

Wabanaki Legal News

A Newsletter of Pine Tree Legal Assistance

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www.ptla.org/wabanaki

Winter 2010

IN THIS ISSUE:

- *Harassment of Micmacs at the Border*
- *Guest Editorial: Wabanaki-State of Maine Relations Strained*

Update on Border Crossing

by Michael Guare, Esq.

In the last two issues of the Wabanaki Legal News, we reported extensively on the new rules for crossing the border between the United States and Canada. Here is an updated summary:

Air Travel Into The United States

In order to enter the United States by air, everyone needs a passport. This rule applies to U.S. citizens as well as citizens of other countries, including Canada. There are no exceptions to this rule for Indians.

There are a few documents other than passports which can be used to enter the United States by air. For more information about these documents, go to: www.dhs.gov/files/crossingborders/travelers.shtm.

Entering The United States By Land

U.S.-Born Indians. In order to enter the United States by land, Indians who are citizens of the United States must present a passport, a passport card or a tribal ID card. For the time being, existing tribal ID cards are acceptable. However, the acceptance of tribal ID cards is only temporary.

Several members of our staff attended a meeting between officials of the Maine tribes and representatives of the U.S. Department of Homeland Security (DHS). This meeting was held on Indian Island on November 5, 2009. The tribes in the United States are being given some time to develop new tribal ID cards which meet certain security requirements. At the meeting on November 9, the DHS representatives explained what the security requirements are. They also explained how the tribes can produce new ID cards which satisfy those requirements. The DHS representatives also made it clear that after the tribes have had an opportunity to develop new, secure ID cards, the U.S. government will change the rule about how Indians who are U.S. citizens can enter the United States by land. When the rule changes, existing tribal ID cards will no longer be acceptable. No one knows for sure when this will happen, but after the rule changes, an Indian who is a citizen of the United States will need to present a passport, a passport card or a new, secure tribal ID card in order to enter the United States by land.

Last year some local federal officials gave misleading information to some local tribal leaders. This information created the false impression that the current tribal ID cards

Please see **Border Crossing**, Page 2

New Child Welfare Court Being developed by the Houlton Band of Maliseet Indians

by Stephen Brimley,

Court Administrator Houlton Band of Maliseet Indians

In this article Stephen Brimley summarizes the history of the Maliseet Tribal Court and predicts its opening later this year. Here are some highlights:

- The Court will handle child protective cases.
- The Court will consider the “whole family” (defined broadly, by Native standards).
- The Court will offer a broad variety of services to any involved family member.
- The Court will work toward keeping a family united (or re-united) as long as it is in the best interest of the child.
- The Court aims to incorporate services that will help heal family members, entire families and the Maliseet community at-large.
- The Court will be available to tribal members anywhere in the state. It expects to hold hearings where the parties live and will also use technology to link remote parties for Court meetings and hearings.

Please see **Maliseet Court**, Page 3

Pine Tree Legal's Native American Unit Restructured

Some organizational changes have been made at our Native American Unit. Our goal is to provide accessible and high quality legal services for low-income Indian people in Maine.

We have added a new NAU Toll Free phone number.
1-877-213-5630

It goes directly to our Machias Office. But you can also reach us toll free at our Bangor office by calling 1-800-879-7463. Or you can call one of our local office numbers. You can find all of our locations and phone numbers at our website: www.ptla.org and on page 8 of this newsletter.

We provide free legal services for low-income members of the Micmac, Maliseet, Penobscot and Passamaquoddy Tribes and for other low-income Indians. We publish the Wabanaki Legal News. We work closely with Pine Tree Legal's Farmworker Unit. They often represent Native people from Maine and the Maritimes who do agricultural work.

The Native American Unit focuses on legal problems

Please see **Restructuring**, Page 5

Border Crossing

Continued from Page 1

would or might be accepted permanently. However, that has never been true. At the meeting in November at Indian Island, the DHS officials from Washington cleared up any confusion. They said that from the beginning of the rulemaking process it has been clear that at some point in time the current tribal ID cards would no longer be accepted.

One good thing that has happened recently is that the federal government announced that there are funds available to assist the tribes with security initiatives. This includes the development of secure tribal ID cards. In December of 2009, DHS informed the tribes that up to ten million in federal grants would be available in 2010. The cost involved in developing secure tribal ID cards has always been one of the biggest concerns that tribes have had. This new federal grant money may make it easier for the tribes to develop secure tribal ID cards.

See page 6 for related stories on border issues.

