

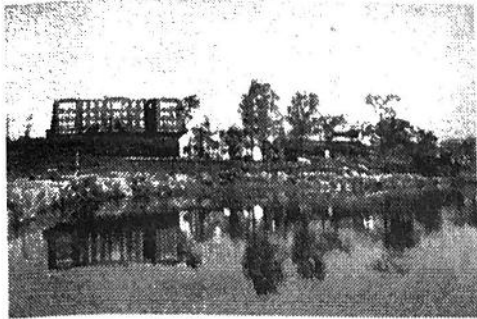


Wabanaki Legal News

Volume 2 Issue 2

A Newsletter of Pine Tree Legal Assistance

Summer 1998



Shubenacadie
Indian Residential
School
from the Mount Saint
Vincent Motherhouse
Archives

Class Action suit filed by former students of the Shubenacadie Indian Residential School; members want to be included in negotiations over damages with Canadian Government

(The following article is based in part on articles appearing in the Chronicle-Herald/The Mail-Star of Halifax, Nova Scotia. The article appears with the permission of Halifax Herald, Ltd.)

In May of 1997, a group representing more than 900 people who attended the Shubenacadie Indian Residential School in Nova Scotia filed a class-action law suit against the Canadian Government and the Roman Catholic Diocese of Halifax. The group filing the case is the Association for the Survivors of the Shubenacadie Indian Residential School. The Association is not affiliated with any other group or organization. It is an entity by itself and it operates on zero funding.

The Association wants compensation for the physical, sexual and emotional abuse, as well as racism, which it claims that its members suffered while attending the school. It is also asking for a healing process and a formal apology from the government and the diocese. The Association is headed by Nora Bernard, a Micmac former student of the school. The group's attorney is John McKiggan of Arnold, Pizzo, McKiggan in Halifax.

According to published reports about the lawsuit in The Chronicle-Herald of Halifax, this is the largest lawsuit asking for compensation for abuse ever filed in Canada. It is also the first time that the Canadian Department of Indian Affairs has ever faced a class action lawsuit by former students of a residential school. There is no law allowing class-actions in Nova Scotia, however. According to a Canadian authority on class action lawsuits who was interviewed by The Chronicle Herald, the Association may have a tough time with its case.

In January of this year, the Canadian Government formally apologized to former students

of residential schools and announced that it was setting up a \$350-million "healing fund" to go towards community counseling and treatment. Ms. Bernard stated to The Chronicle Herald that the government's apology addressed only one of three issues that had been raised by the lawsuit--namely, the apology. The Association continues to ask for individual compensation for former students, as well as a healing process designed specifically for those students. Ms. Bernard pointed out that programs covered by the healing fund already exist on all reserves. Phil Fontaine, the national chief of the Assembly of First Nations, has been criticized for not talking to the Association before he discussed the residential school situation with the Canadian Government.

The Association wants to be consulted about how the healing fund should be used. It also wants to be included in any talks dealing with possible compensation for former students. In talking to The Chronicle Herald, Attorney McKiggan pointed out that the Association is the largest single group of survivors in Canada.

In early April of this year, Mr. Fontaine said that he would urge the Canadian Government to include the Association in future negotiations and to recognize its efforts publicly.

The Shubenacadie Indian Residential School operated from 1930 until it closed in 1967. It was one of 77 such schools built across Canada by the Canadian Government beginning in 1879. About 2,000 Micmac children from Atlantic Canada attended the school. The school was staffed by the Roman Catholic Diocese of Halifax and the Sisters of Charity. It was located in central Nova Scotia, not far from the Indian Brook Reserve.

In papers filed with the court, the Association claimed that the Canadian Department of Indian Affairs and the Roman Catholic Diocese of Halifax failed to fulfil its obligations to First Nation people when it set up and administered the system of residential schools throughout Canada. The papers also claim that the goal in setting up these schools was "the assimilation and integration of First Nations people into white society and the elimination of Indian culture in Canada."

The Association claimed that Micmac children at the school were systematically submitted to abuse, mistreatment and racist and cultural harassment. Children were not allowed to speak their native

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("Shenacadie" continued from front page)

language or practice their native religion. They lived in "overcrowded and inhuman residence conditions." The filed papers also state that the school failed "to provide the minimum necessities of life, resulting in malnutrition and illness" and that proper medical attention was not given. The Association claims that the school administrators used child labor.

