

**Working Group to Develop Recommendations for
Extending Federal Beneficial Laws to the Wabanaki Nations**
Resolve 2025, chapter 165

A. Federal and State Settlement Acts

Item	Date	Notes
Federal Maine Indian Claims Settlement Act of 1980 (MICA)	Oct. 10, 1980	The federal law describing the 1980 land claims settlement between the state and the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians ○ See also the Report of the Select Committee on Indian Affairs, Senate Report 96-957 (Sept. 17, 1980)
Federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986	Oct. 27, 1986	The federal law describing certain amendments to the MICA regarding the Houlton Band of Maliseet Indians
Federal Aroostook Band of Micmacs Settlement Act	Nov. 26, 1991	The federal law describing the settlement between the Mi'kmaq Nation and the State
State Maine Implementing Act (MIA) — original version	May 22, 1980	Original version of the state law implementing the MICA. ○ See also the Report of the Joint Select Committee on Indian Land Claims (1980), which was officially made part of the Legislative Record for MIA
State Maine Implementing Act	Current through Aug. 2026	Current version of the MIA
State Maine Mi'kmaq Nation Restoration Act (MNRA)	Current through Aug. 2026	Current version of the state law implementing the federal Aroostook Band of Micmacs Settlement Act

B. Federal Laws explicitly made applicable to Tribes in Maine

Item	Date	Notes
Violence Against Women Act (VAWA), as reauthorized in 2022 through Pub. L. No. 117-103, Division W	March 15, 2022	Most recent version of VAWA, through which Congress made special tribal jurisdiction over certain crimes explicitly applicable in Maine ○ See 25 U.S.C. §1304(b)(1)
Safe Drinking Water Act, 42 U.S.C. 300j-11 , and its implementing regulations, as amended	Based on state legislation enacted in 2022, 2023 & 2024	Through amendments to the MIA and the MNRA, the Maine Legislature explicitly recognized the authority of the Wabanaki Nations to exercise jurisdiction under the federal Safe Drinking Water Act and its implementing regulations over drinking-water related issues within specific tribal lands. ○ 30 M.R.S. §6207(10), (11); §6207-A; §6207-B; §6207-C(10); §6207-D [MIA] ○ 30 M.R.S. §7206(8); §7207 [MNRA]

C. Recent Federal Legislation (not enacted)

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Item	Date	Notes
<u>H.R. 6707</u> , “Advancing Equality for Wabanaki Nations Act”	Feb. 11, 2022 (introduced)	Federal legislation introduced by Rep. Golden that would have allowed the Wabanaki Nations in Maine to access future federal laws enacted for the benefit of Indian tribes. ○ Link to <u>testimony on H.R. 6707</u> ○ See also the <u>Report of the Committee on Natural Resources on H.R. 6707, including dissenting views, House Report 117-599</u> (Dec. 7, 2022)

D. Recent State Legislation (not enacted)

Item	Date	Notes
<u>LD 2094</u> , An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act (129 th Legislature)	Feb. 4, 2020	Legislation introduced in 2020 seeking to enact the tribal sovereignty recommendations made by the 2019 task force. ○ See especially the following sections of the original bill: ▪ 30 M.R.S. §6216 ▪ 30 M.R.S. §6205(6); §6205-A(1-A) ○ Link to <u>testimony on LD 2094</u>, see especially concerns raised by: ▪ <u>Governor Mills</u> ▪ <u>Attorney General Frey</u> (pp. 19-21)
<u>LD 1626</u> , An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act (130 th Legislature)	April 27, 2021	Legislation introduced in 2021 seeking to enact the tribal sovereignty recommendations made by the 2019 task force. ○ See especially the following sections of the original bill: ▪ 30 M.R.S. §6216 ▪ 30 M.R.S. §6202(2); §6206(1) ▪ 30 M.R.S. §6205(6); §6205-A(1-A) ○ Link to <u>testimony on LD 1626</u>, see especially concerns raised by: ▪ <u>Attorney General Frey</u> (pp. 15-18)
<u>LD 2004</u> , An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations (131 st Legislature)	May 30, 2023	Legislation introduced in 2023 regarding application of federal laws to Maine tribes. ○ Link to <u>testimony on LD 2004</u>, see especially concerns raised by: ▪ The <u>Office of Governor Mills</u> ▪ <u>Attorney General Frey</u> ○ <u>LD 2004 veto letter from Governor Mills</u>
<u>LD 395</u> , An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations (132 nd Legislature)	Feb. 4, 2025	Legislation introduced in 2025 regarding the application of federal laws to Maine tribes. ○ Link to <u>testimony on LD 395</u>, see especially concerns raised by: ▪ The <u>Office of Governor Mills</u>

