



Joint Standing Committee on The Judiciary
Testimony of Mary Bonauto for GLBTQ Legal Advocates & Defenders
In Support of

LD 2004, *An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations*- OTP

LD 1970, *An Act to Enact the Maine Indian Child Welfare Act* - OTP

LD 1679, *An Act Regarding the Maine Indian-Tribal Commission* -OTP

LD 1620, *An Act to Amend the Laws Regarding the Mi'kmaq Nation* -OTP

May 31, 2023

Senator Carney, Representative Moonen, and Distinguished Members of the Judiciary Committee,

My name is Mary Bonauto and on behalf of GLBTQ Legal Advocates & Defenders (“GLAD”), I appreciate the opportunity to support these important bills. I also apologize for the brevity of this testimony in light of the importance of the bills.

GLAD supports each of these bills because each, in its own way, seeks to support the integrity, health, well-being of the people of the Wabanaki Nations and of the Mi'kmaq Nation who, among many other things, are our neighbors.

LD 2004

While GLAD supported the sovereignty bill, LD 1626, in the 130th Legislature¹, we recognize that LD 2004 would include, as set forth in the bill and as relevant, the protections of many of the federal laws enacted since 1980 that create or extend protections of other laws to federally-recognized Tribes. Those laws range from supports for public health, economic development, improved job and school opportunities, veterans, preventing and addressing substance use disorders, and supporting first responders in rural areas, among many, many others.² This can only strengthen the people who are members of or affiliated with the Nations and Tribes represented here in Maine, and build out the common good for all of us.

¹ GLAD's testimony can be found at: <http://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=10005571>

The 2020 Task Force Report contained 22 consensus recommendations, each of which was detailed in that bill. See State of Maine, Task Force on Changes to the Maine Indian Claims Settlement Implementing Act (January 2020), available at: <https://legislature.maine.gov/maine-indian-claims-tf> at pp. ii-v. (hereafter, “Report”).

² See Report, Appendix N, *Report on Federal Laws Enacted After October 10, 1980 for the Benefit of Indians or Indian Nations*.

LD 1970

GLAD also supports LD 1970 because we believe it remains true that Indian children should be able to stay in tribal communities, and connected to their culture, religion and language, even when they are drawn into the child protective/child welfare process. And of course, it cannot be forgotten that states, including Maine, removed children from their families of origin because of hostility, misunderstanding and a failure to recognize our common humanity and the overriding importance of family integrity for all people.³ Downeast Magazine's reporting in *Shattered* is among those providing a window into urgent issues and lifelong harm of separating Native children from their families.⁴

We also note that in enacting this bill, Maine would join other states, including Alaska, California, Oregon, Washington, Colorado, Iowa, Minnesota, Michigan, Nebraska, New Mexico, Oklahoma, Wisconsin and Wyoming in having state level ICWAs. This is all the more important as the U.S. Supreme Court's considers the constitutionality of the federal ICWA law in *Brackeen v. Haaland*, with a decision likely by the end of June.⁵

LD 1679

As to the Maine Indian Tribal-State Commission, LD 1679 is a modest and sensible bill that makes adjustments for the required quorum and votes authorizing action when there are vacancies in appointed members. There is every reason to allow the Commission's work to move forward in such a contingency.

LD 1620

We are not familiar with the details of what is available as a concept only, but urge an OTP or carryover so this may be developed in the second session.

In sum, GLAD supports LD 2004, 1970, 1679 and 1620 and urges you to vote ought to pass.

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³ See, e.g., Report of the Maine Wabanaki-State Child Welfare Truth & Reconciliation Commission, available through links at <https://participedia.net/case/8437> (summary, describing astonishing child welfare removal rates of children from Native families).

⁴ Virginia M. Wrigt, *Shattered*, Downeast Magazine, July, 2015, available at: <https://downeast.com/features/wabanaki-people-shattered/>

⁵ Sara Tiano, Tracking Efforts to Pass State-Level ICWA Laws, The Imprint – Youth & Family News, May 10, 2023, available at: <https://imprintnews.org/youth-services-insider/tracking-efforts-to-pass-state-level-icwa-laws/241211> (identifying Alaska, California, Oregon, Washington, Iowa, Minnesota, Michigan, Nebraska, New Mexico, Wisconsin and Oklahoma as states with previously existing state ICWA laws, and Colorado, and Wyoming as two states that have done so since the U.S. Supreme Court's consideration of the constitutionality of ICWA in *Brackeen v. Haaland*, <https://www.scotusblog.com/case-files/cases/haaland-v-brackeen/> (SCOTUSblog case page).