project on American Indian Economic Development, (December 2022) *available at* <https://ash.harvard.edu/resources/economic-and-social-impacts-of-restrictions-on-the-applicability-of-federal-indian-policies-to-the-wabanaki-nations-in-maine/> (last visited Feb. 13, 2025).

The Passamaquoddy Tribe at Indian Township provides 24/7 public safety coverage across the 23,000-acre Indian Township Reservation. The Tribe's Police Department provides law enforcement services for the Reservation, and the Indian Township Tribal Court has jurisdiction over misdemeanors and lower-level felony crimes committed by tribal members on tribal lands. The Tribe provides the only around-the-clock law enforcement services in our part of Washington County, Maine. We provide these services in conjunction with the county and state law enforcement where necessary. Unlike in other parts of Indian country, under the Settlement Act, the State of Maine has primary criminal jurisdiction over tribal lands. We retain some jurisdiction, but the State prosecutes major crimes. As a result, we regularly coordinate with state and local, and sometimes federal law enforcement agencies. We believe these interjurisdictional relationships are what make our community safer.

However, our police department remains understaffed, overworked, and operating out of a facility that's sorely in need of replacement. Consequently, it's extremely challenging to recruit and retain officers for our department. These problems are compounded by BIA budget shortfalls, which leave the department permanently understaffed. Officers are regularly working overtime for multiple days in a row just to keep the department operational. This would be remedied by higher funding levels that allow for new FTEs and increased focus on officer recruitment and retention. Our officers are on the frontlines working to keep Indian Township safe and deserve to know that someone always has their back in an emergency. Despite being short staffed, we always make sure that is always the case, even if Chief Nicholas must put his badge on and get in the patrol car to maintain coverage. While he is happy to help his community where he can, the officers that serve Indian Township should have a police department staffed enough to provide consistent and reliable support and shouldn't have to rely on a tribal chief to maintain coverage.

The Tribe would also like to fund the implementation of recent laws that allow federally recognized tribes to exercise greater criminal jurisdiction over their lands. These laws include the Tribal Law and Order Act and the Violence Against Women Act. This would require the expansion of our courts, and improvement of our justice systems. Unfortunately, the Tribe simply cannot afford these costs as they would be funded on an annual budget that does not allow for essential functions of our justice department. If federal policy will continue to promote tribes exercising greater levels of criminal jurisdiction, then federal funders should provide tribes with the resources to effectively implement those reforms. Otherwise, laws like VAWA are nothing but opportunities that are impossible to utilize.

Fish and Wildlife Department

The Tribe's Fish and Game Department currently employs four game wardens to provide warden services over an area of 120,000 acres. Our wardens must patrol hunting and fishing grounds located on reservation and on remote tribal trust lands, which can be located up to four hours apart or more, depending on conditions. These wardens provide emergency responses to hunters, fishers, hikers, and others who are in need to assistance across tribal lands. During hunting season, we must have two wardens on call at a times, with one patrolling and one as back up. This leaves two wardens for the next shift and back up. Thus, an unexpected absence or event can leave our department short staffed. Chief Nicholas is a Warden and will also take shifts to ensure there is proper staffing as he does with the police department. He typically takes these

shifts during hunting season when demands on the warden department are at their highest. In their jobs, wardens perform rescues on ice, in storms, or in rugged backwoods. They frequently interact with individuals carrying firearms. Most but not all those interactions go well. We have had wardens confronted on remote tribal lands by unknown hunters aggressively displaying firearms. In those situations, we are usually in places with very spotty cell phone reception and are forced to rely on ourselves and on emergency communication systems. This is why we need additional resources to ensure that our wardens always have backup, so they are safe in performing their duties, emergency or not.

Additional funding for fish and game departments would also help with the recruiting and retention of game wardens and would help upgrade and purchase critically needed emergency communications equipment. We need more support to ensure the safety of tribal hunting and fishing areas in rural Maine. Please consider increasing appropriations to allow BIA to better support fish and game departments, which in turn will improve public safety on tribal lands.

Family and Child Services

Finally, I would respectfully urge this subcommittee to consider increasing funding to BIA family and child programs and ICWA programs. The Tribe's family and child services department provides some of the most important services among any department in our tribal government. They are the frontline in keeping children safe and families together. In doing so, this department is a critical link from today to my Tribe's future.

Unfortunately, this is probably the department most challenged by circumstances since the pandemic. The pandemic years caused our child and family services department to be severely understaffed, which is not a unique experience across Indian country. We were fortunately able to re-tool and continue offering services, however, the need for services has increased. Right now, we have 52 active ICWA cases around the country, we have 23 children in tribal guardianship, and we have 18 child/family cases under our case management supervision. All these cases are managed by a staff of three individuals, including our department head who also shoulder administrative burdens to run the department.

Since the pandemic, our community has seen increases in substance use and addiction related issues, particularly regarding fentanyl and methamphetamines. We have a staff of three and are receiving calls around the clock from families in crisis. Our child welfare crisis calls frequently require the skills of a substance use counselor and a case manager. Many of the referrals we need to make are for mental health or substance counseling, but those services are rarely available on a short-term or immediate basis. If in-patient treatment is needed, then the child often comes into tribal guardianship and our staff is frequently required to spend days at hospitals on end to ensure the child can find proper in-patient treatment services. New funding would immediately help our department secure after-hours services for crisis management, mental health and substance use counseling. Funding would also allow us to staff our department to have more responsibly so staff can better attend to their overwhelming caseload.

In closing, I thank the subcommittee for the opportunity to testify today regarding the priorities of the Passamaquoddy Tribe at Indian Township. I am happy to answer any questions you may have. Kci woliwon.