Canadian-Born Indians. In order to enter the United States by land, Indians who are citizens of Canada must present a passport or a Certificate of Indian Status card. These cards are usually called INAC cards. For the time being, existing INAC cards are acceptable. Once again, acceptance of existing INAC cards is only temporary.

For some time, the Canadian government has been in the process of developing a new INAC card which meets the U.S. government's security requirements. This new card will be called the "Secure Certificate of Indian Status" or the Secure INAC Card. There have been, and continue to be, significant delays in the development and distribution of the Secure INAC Card. Recently, there have been reports in Canada which indicate that it could be late in 2010 before many Indians will receive Secure INAC Cards. However, once the new Secure INAC Cards are more widely available to Indians in Canada, the U.S. government will change the rule about how an Indian who is a citizen of Canada can enter the United States by land. When the rule changes, existing INAC cards will no longer be acceptable. No one knows for sure when this will happen, but after the rule changes, an Indian who is a citizen of Canada will need to present a passport or a Secure INAC Card in order to enter the United States by land. For more information, go to:

www.ainc-inac.gc.ca/br/is/scs

www.afn.ca/misc/communique-ncpf.pdf

Entering The United States By Sea

The rules for entering the United States at a seaport are basically the same as the rules for entering the United States by land, except that for U.S. citizens, a passport card can be used when returning from certain countries (see below).

Things To Remember

U.S.-Born Indians (Passport Cards). For U.S. citizens, there is a less expensive alternative to a passport called a passport card. Passport cards are not valid for entering the United States by air, but they can be used just like a passport

to enter the United States by land. They can also be used to enter the United States at a seaport, but only from certain countries. Those countries are Canada, Mexico, Bermuda and the countries in the Caribbean. For more information: www.travel.state.gov/passport/ppt_card_3926.html.

Canadian-Born Indians (The Jay Treaty). Under the Jay Treaty, as interpreted by the U.S. government, Canadian-born Indians with 50% or more Indian blood have the right to freely enter the United States by land. Nothing in the Jay Treaty has changed, and nothing in the Jay Treaty will change in the future when secure tribal ID cards and Secure INAC Cards are in use.

What has changed is that now, everyone who enters the United States must present a document acceptable to the U.S. government that proves their identity. This includes U.S. citizens and citizens of other countries. It also includes people with Jay Treaty rights. Like everyone else, people with Jay Treaty rights will be required to prove who they are, with a document acceptable to the U.S. government, in order to enter the United States.

The bottom line is that people with Jay Treaty rights still have the right to enter the United States, but like everyone else they have to prove who they are before they will be allowed to do so.

Canadian-born Indians may also need to present proof that they have at least 50% Indian blood. It is important to remember that a passport does not prove blood quantum. Tribal ID cards and INAC cards - even new, secure cards when they are available - do not prove blood quantum, either. Therefore, if you have at least 50% Indian blood, you should bring proof of your blood quantum with you to the border. If you are asked for this proof and you do not have it, you may not be allowed to enter the United States.

The Native American Unit at Pine Tree Legal Assistance gives free legal help to low-income Native Americans. The unit's priorities are cases involving an individual's status as a Native American, including:

- ♦ *Race discrimination in employment, housing, public accommodations, education and credit*
- ♦ *Jay Treaty / cross border rights*
- ♦ *Tribal housing*
- ♦ *Indian Child Welfare Act (ICWA) issues*
- ♦ *Civil rights violations*

Call us at 1-877-213-5630 (Machias) or 1-800-879-7463 (Bangor). Contact information for Pine Tree's statewide offices can be found on page 8.

The **Wabanaki Legal News** is published by Pine Tree Legal Assistance, Inc. The views expressed by individual authors are not necessarily shared by Pine Tree Legal Assistance or its staff.

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Wabanaki Legal News is online @:

www.ptla.org/wabanaki

Maliseet Court

Continued from **Page 1**

In 1999, in an effort to increase the State of Maine's compliance with the federal Indian Child Welfare Act (ICWA) of 1978, the Houlton Band of Maliseet Indians (the Band) began to establish a collaborative working relationship with the State. This relationship was most notably marked by the State accepting responsibility for non-compliance, the Band asserting their inherent rights of sovereignty, and by the State and the Band committing to improving the outcome for Maliseet children in State child welfare custody. At the heart of this intergovernmental relationship is the formal tribal-state child welfare agreement that was signed at a historic ceremony held on the Maliseet reservation on September 16, 2002.

