

**Testimony in Support of LD 2004, “An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations”**

May 30, 2023

Dear Senator Carney, Representative Moonen, and members of the Judiciary Committee,

My name is James Myall. I’m an Economic Policy Analyst at the Maine Center for Economic Policy. I am writing on behalf of MECEP in support of LD 2004.

The Houlton Band of Maliseet Indians, Passamaquoddy Tribe, Penobscot Nation, and Mi’kmaq Nation are recognized under federal law. But unlike the 570 other federally recognized tribes, the four tribes in Maine are unfairly excluded from the very laws and programs expressly created by Congress to benefit Indigenous peoples. Contrary to the aims of these federal programs, the intentional exclusion of the Wabanaki nations has resulted in increased injustice and economic harm to Indigenous people in Maine. **LD 2004, An Act to Restore Access to Federal laws Beneficial to the Wabanaki Nations**, would ensure that tribes in Maine are included in federal laws and programs intended to benefit Indian Country. The Maine Center for Economic Policy urges the committee to take action to restore fairness for Wabanaki people by passing this bill.

The exclusion of the Wabanaki nations is a direct result of the restrictive language of the **Maine Indian Claims Settlement Act** (MICA) and its corresponding Maine legislation, the **Maine Implementing Act** (MIA). When ratified by Congress through MICA in 1980, MIA diminished the tribes’ sovereign claims and reduced their standing to that akin to municipalities. Even more harmful, MICA contains unusual provisions that block most federal Indian law from applying to the Wabanaki nations if the federal law affects the application of Maine law. The Wabanaki nations are the only federally recognized tribes excluded in this way.

Since 1980, the Wabanaki nations and their surrounding communities have lost out on the benefits of more than 150 federal laws<sup>1</sup> including the **Violence Against Women Act**, which allows tribes to prosecute non-Indian defendants for domestic violence crimes against tribal members within tribal territory; the **Indian Health Care Improvement Act**, which allows tribes to hire urgently-needed medical professionals licensed in other states; the **Stafford Act**, which allows tribes to directly seek disaster relief and emergency assistance, and the **Clean Air Act** and **Clean Water Act**, which authorize tribes to assume primary regulatory authority for administering federal environmental programs on tribal lands. In each of these cases, Maine weaponized the Settlement Acts’ restrictive language to wage lengthy and expensive legal battles to deny Wabanaki nations both the funds and authority granted to all other recognized tribes.

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<sup>1</sup> <https://legislature.maine.gov/doc/3815> Task Force on Changes to the Maine Indian Claims Settlement Implementing Act

Our analysis suggests that exclusion from federal grant programs has cost Wabanaki tribes millions of dollars in lost funding since 1980. Those funds, targeted to support agriculture, infrastructure, education, transportation, justice systems, and food security can never be reclaimed. Further studies show that the Settlement Acts' restrictions have resulted in a severe economic lag for all four Wabanaki nations in comparison to similarly sized tribes outside of Maine, representing thousands of lost jobs, millions of dollars in lost tax revenue, and loss of opportunity for both tribal and non-tribal citizens<sup>2</sup>.

In 2019 the Maine legislature authorized a task force to review MIA and recommend consensus changes. The task force, which included among its members chiefs of each of the four Wabanaki tribes as well as legislators who voted to pass MIA in 1980, submitted 22 consensus recommendations<sup>3</sup>. Addressing the inability of the Wabanaki to access the benefits of federal legislation is among them.

LD 2004 updates MIA to allow the Wabanaki nations to benefit from federal laws enacted to benefit Indian Country. These changes would represent a significant step towards equalizing the federal treatment of Wabanaki tribes with that of tribes in the rest of the country. The legislation is supported by all Wabanaki tribes in Maine as well as a coalition of more than 90 Maine organizations representing tens of thousands of Mainers. Together we understand that improving tribal-state relations, reducing costly legal battles, and providing tools for prosperity benefit all who live in Maine.

I urge you to vote "ought to pass" on the legislation. As always, if you have any questions, I can be reached at [jmyall@mecep.org](mailto:jmyall@mecep.org). Thank you.

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<sup>2</sup> <https://ash.harvard.edu/publications/economic-and-social-impacts-restrictions-applicability-federal-indian-policies> Harvard Kennedy School, Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine

<sup>3</sup> <https://legislature.maine.gov/doc/3815> Task Force on Changes to the Maine Indian Claims Settlement Implementing Act

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