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LD 395

LD 395 puts the Wabanaki Nations on equal footing with all other federally recognized tribes.

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.

Modernizing the Settlement Acts is an economic win-win.

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 bill doesn't change existing gaming laws.

The bill excludes federal tribal gaming laws, stipulating that the Wabanaki Nations would be subject to state gaming laws.

LD 395 has broad bipartisan support.

The legislation is co-sponsored by Democratic, Republican, and Independent legislators, including leadership in both caucuses in both chambers. And the bill is similar to legislation that passed the Maine House and Senate in 2023 with broad bipartisan support before it was vetoed by Gov. Janet Mills.

The bill would address 40 years of missed opportunities.

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.