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Bangor
LD 395

I am testifying in support of LD 395 based on my personal and professional experience in relationship with Wabanaki citizens. These are hardworking people who have taken care of this land for thousands of years, and have recently had nearly all of it taken from them, including their ancestors and children, their language, their culture. I am a staff member of the University of Maine's Wabanaki Center, based in Native American Programs. My testimony is based in my lived experience and uses facts summarized by the Wabanaki Alliance. Currently, the Wabanaki Nations are the only federally recognized tribes that must be explicitly written into each federal law to benefit from it. LD 395 would modernize the 1980 Maine Indian Claims Settlement Act (MICSA) and the Aroostook Band of Micmacs Settlement Act so that the Wabanaki Nations can benefit from most existing and future federal laws that apply to the other 570 federally recognized tribes. The legislation also extends to the Mi'kmaq Nation – which did not participate in MICSA – the same rights granted to the Penobscot Nation, Passamaquoddy Tribe, and Houlton Band of Maliseet Indians. Amending the two acts would benefit not only the Wabanaki Nations, but also rural Maine, according to a 2022 analysis by the Harvard Project on American Indian Economic Development. Removing the jurisdictional barriers would help the Wabanaki Nations take advantage of federal self-determination policies, programs, and funding that elsewhere in Indian Country have led to the creation of thousands of jobs and hundreds of millions of dollars in goods and services produced by Native businesses. The exclusion requirement has blocked Wabanaki nations from at least 151 federal laws over the past 40 years. Examples include:

- The Stafford Act, which provides emergency funds for natural disasters and public health crises. Wabanaki Nations have been denied direct access to these funds, including resources to address the opioid epidemic.
- Violence Against Women Act (VAWA), which permits tribes to arrest and prosecute non-tribal individuals who commit certain domestic violence crimes in tribal communities. Implementation was blocked in Maine until a new state law was passed after lengthy negotiations.
- Indian Health Care Improvement Act (IHCIA). Permanently authorized in 2010, the IHCIA helps tribal governments recruit licensed medical professionals to work in tribal health centers – addressing the challenges tribes face recruiting health care workers in rural and isolated communities. Maine has sought to prevent Wabanaki Nations from using this recruitment authority.
- Environmental Protection Laws. The Clean Water Act and Clean Air Act authorize tribes to assume primary regulatory authority for federal environmental programs on their lands. Despite being environmental stewards in Maine for generations, Wabanaki Nations have been blocked from accessing these laws through court battles, hampering their efforts to protect water quality, ensure clean drinking water, and to restore wildlife and marine habitats.