

Wabanaki Legal News

A Newsletter of Pine Tree Legal Assistance

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Micmacs Lose Critical Federal Case On Tribal Sovereignty

by Paul Thibeault, Esq.

The Aroostook Band of Micmacs has lost its long-standing court battle about the authority of the State of Maine to enforce its employment laws against the government of the Band. In the case of *Aroostook Band of Micmacs v. Ryan*, the Federal Court of Appeals overturned a 2005 lower court decision. The Federal Appeals Court held that the Maine Human Rights Commission has jurisdiction over complaints by former tribal employees under the Maine Human Rights Act and the Maine Whistleblowers' Protection Act. The Band appealed the decision, but in November of 2007 the U.S. Supreme Court refused to review the case. That means the Appeals Court decision stands as law.

The central question in the case was whether or not the Maine Indian Claims Settlement Act of 1980 (MICSA) applies to the Aroostook Band. The Band contended that MICSA no longer applies to the Micmacs because in 1991 Congress enacted a completely separate settlement act concerning the Micmacs. It is called the Aroostook Band of Micmacs Settlement Act (ABMSA). The majority of the judges of the Federal Court of Appeals rejected the Band's argument. They held that MICSA continues to apply to the Micmacs. MICSA states that all tribes and tribal members in Maine, except for the Passamaquoddy Tribe and Penobscot Nation, are subject to the laws and jurisdiction of the State to the same extent as any other person.

The Band argued that when Congress approved ABMSA, it intended that this new federal law would replace the more general language contained in MICSA. The basis for this argument was that ABMSA specifically defines the legal relationship between the Micmacs and the State of Maine. On the other hand, MICSA was enacted by Congress 11 years earlier, did not deal with the Micmacs as a federally recognized tribe, and in fact does not even mention the Aroostook Band by name. One of the three appellate judges agreed with the Band's position. Circuit Judge Kermit Lipez stated in his dissenting opinion as follows:

In sum, every indicator points to a congressional intent to supplant MICSA for the Micmacs in all respects in which that earlier statute was not explicitly extended by ABMSA's terms. Thus, I can only conclude that, after passage of ABMSA, MICSA

Please see **Micmacs**, Page 3

PLEASANT POINT HOUSING DISPUTE HEADS BACK TO MAINE SUPREME COURT

Lower Court Says Case Should Be Heard In Tribal Court As An Internal Tribal Matter

by Paul Thibeault, Esq.

The long legal battle between Pamela Francis and the Pleasant Point Housing Authority is on its way to the Maine Supreme Judicial Court for the fifth time. The remaining question is: should this legal dispute be decided in a state court or in tribal court? For several years Pamela Francis has tried to bring her claims against the Pleasant Point Passamaquoddy Housing Authority in state court. The case has had a complex history, including four prior appeals to Maine's Supreme Judicial Court. On March 25, 2008, the Washington County Superior Court (in a decision by Justice E. Allen Hunter) held that the dispute is an internal tribal matter that should not be decided in state court. Justice Hunter applied a legal analysis that could be a very positive development for the tribes and tribal members if it is adopted by the state's highest court.

The last time the Supreme Judicial Court reviewed Pamela Francis' case against the Housing Authority (the *Francis IV* case decided in 2007), the Justices ruled that the Passamaquoddy Tribe should have been allowed to assert its claim that the dispute is an internal tribal matter. As readers of the Wabanaki Legal News know, the language in the Maine Implementing Act (the state law piece of the federal-state settlement in 1980) concerning "internal tribal matters" has been the most controversial aspect of the Settlement.

In *Francis IV* the Court also stated that ANY PARTY to a case, not just the tribe, can raise the issue that the case involves an internal tribal matter. Since the Maine Implementing Act was passed, the Tribe has had the right to stop the State of Maine from interfering in its internal tribal matters. The Court, with the *Francis IV* decision, expanded this right to individual tribal members. They may now be able to stop a state court lawsuit if they can show that the state is invading internal tribal matters when it regulates or interferes with the actions of individual Indians in Indian Country.

