



Senator Anne Carney
Representative Matt Moonen
Joint Standing Committee on the Judiciary
Via email
May 31, 2023

Dear Senator Carney, Representative Moonen and distinguished Judiciary Committee members,

Please accept this letter as testimony from the Appalachian Mountain Club in support of LD 2004, *An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations*.

As this committee knows well, the Wabanaki tribes have a different legal status than 570 other federally recognized tribes across the country. Under the 1980 Indian Land Claims Settlement Act, the Wabanaki tribes must be explicitly written into federal laws in order to benefit from them. This unreasonable threshold has led to the Wabanaki not being able to benefit from at least 150 federal laws passed in the past 40 years.

In just one concerning example, though the Violence Against Women Act was amended in 2013 to include Native women, the Wabanaki were not explicitly mentioned in and therefore able to benefit from the statute until 2020. Because of the unjust Settlement Act, women who are our neighbors, coworkers, and fellow citizens of Maine were unnecessarily left at further risk of violence for seven years. This is shameful.

The December 2022 report issued by The Harvard Project on American Indian Economic Development makes clear that the Wabanaki Nations have suffered serious economic consequences, calling them “severe underperformers” relative to other tribes in the continental United States. Those negative economic impacts ripple outward to affect all of us who live in Maine, as our economic well being is inextricable from that of our indigenous neighbors. Were measures of per-capita income, unemployment, and child poverty among tribal members to improve, all of us would benefit.

Further, the exclusion of the Wabanaki from beneficial federal laws has environmental and health impacts. According to the Harvard study, the Wabanaki were not explicitly mentioned in the Clean Water Act Amendments of 1987 or the Safe Drinking Water Act Amendments of 1986 and 1996. Each law has been seminal for federal Indian policy, which has consistently sought to expand tribal self-governing rights, responsibilities, and opportunities since the mid-1970’s.

With LD 2004, we have the opportunity to address the excessive burden imposed by the need to explicitly name the Wabanaki in each and every federal law that otherwise applies to all tribes. We can state firmly and for the record that the State of Maine will not interfere with the application of federal law to the Wabanaki. We urge you to support this reasonable and long overdue step forward.

Thank you,
Eliza Townsend, Maine Conservation Policy Director