In 1997, the Royal Commission on Aboriginal Peoples issued findings and recommendations to the Canadian Government regarding its treatment of Native People. Among its findings, the Commission stated that the 77 residential schools severely disrupted aboriginal families, cultures and identities. One of the recommendations was that a wide-ranging public inquiry be held into the origins and effects of residential schools on First Nations peoples.

Until recently, the Canadian Government has dealt with cases alleging abuse at residential schools on a case by case basis. The government has reportedly paid out more than \$3-million in out of court settlements in individual cases involving former students of a school in Saskatchewan. As of last year, 72 out of about 240 claims have been settled in Saskatchewan and British Columbia. ■



The Honorable Jill E. Shibles

FULL FAITH AND CREDIT: A NET OF PROTECTION

By: Jill E. Tompkins Shibles

Judge Shibles is the Chief Judge of the Mashantucket Pequot Tribal Court. She currently serves as the President of the Eastern Tribal Court Judges Association and the National Tribal Court Judges Association. She received her undergraduate degree from The Kings College and her J.D. from the University of Maine School of Law. She is a Penobscot Indian.

For many years, Native Americans who were granted orders by tribal courts were disappointed and frustrated to find that state courts would not honor them. Native Americans were left without the protection or benefits that the tribal order was supposed to give to them.

The U.S. Constitution requires each state to treat the laws and judicial decisions of another state as if it were its own. The process of one state

If you want more information about the Association for the Survivors of the Shubenacadie Indian Residential School or are a survivor, call Nora Bernard at 902-893-4303. Her address is 768 Willow Street, Truro, Nova Scotia B2N5B6, Canada. You may also contact Attorney John McKiggan at Arnold, Pizzo, McKiggan, 5475 Spring Garden Road, Suite 304, Halifax, Nova Scotia B3J3T2, Canada, or call 902-423-2050. A Grand Assembly to bring survivors up to date will be held on June 28 and 29 at the Millbrook Community Center in Truro. For more information, call Nora Bernard.

Pine Tree Legal Services Safer Families Project

Reminder: If you are a Tribal member and have experienced domestic abuse, your case will be given priority by the Americorps team.

Tamar Perfit and Amey Gentile will be available to answer legal questions about domestic violence on the following dates:

June 26, 1998, 9 a.m.-2 p.m. at Indian Township
July 3, 1998, 9 a.m.-2 p.m. at Pleasant Point
July 10, 1998, 9 a.m.-2 p.m. at Indian Township
July 17, 1998, 9 a.m.-2 p.m. at Pleasant Point
July 24, 1998, 9 a.m.-2 p.m. at Indian Township
Dates for August will be announced at a later time.

(You may also call them at 1-800-879-7463)

On June 25, Amey and Tamar will help present a workshop on domestic violence. They will be joined by representatives from Legal Services for the Elderly who will discuss legal issues of interest to the elderly. The workshop will be held from 2-4 p.m. at Indian Township.

For more information, call 207-942-8241 ext. 208

court respecting and enforcing the orders of a different state's court is known as "full faith and credit". States are not required by the Constitution to give "full faith and credit" to the court orders of Native American tribes. Until recently, states could refuse to enforce tribal orders.

Congress has passed three important laws that now require state courts to honor child custody orders, child support orders and orders of protection issued by a tribal court.

Federal Indian Child Welfare Act

In 1978, Congress passed the Indian Child Welfare Act. This law applies to state court "child custody proceedings" of Native American children. A "child custody proceeding" is any case involving child protection, adoption, guardianship, termination of parental rights or voluntary placement of your child. The Act does not apply to divorce cases where the question of custody of the married couple's child is being decided. Every state and Indian tribe in the United States is

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("Full Faith and Credit" continued from page 2)

required by the Act to give full faith and credit to tribal court child custody orders.

If you are the parent of an Indian child and have been given custody of your child through a tribal court child custody proceeding, your order must be honored by another tribal court or a state court. Your child custody order is confidential. You should, however, always keep a copy of your child custody order in a safe place in case you need to show it to a different court other than the one that issued it.

There are also parts of the Act that tell state courts when they have authority over a case and when they must return a case to the tribal court. If you ever become involved in a later state court child custody proceeding involving your child, tell your lawyer about the tribal order. If you don't have a lawyer, be sure to tell the judge.