However, it may be difficult for parties, other than the tribes themselves, to persuade state judges that internal tribal matters are actually involved in a state court case. In other states, individual Indians have often found it difficult to object to cases against them being heard in state court. They have often needed support from their tribe in challenging a state lawsuit as an invasion of tribal sovereignty. In other words, if the tribe doesn't express concern then a state judge may conclude that no internal tribal matter is really at stake.

As part of *Francis IV*, the Maine Supreme Judicial Court

Please see **Housing Dispute**, Page 3

CROSS BORDER ISSUES

Which documents will you need at the U.S. border under new Homeland Security rules?

by Michael Guare, Esq.

Almost two years ago, on November 24, 2006, the U.S. Department of Homeland Security adopted new rules to control how people could enter the United States at an airport. These rules now require that every person must present a passport, if they wish to enter the United States **at an airport**. This passport requirement applies to Indians arriving at an airport, both those born in the United States and those born in Canada. In other words, if you are coming to the United States from another country by plane, you will need a passport. It does not matter if you are Indian: if you are coming into the United States at an airport, you need a passport. It is also important to remember that if you are a Canadian citizen, under certain circumstances you may also need a visa. If you have any questions about this, please contact our office.

On April 3, 2008, the U.S. Department of Homeland Security and the U.S. Department of State adopted rules that affect people who are entering the United States by land or at a seaport (as opposed to an airport, as discussed above). Under these new rules, beginning on June 1, 2009, most people crossing into the United States by land will need to show a passport. However, there is a limited exception to these new rules for Indians. Indians will not be required to show passports **IF** their tribal documents meet strict security guidelines.

Under the new rules, existing tribal identification documents will NOT be allowed as border-crossing documents. Canadian Indians will need an Indian and Northern Affairs Canada "INAC card" issued by the Canadian Department of Indian Affairs and North Development. Right now, the Canadian government is still in the process of developing this card which it calls its "Secure Certificate of Indian Status" or secure status card. The new card will contain a barcode that can be scanned by a computer. The Canadian government is working with the U.S. government to ensure that the secure status card satisfies the U. S. government and can therefore be used for crossing the border. When U.S. authorities make a final decision, the Canadian government will inform all First Nations. For more information, go to <http://www.ainc-inac.gc.ca/pr/pub/ywtk/ifk-eng.asp#quas14>.

The bottom line is that a Canadian-born Indian will need an INAC card (assuming the secure status card is approved by the U.S. government) or a passport in order to enter the United States by land or at a seaport.

For U.S.-born Indians, the new border crossing rules are a little different. U.S.-born Indians may use documents issued by their own tribes at land and sea border crossings, **IF** the tribe or band works with the U.S. government to produce tribal identity documents which satisfy the security concerns of the U.S. government.

The Department of Homeland Security explained the rules for U.S.-born Indians as follows:

... the Departments have adopted an alternative approach ... for U.S. Native Americans. DHS [Department of Homeland Security] will work with tribes recognized by the United States government if each tribe (1) continues to have strong cultural, historic, and religious cross-border ties; and (2) is willing to improve the security of the tribal enrollment documents in the future.

... acceptance of a tribal enrollment document would be contingent upon: (1) the tribe satisfactorily establishing identity and citizenship in connection with the use of its document; (2) the tribe providing CBP [US Customs and Border Protection] with access to appropriate parts of its tribal enrollment records; and (3) the tribe agreeing to improve the security of its tribal documents in cooperation with CBP."

The bottom line is that a U.S.-born Indian will need a tribal identity document approved by the U.S. government or a passport in order to enter the United States by land or at a seaport.

It is important to remember that the U.S. government does not have the authority to keep a U.S. citizen out of the United States, even if that person does not have the right documents. However, a U.S. citizen who tries to enter the United States without the documents which the government wants to see will be interviewed and investigated until the border officials are satisfied that the person really is a U.S. citizen. That process could take several hours and could result in a lot of stress, anxiety and delay at the border.