Implicit in the Agreement was that the Band would eventually develop a court to hear Maliseet child welfare cases. Starting in 2005, the Band began preliminary research into the feasibility of establishing a Court and decided to move forward with the efforts in 2006. In 2007, the Band was awarded a grant by the United States Department of Justice to help develop the court. Ironically, it was the Band's efforts to develop a court that brought into question whether or not the Band actually had the legal right to establish a court. Elsewhere, the ability to establish a court by a federally recognized Native American tribe is inherent. However, according to State and Federal court interpretations of the 1980 Maine Implementing Act, the Band was prohibited from establishing a tribal court. In turn, the Band would be required to obtain a fix from the Maine Legislature in order to administer jurisdiction over their members. Committed to the idea of having a tribal court and seeing it as an opportunity to further enhance their sovereign rights, the Band pursued the legislative fix. The Band was successful with their efforts and the legislative fix went into effect October 1, 2009.

The Band, however, does not see a tribal court as an alternative to the current tribal-state arrangement. Instead, the Band sees the Court as supplementing an already strong working relationship that will need to be continued if the best interests of Maliseet children are going to be met. With an established and proven intergovernmental relationship that is providing child welfare hearings and adequate services, the natural question would be why would the Band want to develop their own Court and assume all of the responsibilities associated with having a court? In short, the answer is because the court will be a Maliseet court; a court in which the Maliseet will be able to make decisions about their own children with no outside interference by the State or other non-Maliseet agencies. Supporting this decision is long-term research by institutions such as the Harvard Project on American Indian Economic Development that shows how tribally developed and run institutions out-perform and are more cost effective than all other non-tribal institutions that have historically worked on tribal-related issues. Regardless of how effective the current intergovernmental arrangement may be, the Band believes they can do better. This belief is strongly rooted in the cultural value and importance of families in general and in children in particular. For that reason, the Court is developed to treat the whole family (which is culturally defined more broadly than non-Native definitions) that are involved or impacted by a child welfare case. The Court envisions working with and ideally

offering a variety of services offered by tribal, private and State programs to any involved family member in the hope of keeping the family united (or re-united) as long as it is in the best interest of the child. In this regard, the Court would differ from most other types of Courts in that while it would primarily and immediately react to situations which are impacting the health and well-being of a child similar to other courts, it would also aim to incorporate and provide services to ideally help heal other individual family members, entire families and the Maliseet community at-large.

As with any other tribal community, the impact of a child welfare case, regardless of where it occurs, impacts the whole tribe. It was unrealistic to expect a Maliseet family who lives in the Portland area to travel to the Houlton to access the tribal court. For that reason, it was important to the Band that a tribal court was accessible to all tribal members, regardless of where they live in the State. As part of the legislative fix, the Band worked with the State to ensure that hearings can be held anywhere in the State. In conjunction with that effort the Court is currently pursuing technology that would enable involved parties to be linked remotely regardless of where they are located.

The Court hopes to begin hearing cases in late 2010. See Community Resources on page 7 for contact information.

Problems With the IRS???

WE MAY BE ABLE TO HELP! Pine Tree Legal Assistance's Low-Income Taxpayer Clinic (LITC) offers *free* representation to qualifying taxpayers facing the following tax problems:

- *Outstanding tax debt*
- *Levies and liens*
- *Earned Income Credit denials*
- *Exams and audits*
- *Innocent/Injured spouse relief*
- *Tax Court representation*

FREE TAX WORKSHOPS

Call 942-8241 to speak to one of our LITC advocates today..

www.ptla.org/taxpayer/litc.htm

Tax Tips 2010

KEEP YOUR REFUND!

- *Say NO to money advances: rapid refunds, "Money Now" loans, Refund Anticipation loans*
- *File for free online*
- *Use free tax filing assistance in your area - call **211** for information about the Eastern, Central and Western Maine **CA\$H Coalitions***
- *File for all tax credits: the earned income credit, child tax credit, educational tax credit*

AARP Tax-Aide To find the site nearest you, call 1-888-687-2277

IRS-VITA (Volunteer Income Tax Assistance) To find the site nearest you, call 1-800-906-9887

www.ptla.org/taxpayer/taxtips.htm

OPINION John Dieffenbacher-Krall
Executive Director, Maine Indian Tribal-State Commission

Wabanaki-State of Maine Relations Strained

No Movement by the Maine Legislature or Governor's Office on Important Tribal Issues

Wabanaki-Maine relations remain severely strained for several major reasons.