Federal Full Faith and Credit for Child Support Act

No matter where you go in the United States, collection of child support is a big problem. It's even tougher when Native Americans and tribal court orders are involved. For years, a parent who was ordered to pay child support for an Indian child could simply leave the reservation or state and avoid paying it. State and tribal courts often would not give full faith and credit to each other's child support orders.

Congress recognized the poverty that many Indian parents and children were living in as a result of the non-payment of child support. The Full Faith and Credit for Child Support Orders Act was passed in 1994 to help them. The Act requires state and tribal courts to treat each other's orders as if the order was its own. Tribal courts must also enforce the order of another tribal court. The Act allows the enforcing court to use all of its power to collect the child support that is due.

If you have a child support order for your child, the court should know about it before you need to have it enforced. Take a copy of your order to the court clerk's office and ask to have the order registered. There may be a fee for registering your order. This registration of your order will make it easier for the court to enforce it later.

Federal Violence Against Women Act

Imagine being a victim of domestic violence and receiving a tribal court order protecting you from the offender. When you left the reservation, however, you were told that your order was no good. Hundreds of Native Americans have found themselves in this situation when they have asked state law enforcement and courts to enforce the tribal protection order.

Often Native Americans had to seek another protection order, this time from the state court, in

PINE TREE LEGAL ASSISTANCE

Pine Tree Legal Assistance is a non-profit organization which gives free legal help to poor people with civil (non-criminal) legal problems.

Due to federal budget cuts, Pine Tree has lost over half its staff. As a result, Pine Tree can help only a small number of people who call us. We have given high priorities to the following kinds of cases:

- Eviction from public housing
- Home foreclosures
- Domestic violence
- Problems with Medicare or Medicaid
- Loss, reduction or denial of government benefits (food stamps, AFDC, Social Security, unemployment, etc.)

If you are low-income and need legal help in one of these areas, call the nearest Pine Tree office. If you are a farm worker with employment problems, call the Farmworker Unit at 1-800-879-7463.

Pine Tree cannot represent you in divorce, child custody, or child support cases. However, we can give you information about these cases.

Pine Tree also has a Native American Unit in Bangor. The number is 1-800-879-7463. Call the Unit if you are a low-income Native American with problems in the following areas:

- Access to health services
- Discrimination
- Border crossing issues
- Indian Child Welfare Act Problems

order to be protected from further violence. A similar situation would result where a tribal court refused to recognize and enforce a state court protection order.

The net of protection first given by the tribal court protection order now extends throughout the United States as result of the passage of the Violence Against Women Act. The Act, commonly referred to as VAWA, requires state and tribal courts to give full faith and credit to the protection orders of each other. The types of protection orders that are covered include **any order issued to prevent violence, threatening acts, harassment or contact**. VAWA's full faith and credit requirement applies to all civil, criminal and temporary orders.

VAWA's full faith and credit requirement does not apply to support or child custody provisions that may be in the original protection order. Speak to your lawyer about using the full faith and credit requirements of either the Indian Child Welfare Act or the Full Faith and Credit for Support Act to enforce those portions of the order.

The custody provision may also be enforceable under the Parental Kidnapping Prevention Act (PKPA). The PKPA is a federal law that states the circumstances in which one state must honor and enforce a custody order from

(Continued on next page)



Native American Legal Briefs

Federal District Court in Maine rules firing of Community Health Nurse not an internal tribal matter

The Penobscot Nation has been involved for several years in a lawsuit claiming that it violated the Maine Human Rights Act. The suit was originally filed by Cynthia Fellencer, a former employee of the Nation. On March 16, 1998, Judge Brody of the United States District Court in Maine rejected the Nation's request to stop Ms. Fellencer from suing.

The history of this case is a long one. Ms. Fellencer is not a Tribal member. She worked for the Nation as a Community Health Nurse/Diabetes Program Coordinator. In September 1994, the Penobscot Nation Tribal Council voted to fire her. Ms. Fellencer claimed that she was discriminated against. She filed a complaint with the Maine Human Rights Commission. That complaint was dismissed by the Commission. The Commission believed that her employment was an "internal tribal matter" that could not be regulated by the State.