Many people have criticized the new rules, especially as they apply to Indians crossing by land from Canada. The criticism is that the new rules violate the Jay Treaty. The Jay Treaty, which was signed in 1794, provided that Canadian-born Indians have the right to freely pass the United States border by land or by inland navigation. In adopting the new rules, the U.S. government responded to this criticism by saying, essentially, that there is nothing in the Jay Treaty that prevents the United States from demanding proof of identity and citizenship. In other words, the U.S. government is saying that it does not intend to prevent Indians who are protected by the Jay Treaty from crossing the border, but rather that it is merely requiring them to prove who they are, which does not interfere with their rights under the Jay Treaty. It appears that nothing in these new rules changes the U.S. law that says that a Canadian-born Indian must have at least 50% Native blood in order to be protected by the Jay Treaty.

Finally, a person who was born in Canada and who has a U.S. permanent resident card will not need a passport or an INAC card to re-enter the United States. People who have U.S. permanent resident cards can continue to use their permanent resident cards to enter the United States - by land, at a seaport or at an airport.

Micmacs

Continued from **Page 1**

no longer controlled Maine's jurisdiction over the Aroostook Band of Micmacs.

However, the other two Circuit Judges disagreed. They held that the two federal settlement acts were not inconsistent and that the broad jurisdictional language of MICSA clearly makes the Micmacs subject to state jurisdiction.

By finding that the jurisdictional language in the 1980 Settlement still applies to the Micmacs, the court majority was able to avoid deciding a question that the dissenting Judge Lipez and the lower court found to be critical in their analysis of what jurisdiction the state has concerning the Micmacs. That critical issue was the status and impact of the 1989 state Micmac Settlement Act. It was originally intended to be part of the state/federal settlement between the state and the Band. If this Act had gone into effect, it would have given the State of Maine extensive jurisdiction over the Micmacs. Judge Lipez and the lower court pointed out that, since the Band did not ratify the state Act, it never took effect as law. Thus, since the state Micmac Settlement Act did not go into effect and the 1980 MICSA settlement had been superseded with respect to the Micmacs by ABMSA, they concluded that no law existed which would give the State of Maine jurisdiction over the Aroostook Band.

However, the majority of the appellate judges held that it was not necessary to decide if the state Micmac Settlement Act ever took effect. Instead, they held that the two federal settlement acts, MICSA and ABMSA, are not in conflict and they clearly and unequivocally establish that Maine laws apply to the Aroostook Band of Micmacs.

While the immediate impact of the court decision is to make Micmac tribal employment disputes subject to state employment laws, the overall impact of the court decision goes well beyond the issue of tribal employment. When the Band tried to convince the Supreme Court to hear the case, its attorney explained this broad and negative impact. He argued that the Federal Appeals Court decision may mean that only the Passamaquoddy Tribe and the Penobscot Nation retain any inherent sovereignty or right of self-government to prevent regulation of their internal tribal affairs by the State of Maine. As a result of the decision in this case, it appears that little if anything is left of historical tribal sovereignty for the Aroostook Band of Micmacs because their internal tribal matters are not protected under MICSA. It is possible that the Micmacs may still have exclusive authority over some limited aspects of their own internal government and election structures. But any historical right of self-governance that still exists appears to be very narrow. This state of affairs is painfully ironic for the Micmacs. If their 2005 victory in the lower federal court had stood up on appeal, then, as observed by Judge Lipez in his dissent, the Micmacs would have been the only tribe in Maine not subject to some level of state jurisdiction.

Despite the disastrous results in the *Ryan* case there is still a possibility that the Micmacs can salvage some degree of tribal sovereignty. As outlined in the related article at page 4, the Maine Legislature approved legislation that may

establish jurisdiction for the Houlton Band of Maliseet Indians that is similar to what the Passamaquoddy Tribe and Penobscot Nation possess under their 1980 settlement. The Micmacs withdrew from the legislative process this year, but it seems likely that they could obtain the same legislative changes if they decide to go that route in the future.

Housing Dispute

Continued from **Page 1**

gave instructions that the Passamaquoddy Tribe should be permitted to present evidence and submit legal arguments on the "internal tribal matters" question. The Court also gave instructions to the Superior Court to resolve any disputed facts that would have a bearing on that issue. However, none of the parties asked for an evidentiary hearing. So, there was no new fact-finding by the Superior Court, and the case was decided based upon undisputed facts in the court record. Justice Hunter listed the undisputed facts that he considered to be most important. First, the dispute involves only tribal members. Second, it relates to low-income housing located within the Reservation. Third, to decide the case the court must interpret tribal housing laws. Fourth, there is no distinct state interest in the litigation. And, fifth, because the case is so unique, there is little likelihood that any other owner or tenant would be affected by the outcome.