- The State has failed to act on most of the Tribal-State Work Group (TSWG) recommendations developed in January 2008. The Legislature's Judiciary Committee failed to support eight unanimously endorsed TSWG recommendations when they were presented to the Committee in the spring of 2008.
- During its consideration of the TSWG recommendations, the Legislature's Judiciary Committee proposed that the Houlton Band of Maliseet Indians should waive its right to approve certain changes to the Maine Implementing Act (MIA), the State codification of its settlement with the Wabanaki. Under MIA, the law that governs the jurisdictional relationship between the Houlton Band of Maliseet Indians, Passamaquoddy Tribe, Penobscot Nation and the State, all the signatories have to approve any changes that affect their collective interests. All three Tribes rejected the proposal by the Judiciary Committee to limit the rights of the Maliseets.
- Another setback to Wabanaki-Maine relations occurred when the Legislature defeated a bill in April 2008 to allow the Penobscot Nation to change the legal status of some land holdings in Argyle from federal trust to reservation land. (As the Wabanaki Legal News went to press, a renewed effort to add Argyle land to the Penobscot Indian Reservation appeared ready to pass the Legislature.)
- Because of the lack of action on the TSWG recommendations, Paul Bisulca decided to not seek re-election as Maine Indian Tribal-State Commission (MITSC) Chair for a second four-year term. Bisulca, widely praised by both Wabanaki and State leaders for his work, finished his term on January 4, 2010. No successor has been identified.

New Judiciary Committee Chairs, Senator Lawrence Bliss (D-South Portland) and Representative Charles Priest (D-Brunswick) appointed in December 2008, have received praise for taking a more respectful posture toward Wabanaki leaders. Senator Bliss and Representative Priest traveled to the Maliseet, Penobscot, and both Passamaquoddy communities in early 2009 to listen to Wabanaki concerns, reversing a historical State expectation that the Wabanaki should always come to Augusta to express their concerns. They exercised leadership in the spring of 2009 to ensure the Judiciary Committee finished work on the bill to create a Maliseet Tribal Court and to add the Maliseets to MITSC.

Principal Cause of Relationship Deterioration

Despite the earnest efforts of the new Judiciary Committee Chairs to improve tribal-state relations, little action has

occurred on the core issues separating the Wabanaki and the State. Both the Wabanaki and State of Maine lack organizational structures to formulate, coordinate, and implement Wabanaki-Maine policy goals concerning tribal-state relations. Upon the signing of the Maine Indian Claims Settlement Act (MICSA) in 1980, Maine disbanded its Department of Indian Affairs originally created in 1965.

Please see **Opinion**, Page 7

***Carcieri* Ruling May Threaten Indian Programs**

On February 24, 2009 the U.S. Supreme Court decided the case of *Carcieri v. Salazar*. It ruled that Indian tribes that were not under federal jurisdiction in 1934 cannot use the land-into-trust process. This process is provided by the Indian Reorganization Act (IRA).

The land-into-trust process is critically important for many tribes around the country. But it seems unlikely that the *Carcieri* decision will have an impact on land-into-trust issues in Maine. In our state, the placement of tribal land into federal trust is governed by the federal settlement legislation specific to the Maine Tribes.

However, the court decision could have a major impact on issues other than the land-into-trust process. That is because of the definition of "Indian" in the IRA. That definition is: "members of any recognized tribe now under federal jurisdiction."

Congress enacted the IRA in 1934. Many tribes, including the tribes in Maine, were formally recognized by the federal government after 1934. The court decision did not define the phrase "under federal jurisdiction." As a result, this ruling creates uncertainty for tribes that gained federal recognition after 1934. Prior to the settlements of the Maine Indian land claims, the federal government took the position that Maine tribes were under state jurisdiction and not under federal jurisdiction.

U.S. Senator Byron Dorgan has warned that the *Carcieri* decision could create two classes of Indian tribes - those that were federally recognized as of 1934 and those that were recognized later.

Carcieri could have a negative impact on the ability of Tribes and tribal members to get help from federal programs. For many Indian benefits, eligibility depends on the definition of "Indian" in the IRA. These benefits include health, employment and educational programs and services.

An amendment to the IRA definition of "Indian" could clarify the status of tribes recognized after 1934. The Obama Administration is supporting such action by Congress. In December, the Senate Committee on Indian Affairs approved an amendment to the IRA, written by Senator Dorgan. On January 29, in the annual State of Indian Nations Address, NCAI President Jefferson Keel encouraged Congress to finalize the "*Carcieri* Fix." This would remove the cloud of uncertainty that has hung over many tribes and tribal members since the court ruling.

2010 Census – It’s Easy, Important and Safe

[Condensed and reprinted from the U.S. Census Bureau]

The census is a count of everyone in the United States, including people of all ages, races and ethnic groups. Participating in the census is easy, important, and safe.