Ms. Fellencer then asked the Superior Court to review the Commission's dismissal of her complaint. The Superior Court refused, but suggested that she could sue the Nation directly. Ms. Fellencer filed suit in Superior Court. She claimed that the Nation had violated the Maine Human Rights Act and had breached its contract with her.

The Nation moved to dismiss Ms. Fellencer's complaint in Superior Court. The Nation argued that the Maine Human Rights Act does not apply to the Nation. Judge Donald H. Marden denied the Nation's Motion. The Nation then sued in Federal Court to ask that Ms. Fellencer not be permitted to continue with her suit.

In the recent Federal Court decision, Judge Brody stated that the issue in this case was whether employing a Community Health Nurse was an "internal tribal matter" within the meaning of the Maine Indian Claims Settlement Act of 1980 and the Maine Implementing Act. If Ms. Fellencer's employment is an internal tribal matter, then she

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PINE TREE
LEGAL
ASSISTANCE
OFFICE HOURS



✳ Tribal Court/Administration
★ Pine Tree Legal Assistance

OFFICES

39 Green St. Augusta, ME
Phone Intake: 622-4731
Hours: M-F 8:30-12:30

61 Main St. Bangor, ME
Phone Intake: 942-8241
Hours: M-F 8:00-3:00

City Hall 3d Fl. Conference Room
Lewiston, ME Mon. 1:00-4:00
Phone Intake: 784-1558
Hours: M-F 8:30-12:30

12 Cooper St. Machias, ME
Phone Intake: 255-8656
Hours: M-F 8:00-3:00

88 Federal Street Portland, ME
Phone Intake: 774-8211
Hours: M-F 8:30-12:30

373 Main St. Presque Isle, ME
Phone Intake: 764-4349
Hours: M-F 9:00-12:00

Native American Unit
61 Main Street
Bangor, ME
Intake: Tues, Thurs, Fri.
(800)879-7463

Farmworker Unit
61 Main Street
Bangor, ME
Intake: Mon, Wed, Fri.
(800)879-7463

Volunteer Lawyers Project
88 Federal Street
Portland, ME
Phone: 774-4348 or (800) 442-4293

("Full Faith and Credit" continued from page 3)

another state. It is not clear whether PKPA applies to tribal court orders.

The original protection order must be enforced as it is written under VAWA. Registration of the protection order is not required, but you may wish to register your order as an extra safeguard. Keep a copy of your protection order with you at all times. You are not required to have your protection order with you in order for a police officer or a court to enforce it. Registering your order, however, will allow it to be entered into a large computer database. That will allow police and courts throughout the state to enforce your order more easily.

Net of Protection

Once a court has issued an order, you should receive the benefits and protection of the order no matter where you go. A court order should be like your driver's license or passport. It should allow you and your children to travel to and from Indian Country knowing that you are protected. Full faith and credit is not given for every type of court order. However, these three federal Acts do give a net of protection in important areas. The acts help to ensure your and your children's safety and well-being. ■

The articles in this paper are meant to provide information,
NOT to give legal advice.
No one should interpret any law without the help of an attorney who has been told all the facts.



("Tribal Briefs" continued from page 4)

would not be protected by the Maine Human Rights Act. If her employment is not an internal matter, then the Nation would be governed by the Maine Human Rights Act just like any other municipality in the State. Therefore, Ms. Fellencer would be free to continue her suit in Superior court.

Judge Brody decided that, in this case, the decision to fire Ms. Fellencer was **not** an internal tribal matter under the Settlement Acts. First, Judge Brody stated that the Implementing Act does not necessarily give the Nation the **absolute right** to be self-governing or to control all internal affairs without regard for state law.

Judge Brody then decided that State law applied to Ms. Fellencer's employment by the Nation. First, Ms. Fellencer was not a member of the Nation. Judge Brody noted that the United States Supreme Court has often found that the self-governing powers of a tribe do not include attempts to regulate non-tribal members.

Second, the Judge decided that the State has an important interest in reviewing claims of employment discrimination. Refusal to apply the Maine Human Rights Act in this case would hurt that interest. Since Ms. Fellencer was not a member of the tribe and since Maine has an important interest in protecting employees from discrimination, the Nation's actions in firing Ms. Fellencer cannot be called internal tribal matters.

Judge Brody noted that not all employment decisions of the Nation can be regulated by the State. In this case, however, "the Tribal Council hired a non-member in a non-policy-making capacity for a position not traditionally associated with governance."