Justice Hunter then explained that over the course of the litigation he had become persuaded that the term "internal tribal matters" must be regarded as a concept protective of tribal sovereignty. Justice Hunter observed that the term "internal tribal matters" is inherently ambiguous and therefore that it should be interpreted according to the time-honored judicial rule that obligates state and federal courts to narrowly construe ambiguous statutes that would diminish the sovereign rights of Indian tribes. With that historical rule in mind the Justice concluded that the provision of adequate housing for tribal members is such a basic governmental function and so fundamentally tied to tribal self-governance that related activities must be seen as "internal tribal matters."

The Justice stated that it did not matter that the Housing Authority is a separate corporation under state law because the Passamaquoddy Tribe chose to use the Housing Authority as a vehicle to meet its responsibility to provide housing for its members. The Justice stated that the tribe's choice to use non-tribal means to achieve tribal objectives should not alter the character of the endeavor as an "internal tribal matter." In other words, the decisions and acts of the Pleasant Point Passamaquoddy Housing Authority are decisions and acts involving internal tribal matters.

Justice Hunter's decision has been appealed to the Supreme Judicial Court. This Court should issue a decision within a few months. If Justice Hunter's analysis is adopted by the Appellate Court, then this case, after all its twists and turns over the years, could prove to be a substantial victory for the tribes and for tribal members who might challenge state courts or agencies when they intrude into internal tribal matters. What may prove to be most important is Justice Hunter's recognition that tribes should be able to utilize "non-tribal means" to carry out important tribal purposes without losing the protection of the "internal tribal matters" exception to state jurisdiction.

Limited Results from Tribal-State Work Group

But Houlton Band of Maliseet Indians Might Obtain Jurisdictional Parity with Penobscot Nation and Passamaquoddy Tribe

by Paul Thibeault, Esq.

The Maine Indian Claims Settlement has not lived up to its original potential to improve conditions for Indian people living in poverty in Maine's tribal communities. The Settlement was intended to create a flexible and effective relationship between the Tribes and the State. The express language of the settlement legislation anticipated and consented to future amendments concerning the allocation of jurisdiction. Whatever view one holds on particular issues, it is clear that none of the parties to the Settlement could have predicted that the settlement legislation would remain essentially unmodified for all these years; that so many conflicts would be decided by state and federal judges instead of being worked out between the parties; or that the courts would interpret jurisdictional language in the particular ways that they have.

The Tribal-State Work Group was created to address the conflicts in the relationships between the State and the Tribes and to recommend constructive changes to the settlement legislation. After two years of discussions the Work Group concluded its work with a final report that recommended several specific changes to the Maine Implementing Act. The Work Group process and the recommendations were disappointing to the tribal representatives because the Work Group for the most part failed to address the central issue that led to the creation of the Work Group in the first place - the scope of internal tribal matters that should be protected from state regulation. Most of the court decisions have taken a narrow

view of what is an internal tribal matter. As a result, the Tribes and supporters of tribal self-determination believe that the Settlement as interpreted by the State and the courts has been much more restrictive of tribal authority than what was originally intended.

Despite their misgivings about the Work Group process and recommendations, the Tribes went along with the submission of a legislative proposal that emerged from the process. The recommended changes were presented to the Maine Legislature for approval in the form of LD 2221, An Act To Implement the Recommendations of the Tribal State Work Group.

Perhaps the most important of the proposed changes was that the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs would have jurisdictional parity with the Penobscot Nation and the Passamaquoddy Tribe. In other words, all of the Maine Tribes would have the same powers and the same jurisdictional relationship with the State of Maine based on the terms of the 1980 Maine Indian Claims Settlement. Other proposed changes would have made Maine's freedom of access laws inapplicable to the Maine Tribes (effectively overturning the 2001 ruling in the case of *Great Northern Paper v. Penobscot Nation*); would have required every state agency to consult with the tribes before adopting legislation or regulations that would materially affect the tribes; and would have expanded the role of the Maine Indian Tribal State Commission (MITSC) in the resolution of disputes involving interpretation of the settlement statutes.

