

We're writing to urge you to support and vote for LD 2007: An Act to Advance Self-determination for Wabanaki Nations. This will strengthen Wabanaki sovereignty by correcting major flaws of the 1980 Maine Indian Claims Settlement Act (MISCA).

MISCA is well intentioned but flawed legislation. It includes two clauses that are particularly restrictive to the Wabanaki.

"§6(h) Except as otherwise [sic] provided in this Act, the laws and regulations of the United States which are generally applicable to Indians, Indian nations, or tribes or bands of Indians or to lands owned by or held in trust for Indians, Indian nations, or tribes or bands of Indians shall be applicable in the State of Maine, *except that no law or regulation of the United States* (1) which accords or relates to a special status or right of or to any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians, and also (2) *which affects or preempts the civil, criminal, or regulatory jurisdiction of the State of Maine*, including, without limitation, laws of the State relating to land use or environmental matters, *shall apply within the State*" (P.L. 96-420 §6(h), 94 Stat. 1794, italics added for emphasis.)

and

"§16(b) The provisions of any Federal law enacted after the date of enactment of this Act for the benefit of Indians, Indian nations, or tribes or bands of Indians, which would affect or preempt the application of the laws of the State of Maine, including application of the laws of the State to lands owned by or held in trust for Indians, or Indian nations, tribes, or bands of Indians, as provided in this Act and the Maine Implementing Act, shall not apply within the State of Maine, *unless such provision of such subsequently enacted Federal law is specifically made applicable within the State of Maine.*" (P.L. 96-420 §16(b), 94 Stat. at 1797, italics added for emphasis).

The provisions have exacerbated poverty and economic underdevelopment of Wabanaki communities (and Maine as a whole) by

1. Limiting the provision of essential governmental services to tribal and non-tribal Maine citizens;
2. Blocking economic development in tribal communities and the communities around them;
3. Restricting the eligibility of the tribes, their citizens, and surrounding communities for federal programs and funding; and
4. Increasing litigation over the extent of tribal and state jurisdiction to the detriment of all Maine citizens.

The manner in which this happened is documented in [Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine](#), which we'll call the Kraft report after its lead author. The Kraft report can be [downloaded here](#). The executive summary lays out several reasons why MISCA should be reformed.

The Kraft report's conclusions regarding the positive consequences of federal Indian policy post-1980 include:

- Increased economic growth for tribes through tribal self governance.
- Increased capabilities for tribal self governance.
- Tribal economic development has positive benefits for neighboring, non-tribal communities.

The Kraft report also documents the reasons that MICSA has greatly hindered and often prohibited Wabanaki communities and tribes from benefiting from federal Indian policy. As a result the Wabanaki tribes' capacities for self-governance and economic development are stunted. "Specifically, MICSA provides that any federal law enacted for the benefit of Indian tribes which would affect the application of Maine state law does not apply in Maine and to the Wabanaki Nations unless the US Congress explicitly makes that law applicable in Maine" (Kraft report, pg 1).

As a result, Wabanaki tribes and communities cannot utilize 151 federal measures adopted by Congress for the benefit of Indian tribes.

The Wabanaki have endured great loss due to colonization and the current status-quo is not working. The arguments against reforming MICSA serve to only uphold state power over people. This issue is about fairness, equality, and opportunity. Not all mistakes of the past can be rectified, but legislation can be corrected for the better. More than 40 years after MICSA became law, its harmful flaws are well documented. It's past time to correct those errors.

Thank you for your time.

Sincerely,
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