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<u>LD 785</u> , An Act to Enact the Remaining Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act (132 nd Legislature)	March 4, 2025	Legislation introduced in 2025 seeking to enact the tribal sovereignty recommendations made by the 2019 task force. ○ See especially the following sections of the original bill: ▪ 30 M.R.S. §6216 ▪ 30 M.R.S. §§6202(2); §6206(1) ▪ 30 M.R.S. §6203(2-B); §6205(1)(H); §6205(2)(C); §6205(6); §6205-B(2); and 36 M.R.S. §111(1-E) ○ Link to <u>testimony on LD 785</u>, see especially concerns raised by ○ The <u>Office of Governor Mills</u>, referencing the Governor’s testimony on LD 2094 (129th Legislature)
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E. Selected Case Law

Item	Date	Notes
<u>Passamaquoddy Tribe v. Maine</u> , 75 F.3d 784 (1st Cir. 1996)	Feb. 9, 1996	Provides that the Indian Gaming Regulatory Act does not apply in Maine due to MICSA §16(b)
<u>Shannon v. Houlton Band of Maliseet Indians</u> , 54 F. Supp. 2d 35 (D. Me. 1999)	June 3, 1999	Discusses applicability of certain provisions of Title VII in Maine under MICSA §6(h)
<u>Maine v. Johnson</u> , 498 F.3d 37 (1st Cir. 2007)	Aug. 8, 2007	Notes in footnote 5 that the Clean Water Act does not apply in Maine under MICSA §6(h)
<u>Penobscot Nation v. Frey</u> , 3 F.4th 484 (1st Cir. 2021)	July 8, 2021	See footnote 20, mentioning State argument that, due to §6(h) and §16(b) of MICSA, the Indian canons of construction do not apply in Maine

F. Reports/Other

Item (title, author)	Date	Notes
<u>Assistant Attorney General (AAG) Paul Stern email to Sen. Collins’ Staff re: Stafford Act Amendments</u>	Nov. 14, 2012	This email from AAG Stern to staff of U.S. Senator Susan Collins, argues that proposed amendments to the Robert T. Stafford Disaster Relief and Emergency Assistance Act would not apply to the Wabanaki Nations in Maine
Suffolk University Law School – <u>“The Drafting and Enactment of the Maine Indian Claims Settlement Act”</u>	Feb. 2017	Report by the Indigenous Peoples Rights Clinic of Suffolk University Law School at the request of the Maine Indian Tribal-State Commission
Suffolk University Law School – <u>“Federal Laws Enacted After</u>	Dec. 2019	Report by the Human Rights and Indigenous Peoples Clinic of Suffolk University Law School at the request of the Task Force on

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<u>October 10, 1980 for the Benefit of Indians or Indian Nations”</u>		Changes to the Maine Indian Claims Settlement Implementing Act
<u>Task Force on Changes to the Maine Indian Claims Settlement Implementing Act</u>	Jan. 2020	Final Task Force Report with 22 consensus recommendations for suggested changes to the Settlement Acts
Harvard Project on Indian Development – <u>“Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine”</u>	Dec. 2, 2022	Report by the Harvard Project on Indian Development
Nicole Friederichs, <u>“The Growing List of Reasons to Amend The Maine Indian Jurisdictional Agreement”</u>	2023	Maine Law Review article by Nicole Friederichs