Please see **Limited Results**, Page 7

Breaking News About Domestic Flights

On April 28, 2008, the Department of Homeland Security and the Transportation Security Administration (TSA) announced new rules regarding the types of identification that people will need to show in order to board a domestic airline flight, that is, an airline flight that begins and ends within the United States. Beginning on May 26, 2008, TSA will accept tribal ID documents at airport security checkpoints, for domestic flights only, if the tribal document contains:

- the person's name, date of birth and gender
- an expiration date
- a photograph
- a tamper-resistant feature

A "tamper-resistant feature" means a hologram or a watermark, although there may be other acceptable tamper-resistant features. We were unable to determine exactly what other acceptable tamper-resistant features might be by the time this paper was published. Moreover, in the future, the requirements for documents that will be accepted by the TSA will become more strict and a tribal photo ID which is acceptable now will probably not be acceptable when the stricter requirements go into effect. Our advice is to bring a back-up document with you when you travel (other acceptable documents include your driver's license or your passport). Please call us if you have any questions.

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 1-800-879-7463. Contact information for Pine Tree's statewide offices can be found on page 8.

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EDITORIAL

Advocating for Tenants by Working WITH Tribal Housing Authorities

by Jefferson T. Ashby, Esq.

We here at Pine Tree Legal Assistance, Inc. are strongly committed to providing assistance to Native Americans in a broad variety of cases. Since Pine Tree opened its doors in the 1960's, it has always viewed safe and affordable housing as a right. We work hard to help individuals and families who are experiencing difficulty finding and keeping safe and affordable housing. However, in working on housing cases, we are often faced with a unique question involving our Native American clients in tribal housing: How does Pine Tree reconcile its role of being a true friend to our State's great tribes and bands while at the same time defending Native clients in cases where the landlord is a Native Housing Authority?

Actually, it is not a difficult question at all. Because I represent only the people of Aroostook County, I will limit my comments to those Native populations and bands that I assist: the Aroostook Band of Micmacs and the Houlton Band of Maliseets. The simple answer is that, in cases where my Native clients are facing eviction from a Native Housing Authority, both the Bands and my clients want *exactly the right thing to happen*. Getting both sides of a landlord-tenant dispute to agree what that "right thing" is can be a challenge, but it is a challenge I'm happy to undertake.

In almost all cases, landlords want tenants to comply with their obligations under a lease, and tenants want to stay in their housing. Additionally, tenants want that housing to meet standards set by the lease or other statutes and regulations to ensure comfort and safety. It's really as simple as that. Often, the service I provide is to get the parties together to determine how all of these objectives can be met. I know, from my years working with both bands in Aroostook, that neither the Micmacs nor the Maliseets genuinely want to evict Native families from Native housing. When I get involved in an eviction proceeding with a client who is willing to acknowledge the Band's needs, nine times out of ten the Band is appreciative, and a great majority of these cases settle without any eviction.

There are exceptions to this experience, and not every interaction I have with either Band's Housing Authority is a cheerful, happy one. I acknowledge that I do not represent the Band in these cases. My obligation is to my client. But I am mindful of the benefit of "reconciling" Pine Tree's roles in these cases in the context of respecting and supporting tribal sovereignty and the unique legal structure concerning tribal housing under the Native American Housing Assistance and Self Determination Act (NAHASDA). We appreciate that tribal housing authorities are filling a special need for Indian housing, and, under NAHASDA, they are exercising tribal self-determination and exercising discretion that non-tribal housing entities do not possess. Tribes have a sovereign right affirmed by NAHASDA to fashion and apply housing policies and practices that make sense for their own communities. We

view our work with tribal housing entities, even while we advocate on behalf of particular Indian tenants or homebuyers, as being supportive of the concept of tribal self-determination, and we look to the tribal housing entities for cooperative solutions that demonstrate the creative, constructive exercise of sovereignty - to meet the needs of tribal people.

