

**MITSC Testimony on LD 308 An Act To Require the Attorney General To  
Consult with Federally Recognized Indian Tribes before Issuing an Opinion on  
Federal Legislation Affecting the Maine Indian Claims Settlement Act of 1980  
April 4, 2013**

**Offered by Jamie Bissonette Lewey, Chair**

Good afternoon Senator Valentino, Representative Priest, Tribal Representative Wayne Mitchell and distinguished members of the Joint Committee on the Judiciary, I come before you today to testify in favor of LD 308 "An Act To Require the Attorney General To Consult with Federally Recognized Indian Tribes before Issuing an Opinion on Federal Legislation Affecting the Maine Indian Claims Settlement Act of 1980."

This bill is practical and accurately reflects the understandings of the framers of both the Maine Indian Claims Settlement Act and the Maine Implementing Act. It was the understanding that the parties to this historic agreement would work together to interpret, hone and amend this agreement. It was envisioned as a "living document." You have heard Tribal members describe the hope and promise that this unique settlement agreement was to have offered.

To date, the Settlement Acts have been interpreted outside of the context of the relationship they were to define. This approach is extremely problematic because it does not consider the human relationship this law was meant to describe while the intent of all of the framers is routinely ignored. I must believe that all of the framers, State and Tribal, intended for these laws to lay the foundation for a relationship, a good relationship, between Maine's federally recognized Tribes and the State.

These outcomes of these interpretations have harmed the very people these acts were supposed to benefit. This 33-year framework has resulted in a humanitarian crisis in Tribal communities: a crisis that must be addressed in order to live up to the hope and promise of these agreements.

LD 308 is a practical step that would take the Tribes and the State a long way in understanding each other's perspectives. It mandates a very necessary and practical conversation. It simply says that when an evaluation of pending federal legislation for the benefit of Indian Tribes is requested, that the State's attorney general consult with the Tribes in order that a full understanding of the benefits and the potential problems be achieved. I have to believe that in the course of these conversations, the problems unique to the Tribes, will be better understood and thus, more likely solved.

I have no doubt that this practice will be awkward and uncomfortable at first. But I am convinced these consultations will eventually play a part in healing this important relationship, and that these consultations will give a fuller perspective of how federal Indian policy could benefit both Maine Tribes and all of the people of Maine.