

April 13, 2022

The Honorable Raúl Grijalva  
Chairman  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Bruce Westerman  
Ranking Member  
Committee on Natural Resources  
U.S. House of Representatives  
Washington, DC 20515

RE: Support for H.R. 6707, the *Advancing Equality for Wabanaki Nations Act*

Dear Chairman Grijalva and Ranking Member Westerman,

We write to express our support for H.R. 6707, the *Advancing Equality for Wabanaki Nations Act*. As leaders of the Maine State Legislature, we have been working for the past few years to modernize the state law part of the Maine Indian Claims Settlement Act, which complements a federal settlement act involving the Wabanaki Nations. The COVID-19 pandemic slowed our progress, but we continue to move towards making changes to state law that will restore to the Wabanaki Nations some of the rights, powers, immunities and privileges enjoyed by most other federally recognized tribal governments throughout the country.

H.R. 6707 addresses two issues that we view Congress is best to resolve. The first issue is ensuring that the four federally recognized tribes within Maine receive equal treatment under *future* federal laws that Congress passes for the benefit of Indians. The existing federal Settlement Act contains a provision that says that any federal law passed after 1980 that might “affect or preempt” Maine’s jurisdiction shall not apply in Maine. *See* Pub. L. 96-420 §16(b). Suffolk University conducted research at the request of the Maine Legislature and found that Congress has passed more than 150 laws intended to benefit Indians since 1980 that might affect Maine’s jurisdiction. Additionally, no one knows whether a federal law may affect Maine’s jurisdiction until the State indicates so, which does not usually happen until after Congress passes the law and one of the Wabanaki Nations tries to implement it. Because of this, the Wabanaki Nations have no clarity as to which federal laws are applicable to them and which are not. This dynamic has impeded tribal self-determination and negatively affected communities in Maine. H.R. 6707 would simply shift the burden to the State by requiring the State to inform Congress as to whether Maine wants to be excluded from any bill while that bill is pending.

The Maine State Legislature established a task force to look into whether we could address this issue by amending the state law part of the Settlement Act to say no federal law that benefits Indians “affects or preempts” Maine’s laws. The State Attorney General also reviewed legislative language to achieve this result. Both the task force and Attorney General expressed concern about litigation over such a State law provision and opined that Congress would be the best entity to rectify this problem through an amendment to the Maine Indian Claims Settlement Act. That is what the language of H.R. 6707 seeks to do.

Second, H.R. 6707 ensures that the Houlton Band of Maliseet Indians and Mi’kmaq Nation have equal access to the federal Indian Child Welfare Act (ICWA), just like the other two Wabanaki

Nations do. This should be a noncontroversial amendment and merely seeks to ensure that all Maine tribes can equally utilize ICWA.

The provisions of H.R. 6707 are modest and narrowly tailored. They have strong support within the State of Maine and amongst the public and should be viewed as noncontroversial. We urge Congress to consider and pass H.R. 6707 quickly and begin to bring some equality to the Wabanaki Nations in Maine.

Sincerely,



Troy Jackson  
President, Maine State Senate



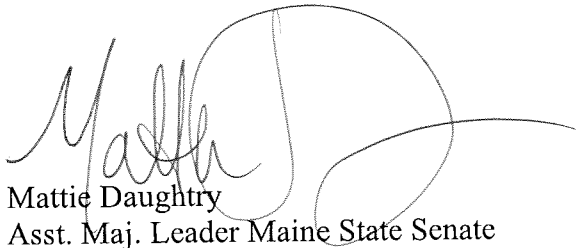
Ryan Fecteau  
Speaker, Maine House of Representatives



Eloise Vitelli  
Majority Leader, Maine State Senate



Michelle Dunphy  
Majority Leader, Maine House of Representatives



Mattie Daughtry  
Asst. Maj. Leader Maine State Senate



Rachel Talbot Ross  
Asst. Maj. Leader, Maine House of Representatives

cc: Teresa Leger Fernandez, Chair, Subcommittee on Indigenous Peoples  
Jay Obernolte, Acting Ranking Member, Subcommittee on Indigenous Peoples  
Representative Jared Golden  
Representative Chellie Pingree