I feel there is no greater service I can provide to my client than when I help the parties reach an agreement that both sides can live with. By doing so, I have assisted a client with coming into compliance with the terms of a lease, I have encouraged the Band Housing Authority to make a compassionate accommodation, AND a Native family remains in Native housing. My method of approaching these cases requires that my clients and the Band Housing Authority work hard to recognize the needs and goals of each other. This approach seems to generate a climate of mutual respect. I believe, and will continue to believe, that the folks at both the Micmac and Maliseet Housing Authorities will say that my assistance on behalf of Native clients in matters that involve their agencies is not assistance that is adverse to the interests of either Band.

Introducing new KIDS LEGAL Attorney Bob Meggison

The KIDS LEGAL unit welcomed a new attorney this year. His name is Bob Meggison and he comes to us with a fascinating history that combines social work and law.

Bob was a social worker before becoming a lawyer. In this career, he worked with homeless individuals and families, people who were trying to cope with abuse and other trauma, and adults and children dealing with mental illness. After six years of this work, Bob decided that he could not get the results that he wanted for his social work patients unless he possessed a better knowledge of the law and the skills to use it. He graduated from Franklin Pierce Law School in New Hampshire in 1998. Until last year he maintained a solo practice in Belfast representing low-income families and children caught up in the child protective system and people applying for disability benefits.

At KIDS LEGAL Bob will be working on Indian Island representing juveniles who have been charged with misdemeanors before the Penobscot Tribal Court. Even though he has only done a few cases there, Bob praised the Penobscot Tribal Court system for trying to focus on the best outcome for the victim and the child. He feels that this approach should produce the best outcomes for the community.

The major focus of Bob's practice with KIDS LEGAL is special education cases. Bob has so much experience working with children with disabilities that he knows a lot about what kind of school accommodations will work for his clients. His biggest problem with special education cases is that parents do not realize sooner that they need an attorney to help them get through the process. Often, by the time parents get to Bob, the school situation is much worse than it could have been.

Bob is at Indian Island on an as needed basis. Call him at the Native American Unit at 1-800-879-7463. Bob is at Shaw House, a shelter and multi-service center for homeless kids in Bangor, on Tuesdays from 2pm to 4pm.

CASE NOTES

Fairness and Awareness in Tribal Housing Evictions

The Native American Unit of Pine Tree Legal Assistance frequently represents tenants in tribal housing who are faced with eviction complaints in Tribal Court. There is very little private housing available in the tribal communities. As a practical matter, an eviction order can amount to being excluded from living in one's tribal community. Tenants and Homebuyers can lose their tribal housing units for failure to pay rent and for other good reasons as defined in policies, leases and homeownership agreements. Pine Tree Legal will assist tribal housing tenants who have legitimate defenses because we believe that very important legal and human rights are at stake in evictions from tribal housing. Under the Native American Housing Assistance and Self-Determination Act federally-funded tribal housing programs carry out a federal trust responsibility to provide adequate, affordable housing for Indian people. Because of these factors it is critical that due process and basic fairness be followed in all tribal eviction cases so that Indian people do not unfairly lose access to housing that the federal government has a moral and legal obligation to provide.

Under some circumstances even a single violation of the rules can have drastic consequences for tenants and their family members. For example, any violation of a Drug-Free Policy may provide an Indian Housing Authority with good cause to evict and to terminate a homebuyer agreement. In one recent case at Indian Township the tribal judge ruled in favor of the tenant where the Housing Authority tried to evict him because of an alleged violation of the Drug Free Housing Policy. The tenant had pled guilty in tribal court to a civil infraction for possession of a small amount of marijuana. He paid a fine of \$50 and thought that was the end of the matter. He did not expect to have any problems concerning his rental unit. But the Housing Authority learned of the plea bargain and served the tenant with an eviction notice. The tenant contacted Pine Tree Legal and we were able to get the case dismissed mainly because the Housing Authority failed to give proper notices and failed to follow other procedures required by the Passamaquoddy Fair Housing Code.

