GREGORY W SAMPLE **CAROLINE SAMPLE**

10 Botany Place

Brunswick, Maine 04011

Testimony in support of LD 2004
An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations
May 31, 2023

Chairwoman Carney, Chairman Moonen, and Members of the Judiciary Committee, my name is Greg Sample. I am a retired attorney whose nearly 40 years practicing law was spent as a Maine Assistant Attorney General or on behalf of Indigenous tribes, predominantly Wabanaki.

Paradoxically, settlement of the Federal Court lawsuit known as the Maine Indian Land Claims began with the adoption, by the Maine Legislature, of the Maine Implementing Act in 1979. In that Act, the State crafted fixed terms to establish the primacy of Maine laws over the substantial body of Federal Indian laws, written for general application to Indian tribes throughout the country. The fact that the Wabanaki tribes in Maine are today primarily subject to state laws, in contrast to all other federally recognized tribes, was born right here in 1979, advocated by State leaders and meekly ratified by Congress in 1980 [in MICSA Sections 6(h) and 16(b)], notwithstanding its turning established federal Indian law on its head.

As others have testified, this significant anomaly in the federal Settlement Act leaves Congress, generally unwittingly, passing federal legislation that by its own terms is applicable to tribes nationwide, but that won't apply in Maine. Case-by-case remedial action is effectively impossible – impractical and insufficient – as demonstrated by the State's woefully late accommodation with the Violence Against Women Act, or the far more common disinterest.

Unless state law is categorically changed to eliminate the poison pill of MICSA Sections 6(h) and 16(b), as LD 2004 seeks to do, the only clear way for Congress to redress this anomaly is to repeal those MICSA provisions. To date, Maine's delegation has been unwilling to permit the needed Congressional changes to MICSA without State consent.

I urge the Committee to endorse LD 2004 and to advocate for its enactment. Thank you.