Easy. The 2010 Census asks 10 questions and takes only minutes to complete. The majority of households will receive a form by mail in March 2010. Special procedures will be used on many Indian reservations. Members of the community who are working with the Census Bureau will visit homes to help you fill out the form. They are asking for a small amount of time, so please speak with them.

Important. It is important that everyone participate in the census to get an accurate count of people in your community. When you fill out the Census form, you are making a statement about what resources your community needs. Census data is used to allocate resources for:

- *public housing*
- *WIC*
- *Indian Health Service, Medicare and Medicaid*
- *funding for construction and maintenance of schools, hospitals, and roads*

Safe. The 2010 Census is safe because, by law, the Census Bureau cannot share answers with anyone including tribal housing authorities, other federal agencies and law enforcement entities. All Census Bureau employees are sworn to secrecy for life to protect the confidentiality of the data. The penalty for unlawful disclosure is a fine of up to \$250,000 or imprisonment of up to five years, or both.

This April, the 2010 Census will take a snapshot of everyone residing in the United States, regardless of age, race, or immigration status. Fill out the Census. Be counted as part of the diverse and growing population of the United States of America.

For further information about 2010 Census operations and activities visit www.2010census.gov or contact the Census Bureau at Boston.PDSP@census.gov or 617-223-3610. Also, you can contact David A. Slagger, Maine Tribal Partnership Specialist, by phone at 207-450-2629 or by email at david.a.slagger@census.gov

HOW TO TELL IF THE PERSON KNOCKING AT YOUR DOOR IS A CENSUS WORKER

(Advice from the Better Business Bureau)

- Ask to see identification and badge.
- A census worker will NEVER ask for your social security number, credit card number or bank account number.
- A census worker will never try to sell you anything.
- A census worker will never ask you for a donation.

Restructuring

Continued from Page 1

involving a person's status as an Indian. These legal problems include but are not limited to race discrimination, the Indian Child Welfare Act, border crossing rights, Indian Education and other programs and benefits for Indians.

However, Indian people are encouraged to contact us with any type of legal problem. The Native American Unit is also part of the statewide network of legal services programs including the Pine Tree Legal Assistance, Legal Services for the Elderly, the Disability Rights Center, and the Volunteer Lawyers Project.

In our new structure one experienced attorney, Paul Thibeault, will spend 100% of his time working in the Native American Unit. Paul has been an attorney for almost 35 years. He has been representing Native people in Indian Country for more than 26 years. Paul's home office is in our Machias office. But he will make regular outreach trips to tribal communities. See the latest NAU Outreach Schedule below.

We will continue to have very experienced and capable part-time NAU staff in our other offices in northern Maine. In Bangor our Directing Attorney Eric Nelson and our Paralegal Danny Mills, will handle legal work for Native Americans. Attorney Mike Guare will continue to be a valuable resource to Native clients and NAU staff on border crossing issues. In our Presque Isle office our very experienced attorney, Jeff Ashby will continue to do some of the NAU work for Natives in Aroostook County. We hope that the changes we are making will be effective. We welcome comments from the Native community.

OUTREACH SCHEDULE

Passamaquoddy Tribe

Indian Township-Clinic at Peter Dana Point:

1st and 3rd Tuesdays 1pm - 3pm

Sipayik Tribal Courtroom:

2nd and 4th Tuesdays 1pm - 3pm

To make an appointment call: 1-877-213-5630 or
255-8656

Penobscot Nation

Penobscot Tribal Courtroom

Last Tuesday of each month from 10am-12pm

(changes to schedule announced in Tribal Newsletter)

To make an appointment call: 1-877-213-5630 or
1-800-879-7463

Houlton Band of Maliseets

Housing Authority

Last Wednesday of each month from 1pm-4pm

To make an appointment call: 1-877-213-5630, local
764-4349

Aroostook Band of Micmacs

The Clinic

Last Wednesday of the month 9am-12pm

To make an appointment call: 1-877-213-5630, local
764-4349

The Penobscot Nation
Domestic Violence and Sexual Assault
Services Program
funded through a grant from the Department of Justice
24 Hour Confidential Crisis Hotline
207-631-4886
Indian Island Health Center
Office Hours: 8:00am to 4:30pm
Office Phone: 207-817-7469

CASE NOTES

Work Restrictions on Social Security Cards for Cross-Border Indians

A Canadian-born Micmac living in Maine asked for help from the Presque Isle office of Pine Tree Legal Assistance. His Social Security card had a statement saying he is allowed to work in the United States "only with INS authorization." The wording on his card would make it hard for him to get a job in the United States. He did not know that, as a resident of Maine and as a Native American born in Canada with cross-border rights, he could get a Social Security card with no restrictions on it. A Canadian-born American Indian with at least one-half native blood is legally considered a "lawfully admitted permanent resident" with an absolute right to work and reside in the United States.