Despite the favorable outcome for the tenant in that particular case, tribal housing tenants should be aware that even minor violations of tribal housing drug policies can lead to eviction of the offending tenant and all household members. The tenant in the case described above could easily have lost his home on the reservation. The decision was favorable for him only because of the specific language of the housing authority policy that was in effect at that time. The tenant would probably have lost the case if he had been convicted of any criminal drug-related offense (even if it happened off the reservation) rather than just a civil infraction. And even a civil infraction for simple possession of marijuana might result in eviction depending on the facts and the specific wording of a tribal drug policy. So we advise tenants in tribal housing units that if they want to protect their tribal housing they need to avoid all illegal

drug activity everywhere and all of the time. It is also important for tribal housing tenants to remember that they could be evicted because of the drug-related activity of other household members, guests and persons under their control. So everything possible should be done to prevent them from engaging in such behavior.

DISCRIMINATION - Speaking out can make a difference

Last year we settled a case in which we represented a student who claimed she was the victim of discrimination by the coach of one of her school's athletic teams. The terms of the settlement are confidential but the student received a monetary payment, an apology from the coach, and the athletic staff of the school was required to participate in racial sensitivity training.

This case is one of several discrimination cases on which we have worked recently. Our lawyers have handled cases involving discrimination at work places, schools, restaurants, stores and other places. If you believe that you have been the victim of discrimination, please contact us. We know that it can be difficult to talk about discrimination and make a claim against someone who has discriminated against you, and sometimes it may seem hopeless to even try. Please be assured that if you decide to contact us, everything you tell us will be confidential. We will explain to you what the law says about your case and what would be involved in making a complaint. If you decide that you want to go ahead with a complaint, we will stand beside you during the whole process.

If someone has discriminated against you, don't let them get away with it. When you think about this, remember that if someone discriminated against you, that person will probably do the same thing to other people unless they are made to answer for what they did. If you have been discriminated against, please contact us and we will try to help you protect not only yourself, but other members of your community.

OUTREACH SCHEDULE

Passamaquoddy Tribe

Indian Township-Clinic at Peter Dana Point:

1st and 3rd Tuesdays 2pm - 4pm

Sipayik Tribal Courtroom:

2nd and 4th Tuesdays 2pm - 4pm

It is helpful to make an appointment, but walk-in clients are welcome. To make an appointment call:
255-8656

Penobscot Nation

Call Bangor office at: 1-800-879-7463 for outreach dates and times and to make an appointment.

Houlton Band of Maliseets

Aroostook Band of Micmacs

Call Presque Isle office at: 764-4349 for outreach dates and times and to make an appointment.

LIMITED RESULTS

Continued from **Page 4**

During the legislative process, most of these proposals were dropped from the bill and none of them were ultimately passed by the Maine Legislature as originally drafted. Instead, the bill was extensively amended so that the only substantive jurisdictional recommendation that survived was an altered version of "parity" for the Houlton Band of Maliseet Indians.

The changes concerning the Maliseets will not take effect unless ratified by their Band Council. The new law would create a Maliseet Indian Territory comprising federal trust lands controlled by the Band. It would also authorize the operation of a tribal court with exclusive jurisdiction over misdemeanors, minor juvenile offenses, minor civil disputes, divorces and child custody matters involving tribal members. Like the other tribes under the Maine Implementing Act, the Band would be required to apply the State's definitions of crimes and applicable punishments.

The legislation places other significant restrictions on the Maliseets' power to decide what laws to enact and how to enforce them within their Territory. For example, the Band would be required to enact ordinances that are at least as strict as those of the towns in which the Maliseet Indian Territory is located unless the towns agree in writing to any differences, and the Band would be required to negotiate with the towns on other transitional matters. So it still remains to be seen whether this legislation would actually provide the Maliseets with the same powers as the Penobscot Nation and Passamaquoddy Tribe.

The disappointing outcome of the Work Group process, and other negative developments (such as the crippling reduction in the budget for the Maine Indian-Tribal State Commission without advance notice to the Commission leadership or the member Tribes) give Tribal people in Maine good reason to question whether the initial promise of the 1980 Settlement will ever be fulfilled.

