

June 15, 2023

Committee on Judiciary
State House, Room 438
100 State House Station
Augusta, ME 04333
c/o Susan Pinette, Committee Clerk

RE: LD 2004, An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations

Dear Senator Carney, Representative Moonan and members of the Judiciary Committee,

Representing the National Association of Social Workers, Maine Chapter, we are writing in support of LD 2004, An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations. It is our hope that there will be another work session and that LD 2004 will be passed unanimously. Not doing so will easily perpetuate the notion that the lives and prosperity of the Native Tribes don't matter to the Maine legislature and leadership.

The vagueness of current Maine Law hampers the Wabanaki Tribes' ability to lead sustainable and healthy lives. NASW Maine stands behind this bill, as a way to allow the Wabanaki Tribes to thrive and to provide proper reasoning for why they continue to be excluded from Federal Indian law. They have been negatively impacted by these decisions for over 40 years. It is time for this mistreatment to stop.

In 1980 when the Maine Indian Claims Settlement Act was enacted, Maine Indian tribes lost their protection and rights provided to all other tribes in the United States. Reasons for the continued actions to sustain this law are vague, at best. Some examples of the negative effects of the Maine Indian Claims Settlement Act include:

- 1) In 2012, the Penobscot Nation received \$1 million from the U.S. Department of Energy (DOE) to develop a wind farm on their land, in concert with 19 other energy projects awarded by the DOE to Native Tribes around the country (Mainebiz, 2012). Due to ongoing permit restrictions and other legal red tape imposed by the State of Maine, the company working with the Penobscot Nation ultimately decided not to provide services;
- 2) Medical professionals are unable to practice within the Wabanaki Territory as part of the Indian Health Care Improvement Act of 2010 due to objections from the State of Maine; and
- 3) Since 2013 the Wabanaki Tribes have had to fight for their right to be a part of the Violence Against Women Act passed by Congress, which would allow Native Tribes to prosecute non-native aggressors of domestic violence against Native people on their land. The State of Maine objected to the allowance of the Wabanaki Tribes toward these provisions. The Wabanaki Tribes had to hire their own federal lobbyist to fight on their behalf; a battle which took seven years, and to which the state never provided any assistance to the Wabanaki with their advocacy needs to Congress.

In 2019, the Task Force on Changes to the Maine Indian Claims Settlement Act was created. Since its inception, this bipartisan task force created 22 Consensus Recommendations. LD 2004 is related to Consensus Recommendation number 20, which "provides the opportunity for teams to work cohesively on the request to restore the rights of Native Tribes in Maine toward their own self-determination."

In December, 2022, in response to a proposed federal bill that would allow future legislation passed by Congress to apply to Native American tribes in Maine, Senator Angus King said that he had "serious concerns about the legislation in its current form and the unintended consequences it poses for the State of Maine," without further explaining the exact unintended consequences. (AP News, 2022). This statement led to a halt on a bill which had been already passed by the United States House of Representatives as an attachment to a defense bill. Representative Jared Golden, who had introduced the bill,

said, “what these tribes want is what all communities in my district want - economic opportunity for the families and safer, healthier communities.” (AP News, 2022).

The fact that the State of Maine can choose, at any time after a Federal Law passes, to implement its own restrictions and does not have to undergo any processes to determine whether their decisions might be out of line, leaves the Wabanaki Tribes at the mercy of the current and future lawmaking bodies. LD 2004 works to change this.

NASW Maine believes that a failure to act on this bill, by way of tabling it, continues to support non-action and promotes the status quo. We believe the Wabanaki Tribes deserve better. If Maine/Wabanaki Territories truly are exemplary of “the Way Life Should Be,” it is our duty to ensure that this is the case for all of our inhabitants.

Sincerely,

Cynthia Cushing
First Vice President, Board of Directors
NASW Maine Chapter
Readfield, Maine resident

Julie Schirmer, LCSW, ACSW
President, Board of Directors
NASW Maine Chapter
Falmouth resident

References:

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