Pine Tree staff helped the client write an application for a new Social Security card. We gathered necessary documents (a birth certificate and a letter from his band indicating his percentage of Native blood). Then we had a meeting with Social Security staff. After the meeting, the client was issued a new Social Security card with no restrictions on his ability to work.

Harassment of Micmac Blueberry Rakers at the U.S.-Canada Border

Micmac Indians from the Canadian Maritimes do much of the blueberry harvest work in Maine. Their labor is very important to the Maine economy. Many of these Indian workers have the right to freely cross the border. These border-crossing rights are recognized under the Jay Treaty and U.S. law.

In August 2009, we visited the raker camps. We heard many reports that Micmac Indians had been held up and harassed at the border—more than in previous years. We did not hear of anyone who was actually excluded from the U.S. But many Indian workers told us that they were unreasonably delayed at the border without any explanation. Many were confined and aggressively questioned - some for up to 3 hours. Also, dogs searched their vehicles. Non-Indians crossing at the same time were not treated the same way.

We were told that many workers were delayed and harassed despite having all proper documents, including INAC cards, "Jay Treaty blood quantum" letters, and even passports in some cases. They were not told that there was anything wrong with their papers. So it is clear that the high level of scrutiny was not caused by inadequate documents. In fact, it appears that in some cases the "special treatment"

was actually triggered when the workers presented the proper documents.

We are preparing to file complaints at the Office for Civil Rights and Civil Liberties in the U.S. Department of Homeland Security. We are currently doing legal research and collecting more facts from Indian workers who were harassed at the border. Among other things, we want to make sure that similar profiling and harassment does not happen during this year's blueberry harvest or in the future. We hope that tribal governments and blueberry employers will join us in this effort.

Defending Credit Card Lawsuits

A tribal member from Washington County was sued in Small Claims Court in Calais. The claim was based on an old credit card that had not been used for more than 6 years. With some advice from our office, the tribal member spoke for herself in court and won the case even though a lawyer represented the creditor.

The tribal member was able to win the case because of something called the Statute of Limitations. What is that? A creditor has a deadline for suing on a debt. In the typical credit card case, the deadline is 6 years from the time you stopped using the card and stopped making payments. If the creditor waits longer than 6 years then it is too late.

It is important to remember that it is up to you to raise the defense of Statute of Limitations. It is what the law calls an "Affirmative Defense." If you do not respond to the lawsuit and raise the affirmative defense, the creditor will win the case.

Another "Affirmative Defense" that often applies is called "standing." This defense comes up when the company that is suing you is not the same company that you made the credit card agreement with. Often creditors sell their debt accounts to debt buyers. Then the debt buyers try to collect something on the debt. Sometimes the first debt buyer sells the account to another debt buyer, and so on.

By raising the defense of standing, you are asking the judge to look at whether the creditor who is filing the claim has the legal right to collect the debt. That will depend on whether the creditor can produce written evidence to show that the account was properly transferred to them. They have the burden of proof. As a practical matter, the creditors often do not have the documents they would need to prove that they have standing.

Many times credit buyers buy bunches of debt accounts and then file a lot of lawsuits in the same court against many debtors. The credit buyers know that they will actually collect money on only a portion of the accounts. They are counting on you to give up. But if you file an Answer and raise defenses there is a good chance that the creditor will be the one to give up or offer a settlement before having a hearing. Or the judge may rule in your favor if a hearing is held.

If you are contacted or sued by a credit card company or credit debt buyer, we encourage you to contact Pine Tree Legal Assistance.

Opinion

Continued from Page 4

The defunct Department possessed several responsibilities including the distribution of direct financial aid to the Tribes. But it also functioned as an office that both the executive and legislative branches of State Government could consult on issues concerning the Wabanaki.

Today, Maine lacks a single person or office responsible for tribal-state relations and for the development of Maine's Indian policies across all branches and offices of State Government. Since early 2007, Governor Baldacci has assigned his Chief Legal Counsel responsibility for tribal-state relations, currently Patrick Ende. All of the individuals who have held the position have been overwhelmed by the many responsibilities they must address in their position.