Domestic Violence office # 694-1353(24 hour)
532-2240 ext. 28 or
1-800-640-2266

PENOBSCOT INDIAN NATION:

www.penobscotnation.org

Administration 827-7776 or
1-800-877-736-6272
Indian Health Services 827-6101 or 817-7400
Penobscot Housing Dept. 817-7370
Penobscot Human Services 817-7492
Indian Island Police Dept 817-7358 (dispatcher)
827-7188 (emergency)
827-6336 (business)
Mental Health Services 817-7430
Domestic Violence 817-7491

PENOBSCOT TRIBAL COURT SYSTEM

Director of Tribal Court 817-7342
Clerk of Courts 817-7329
Probation Officer 817-7342
Juvenile Intake Officer 817-7342

PASSAMAQUODDY TRIBE:

PLEASANT POINT www.wabanaki.com

Administration 853-2600
Pleasant Point Health Center 853-0644 ext. 290
Emergency: 853-4811
Pleasant Point Housing 853-6021
Domestic Violence-Peaceful Relations 853-0644 ext. 555 or 274
Emergency: 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. 252
Probation Officer 853-2600 ext. 249

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 796-2301 ext. 201

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 ext. 32
Maliseet Health Clinic 532-4229
Maliseet Head Start Program 532-2410
Maliseet Housing Authority 532-9140
Indian Child Welfare 532-7260 or
cell: 866-3103
Social Services and LEAD 532-7260
Domestic Violence Program 532-6401 or

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 Program 532-6401 or 694-1353 (24/7)
Penobscot Indian Nation
Domestic Violence Program 817-7491
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
Sexual Trauma & Recovery Svcs. 1-800-550-3304
Aroostook County

Downeast Sexual assault Svcs. 1-800-228-2470
Washington County

OTHER SERVICES

Youth Crisis Stabilization 1-800-499-9130
Statewide Suicide & Crisis Hotline 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. Call your local program for information on heating assistance and other utility issues, subsidized housing and child care, and transportation services for disabled people.

Washington/Hancock CAP 546-7544 or
www.whcacap.org 664-2424 (heating assistance)
Penquis CAP 1-800-215-4942
www.penquis.org
Aroostook County CAP
Presque Isle 764-3721
1-800-432-7881
Houlton 532-5311
Fort Kent 834-5135
Madawaska 728-6345

LEGAL SERVICES

PINE TREE LEGAL ASSISTANCE

www.ptla.org
Pine Tree Legal represents low-income people with civil legal problems including:
♦ *Eviction from public housing.*
♦ *Home foreclosures*
♦ *Discrimination*
♦ *Domestic Violence*
♦ *Loss, reduction or denial of government benefits*
♦ *Problems with Medicare or Medicaid*
♦ *Special Education or Public Education*
Portland: 774-8211 **Lewiston:** 784-1558
Augusta: 622-4731 **Bangor:** 942-8241
Machias: 255-8656 **Presque Isle:** 764-4349
Native American Unit & Farm worker: 1-800-879-7463

VOLUNTEER LAWYERS PROJECT

www.vlp.org 1-800-442-4292
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, Wednesday, Friday 9am to 12pm
Tuesday and Thursday 1pm to 4pm

MAINE LAWYER REFERRAL AND INFORMATION SERVICE

www.mainebar.org/lawyer_need.asp 1-800-860-1460
For a \$25.00 fee, you can be referred to a lawyer in your area. The first half-hour of consultation is free.

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 and moderate 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.

WISCONSIN JUDICARE, INC.

www.judicare.org/nails.html
A listing of Indian legal resources around the country.

MAINE INDIAN TRIBAL STATE COMMISSION

www.mitsc.org 394-2045

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.state.me.us/mhrc/index.shtml 1-800-827-5005

MAINE CIVIL LIBERTIES UNION

www.mclu.org 774-5444

MAINE ATTORNEY GENERAL'S OFFICE

www.maine.gov/ag
Consumer Mediation Service 626-8849
Lemon Law Arbitration Program 626-8848

MAINE PUBLIC UTILITIES COMMISSION

www.state.me.us/mpuc/consumer/cad.html
Utility Service Complaints 1-800-452-4699

EMPLOYMENT/LABOR INFORMATION

CAREER CENTERS

www.mainecareercenter.com
Bangor 561-4050
Calais 454-7551
Houlton 532-5300
Machias 255-1900
Presque Isle 760-6300

STATE BUREAU OF LABOR STANDARDS

www.maine.gov/labor/labor_laws/wagehour.html
Wage/Child Labor Complaints 624-6400