

**ORAL TESTIMONY OF PATRICK STRAUCH,
EXECUTIVE DIRECTOR, MAINE FOREST PRODUCTS COUNCIL, ON H.R. 6707,
“ADVANCING EQUALITY FOR WABANAKI NATIONS ACT”**

Good afternoon, Subcommittee Chair Fernandez, and Subcommittee members. I am Patrick Strauch, the Executive Director of the Maine Forest Products Council. I appreciate the opportunity to testify on H.R. 6707, “Advancing Equality for the Wabanaki Nations Act.” MFPC represents around 32,000 jobs in rural Maine with all aspects of the forest economy including sawmill, pulp mills and over 8 Million acres of commercial forestland in Maine.

H.R. 6707 would amend the Maine Indian Claims Settlement Act to gradually reverse Section 6(h) and to repeal Section 16(b). These are critical provisions of that settlement legislation—Section 6(h) confirms the application of state jurisdiction over tribally-held land and natural resources and Section 16(b) insulates that jurisdictional framework from unintended disturbance by Congress.

Over the more than 40 years that have passed since Congress enacted the Maine Indian Claims Settlement and approved its state companion, the Maine Implementing Act, the application of state jurisdiction has provided a reliable and predictable framework within which those involved in Maine’s forest products industry have been able to manage forest and manufacture wood products while meeting their obligations as stewards of Maine’s natural resources.

As the map I provided in my written remarks shows, tribally-held lands are spread all across central, down east, and parts of northern Maine. Because many of these lands are forest lands, many of our members have developed working relationships with the tribes in our shared commitment to these natural resources. Likewise, many of our mills share river resources adjacent to tribal lands and we have worked over the years with the State and Tribes to balance discharge licenses with sustenance fishing standards. We value these relationships and wish to preserve them.

Even so, we must reluctantly oppose H.R. 6707 for the following reasons: First, we do not believe it to be “narrow” legislation. Although it would not displace state jurisdiction overnight, it would surely do so over time. Under H.R. 6707, each new federal Indian jurisdictional statute and each reauthorization of laws including “treatment as a state” status for Indian tribes would apply in Maine. It might take years, but eventually, most or all of Maine state jurisdiction over tribal lands and natural resources would be displaced.

With respect to environmental regulation, if the tribes attained “treatment as a state” status, a two-tied system would emerge where we would have to meet the State environmental standards—which are strict and demanding as they should be—and tribal standards which could be much stricter. Such a system would bring great uncertainty and complexity to the forest products sector.

Second, we are concerned that some aspects of H.R. 6707 are unclear. It would certainly apply to statutes, but we are not clear how it would apply to the enormous body of court decisions that comprise the foundation of much of federal Indian law. If it does apply to federal Indian case law, it is not clear whether the whole body of federal Indian case law would apply upon enactment or, like statutory law, would be phased in gradually. We believe this to be a serious question and ask the Subcommittee to examine it closely.

Third, when Congress passed the Maine Indian Claims Settlement Act, it understood that the circumstances of the State of Maine and the Tribes would change over time. Therefore, in Section 6(e), it gave its consent to the Maine Legislature to amend the Maine Implementing Act, provided that, the Tribes consented. At several points over the last 40 years, the State and the Tribes have relied on this consent to amend the Maine Implementing Act. In fact, right now, the Legislature is considering proposed amendments to the Maine Implementing Act.

Fourth, we are concerned that there is no indication that the State of Maine, either through its executive, Governor Janet Mills, or its Legislature or, both, has consented to H.R. 6707. When Congress approved the Maine Indian Claims Settlement Act, all the parties, the Tribes, the State, and, the United States consented to it. We believe that precedent should apply to HR. 6707. Therefore,

we respectfully ask this subcommittee not to approve H.R. 6707 without a clear confirmation from the State of Maine that it consents to it.

Thank you for this opportunity to testify on H.R. 6707 and I would be happy to answer any questions.

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