While the Executive Branch of State Government suffers from overloaded staff, the Legislative Branch complicates diplomatic relations with multiple leaders and staff. No one in the Legislature has ultimate responsibility for Wabanaki relations. The persistent Wabanaki question, "who speaks for the State of Maine?", has become even more acute and problematic.

A Solution

This year Mainers will vote for a new Governor and Legislature. The incoming Governor and Legislature should agree on assigning a single person the primary responsibility for tribal-state relations. The person given the job should keep everyone in State Government informed.

The Wabanaki, the politically weaker party in the tribal-state relationship, have recognized that they fare better achieving their political goals vis-à-vis the State when they speak and act in a united fashion. Wabanaki Chiefs, the elected officials that MITSC, the State, and their people look to for the official positions of their respective governments, face many challenges that limit their ability to focus on tribal-state relations on a consistent, ongoing basis.

More than 30 years ago the Wabanaki created Maine Tribal Governors, Inc., initially an employment and training agency for on-reservation Wabanaki People. Tribal Governors, Inc. comprised the Association of Aroostook Indians, which included the Aroostook Band of Micmacs and Houlton Band of Maliseets, Passamaquoddy Tribe, and Penobscot Nation. Tribal Governors, Inc. branched out beyond administering grants to commission the film *Abnaki: The Native People of Maine*. The organization no longer exists. An entity similar to Tribal Governors, Inc. with an explicit mission to develop joint policy for the Wabanaki and implement collective decisions could greatly assist the Tribes in their diplomatic relations with the State.

COMMUNITY RESOURCES

TRIBAL GOVERNMENT AND AGENCIES

AROOSTOOK BAND OF MICMACS:

www.micmac-nsn.gov

Administration	764-1972 1-800-355-1435
Micmac Head Start Program	768-3217
Health Department	764-7219 1-800-750-1972
Micmac Housing	768-3217
Child and Family Services	764-1972

HOULTON BAND OF MALISEET INDIANS:

www.maliseets.com

Administration	532-4273 1-800-564-8524(in state) 1-800-545-8524(out of state)
Maliseet Health Department	532-2240 or 1-800-640-2266
Maliseet Health Clinic	532-4229
Maliseet Housing Authority	532-7637 or 532-9140
Indian Child Welfare	532-7260 or cell: 866-3103
Social Services and LEAD	532-7260 or 1-800-532-7280
Domestic Violence and Sexual	
Assault Program	532-6401 or 694-1353(24/7)
Coordinator, Catherine St. John	694-5250

MALISEET TRIBAL COURT SYSTEM

www.maliseets.com/tribal_courts.htm

Court Administrator	532-4273 x 217
e-mail:	tribal.courts@maliseets.com

PENOBSCOT INDIAN NATION:

www.penobscotnation.org

Administration	827-7776 or 1-877-736-6272
Indian Health Services	827-6101 (and after hours emergency answering service) or
Penobscot Housing Dept.	817-7400
Penobscot Human Services	817-7370
Indian Island Police Dept	817-7492
	817-7358 (dispatcher) 827-7188 (emergency) 827-6336 (business)
Domestic Violence and Sexual	
Assault Crisis Hotline	631-4886 (24/7)
Office - Ruth Jewell	817-7469

PENOBSCOT TRIBAL COURT SYSTEM

Director of Tribal Court	817-7342
Clerk of Courts	817-7329

PASSAMAQUODDY TRIBE:

PLEASANT POINT www.wabanaki.com

Administration	853-2600
Pleasant Point Health Center	853-0644
Pleasant Point Housing	853-6021
Domestic Violence-Peaceful Relations	853-0644 ext. 555 or 274
<i>Emergency:</i>	853-2613
Police Department	853-2551
Social Services	853-2600 ext. 264 or 261

TRIBAL COURT SYSTEM

www.wabanaki.com/tribal_court.htm

Clerk of Courts	853-2600 ext. 278
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INDIAN TOWNSHIP www.passamaquoddy.com

Administration 796-2301
Indian Township Clinic 796-2321
Indian Township Housing 796-8004
Indian Township Child Welfare 796-5079
Police Department 796-2704

TRIBAL COURT SYSTEM

www.wabanaki.com/tribal_court.htm

Clerk of Courts 853-2600 ext. 278
(when court is in session call: 796-2301 ext. 205)

STATEWIDE CRISIS SERVICES

HEALTH & HUMAN SERVICES

DHHS Child Abuse 1-800-452-1999(24 hour)
1-800-963-9490(TTY)
DHHS Adult Abuse and Neglect 1-800 624-8404

