



SUIT UP MAINE

May 31, 2023

Sen. Carney, Rep. Moonen and honorable members of the Judiciary Committee:

My name is Kelli Whitlock Burton and I am a resident of Waldoboro and co-leader of Suit Up Maine, an independent, all-volunteer constituent action group representing more than 5,000 Mainers in all 16 counties. I offer this testimony in support of LD 2004, “An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations.”

For more than 40 years, the four federally recognized tribes in Maine, collectively known as the Wabanaki Nations, have received unequal benefit from the very federal laws created to address their needs. The Houlton Band of Maliseet Indians, Mi'kmaq Nation, Passamaquoddy Tribe, and Penobscot Nation are the only federally recognized tribes in the United States that are intentionally excluded from almost all funds and authority granted by Congress under Indian law. The resulting harm of this exclusion impacts the tribes' ability to self-govern, prosper economically, and provide social justice and environmental stewardship for their people and their land. It has also resulted in decades of deteriorating tribal-state relations and costly legal battles that drain the resources and goodwill of all who live in Maine. LD 2004 would help correct this injustice and ensure that tribes in Maine benefit from existing and future federal laws intended to benefit all federally recognized tribes. Suit Up Maine strongly supports the passage of this bill.

The exclusion of the Wabanaki tribes stems from the 1980 *Maine Indian Claims Settlement Act* (MICSA) and its corresponding federal legislation. While many original signers hoped the settlement would serve as a new model for tribal-state relations, it is now acknowledged as a failure. The settlement not only stripped the Wabanaki of their sovereign claims and reduced their standing to that of municipalities, its restrictive language also blocked virtually all federal laws – past, present, and future – from applying to tribes in Maine if the federal law affects the application of state law. No other federally recognized tribes are excluded in this way.

Treating the Wabanaki Nations as mere municipalities while simultaneously denying them the benefits of Indian law has the effect of erasing the tribes' heritage and federal recognition. It adds continuous injury upon generations of harm. Since the settlement's enactment, Wabanaki tribes have lost out on the benefits of more than [150 federal laws](#) designed to create economic opportunities, improve public health, build resilience, and enjoy clean air and water.

Some of the vital laws the Wabanaki have been excluded from include the ***Violence Against Women Act***, which allows tribes to prosecute non-Indian defendants for domestic violence crimes against tribal members; the ***Indian Health Care Improvement Act***, which allows tribes to hire critically-needed medical professionals from 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.

These exclusions don't just represent lost funding. They represent lost economic opportunities, lost opportunities to address the deadly opioid epidemic, lost opportunities to provide justice for victims of violent crimes, and lost opportunities to provide clean drinking water to vulnerable children. Perhaps most harmful of all, they represent decades of lost opportunities to build trust and partnership with the Wabanaki tribes.

In recognition of rapidly deteriorating tribal-state relations resulting from the settlement, the Maine legislature authorized a task force to review MICSA in 2019. The task force completed its report in 2020, making 22 consensus recommendations for altering the settlement act, including addressing the inability of the Wabanaki to access the benefits of federal legislation. These consensus recommendations have widespread public support across Maine.

Support for LD 2004 comes from every county in Maine, from people of all political parties, from rural and urban communities, from elected officials in local, state, and national government, and from the more than 100 nonprofit, faith-based, and racial and social justice organizations, like Suit Up Maine, that are working in partnership with tribal leaders and citizens through the Wabanaki Alliance coalition. Together, we understand that restoring fairness, dignity, and respect to state-tribal relations is not just the right thing to do for the Wabanaki. It's the right thing to do for all who live in Maine. We urge you to stand with the majority of Maine people and our Wabanaki neighbors and vote Ought to Pass on LD 2004.

Sincerely,

Karin Leuthy
Founder & Co-Leader
Camden, ME

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Co-Leader
Waldoboro, ME