DOMESTIC VIOLENCE

Maine Coalition to End DV 1-866-834-HELP(24 hour)
Houlton Band of Maliseets Domestic Violence and Sexual Assault Program 694-1353 (24/7) or 532-6401
Penobscot Indian Nation Domestic Violence and Sexual Assault Program 631-4886 (24/7) or 817-7469
Passamaquoddy Peaceful Relations 853-2613 or 853-0644 ext. 555 or 274
Spruce Run 1-800-863-9909
Penobscot County
Battered Women's Project 1-800-439-2323
Penobscot County
The Next Step 1-800-604-8692
Washington County

RAPE CRISIS SERVICES

Rape Response Services 1-800-310-0000
Penobscot County
Aroostook Mental Health Center 1-800-550-3304
Crisis Line Aroostook County 1-888-568-1112
Downeast Sexual Assault Svcs. 1-800-228-2470
Washington County

OTHER SERVICES

Youth Crisis Stabilization 1-800-499-9130
Statewide Suicide Referral Line 1-800-568-1112
Poison Control Center 1-800-222-1212

2-1-1 MAINE & COMMUNITY ACTION PROGRAMS

2-1-1 MAINE www.211maine.org
2-1-1 Maine is part of a national movement to centralize and streamline access to health and human service information and resources. The state of Maine has thousands of programs offering all types of health and human services. 2-1-1 is an easy-to-remember universal number and website for non-emergency help. **COMMUNITY ACTION PROGRAMS** bring community resources together such as heating assistance and other utility issues, subsidized housing, child care, and transportation services for disabled people. Call 2-1-1 for your local program.

LEGAL SERVICES

PINE TREE LEGAL ASSISTANCE

www.ptla.org
Pine Tree Legal represents low-income people with legal problems.
Portland: 774-8211 **Lewiston:** 784-1558
Augusta: 622-4731 **Bangor:** 942-8241
Machias: 255-8656 **Presque Isle:** 764-4349
Farm worker Unit: 1-800-879-7463
NEW NATIVE AMERICAN UNIT #: 1-877-213-5630

VOLUNTEER LAWYERS PROJECT

www.vlp.org 1-800-442-4293
If you meet its eligibility requirements, the VLP can give you legal advice or informational materials for free. In some cases the VLP may provide a referral to a private attorney for free representation.
Intake hours are:
Monday and Tuesday - 9am to 12pm and 1pm to 4pm
Wednesday and Friday - 9am to 12pm
Thursday - 1pm to 4pm

LEGAL SERVICES FOR THE ELDERLY

www.mainelse.org 1-800-750-5353
If you are age 60 or older, LSE can give you free legal advice or limited representation.

PENQUIS LAW PROJECT

www.penquiscap.org 1-800-215-4942
This group gives legal representation to low income residents of Penobscot and Piscataquis Counties in cases involving domestic relations, including divorce, protection from abuse, child support and visitation. Priority is given to people who have experienced or are experiencing domestic violence, sexual assault or stalking.

DISABILITY RIGHTS CENTER

www.drcme.org 1-800-452-1948
This group offers advice and legal representation to people with disabilities.

BANGOR COURT ASSISTANCE PROGRAM

www.ptla.org/ptlasite/cliented/family/pclsa.htm 941-3040
Volunteers are available at the Bangor District Court once a month to help you fill out family law and small claims court forms, serve forms, calculate child support, and answer questions. For upcoming dates call Holly Jarvis at 941-3040.

OTHER COMMUNITY RESOURCES

WABANAKI MENTAL HEALTH ASSOC.

www.wabanaki.org 990-0605 or 1-800-434-3000
Wabanaki provides culturally-sensitive psychological and social services to the Native American populations of Hancock, Penobscot, Piscataquis and parts of Washington Counties.

MAINE INDIAN TRIBAL STATE COMMISSION

www.mitsc.org 817-3799

SOCIAL SECURITY ADMINISTRATION

www.ssa.gov/reach.htm
Statewide 1-800-772-1213
Bangor Area 990-4530
941-8698 (TTY)
Presque Isle Area 764-3771
764-2925 (TTY)

MAINE HUMAN RIGHTS COMMISSION

www.maine.gov/mhrc 624-6060
TTY 1-888-577-6690

EMPLOYMENT INFORMATION

MAINE DEPARTMENT OF LABOR

To file unemployment claims online:
www.maine.gov/labor/unemployment
To file unemployment claims by telephone:
1-800-593-7660
Or go to your nearest Career Center:
www.mainecareercenter.com
Bangor 561-4050
Calais 454-7551
Houlton 532-5300
Machias 255-1900
Presque Isle 760-6300