For a full discussion of the issue of Tribal Sovereignty, please see the article titled "Tribal Sovereignty" in Volume 2, Issue 1 of the Wabanaki Legal News, published Winter of 1998. The article was written by Mark A. Chevaree, Esq. of the Penobscot Nation. The article can also be found on the internet at:
<http://www.ptla.org/wabanaki/wabanaki.htm>.

Passamaquoddy Tribe subject to Maine marine law

In another case relating to tribal sovereignty, the Passamaquoddy Tribe suffered a set back. Thirteen members of the Tribe were charged with a range of violations, including clamming in a closed area, possessing undersized clams, and selling clams and scallops without a license. None of these alleged acts took place on the Tribe's land.

We Want To Hear From You!

If you have comments, articles or ideas on how this newsletter can be helpful to you, please let us know.

Please send articles or letters to:

Wabanaki Legal News, Pine Tree Legal Assistance, Coe Building, 61 Main Street, Room 41, Bangor, ME 04401. Or you can send e-mail to csamp@ptla.org.

The Tribal members moved to dismiss the State's case. They argued that the Passamaquoddys have aboriginal fishing rights based on the Tribe's cultural and historical ties to saltwater fishing activities. They also argued that saltwater fishing by Tribal members is an "internal tribal matter" under the Settlement Act and the Maine Implementing Act.

In a decision issued in March, Judge Romei of the Calais District Court ruled against the Tribe. This means that the state can prosecute the members.

In his decision, Judge Romei found that the Settlement Acts did not address the question of saltwater fishing rights. He assumed that, in fact, the Passamaquoddys had aboriginal fishing rights. The question then became whether those rights had been ended by the Settlement Acts.

Judge Romei relied on the language of the Acts that stated that the Tribe "shall be subject to the laws of Maine and to the civil and criminal jurisdiction of the courts except as otherwise provided in the Act." He found that this language terminated any aboriginal saltwater fishing rights.

Judge Romei also did not accept that saltwater fishing was an internal tribal matter. He used an analysis similar to the one used in the Fellencer case. He found that the State had a strong interest in regulating fishing and that saltwater fishing is not a uniquely Indian activity. Therefore, he decided, Tribal saltwater fishing was regulated by the State.

A plea agreement has been reached with eight of the defendants. The remaining two will go to trial in July. However, the issue of saltwater fishing was addressed during the last legislative session. The Passamaquoddys were granted sustenance saltwater fishing rights. In addition, the tribe has been granted 24 lobster and 24 sea urchin harvesting licenses.

Maine Supreme Court rules prosecution in Tribal Court is not Double Jeopardy for State Court purposes

In late May, the Maine Supreme Judicial Court decided a criminal case relating to tribal sovereignty. Joseph Mitchell was charged with a misdemeanor assault in Passamaquoddy Tribal Court. He had grabbed his wife's arm during an argument and

(Continued on next page)



("Tribal Briefs" continued from page 5)

threatened her with a shotgun. Mr. Mitchell pled guilty and was sentenced. Both Mr Mitchell and his wife are Passamaquoddy Tribal members. They live on the Pleasant Point Reservation.

Mitchell was later indicted by a grand jury in the Washington County Superior Court for criminal threatening with a dangerous weapon and felony assault. The indictment was based on the same incident for which Mitchell was convicted in Tribal Court. Mitchell appealed, claiming that a state prosecution would be Double Jeopardy under the Maine and Federal Constitutions. The Double Jeopardy clause protects citizens from being prosecuted twice for the same crime.

The Maine Supreme Court said that the Settlement Acts recognized "the inherent authority of the Tribe to prosecute certain crimes that occur on tribal land." Mitchell, therefore, committed **two** crimes when he assaulted his wife. The first was the assault misdemeanor punishable under Tribal law. The second was the felony punishable under State law. State prosecution of Mitchell for the assault, therefore, was not Double Jeopardy.

Micmacs in New Brunswick lose rights to harvest timber on Crown lands

In October, 1997, Justice Turnbull, of the Court of Queen's Bench in New Brunswick, ruled that Crown lands and forests in that Province were owned by Native Americans. In April, his decision was reversed by the Provincial Court of Appeals.

The case began when Thomas Peter Paul, a Micmac Indian, and several other Indians cut three logs of bird's eye maple. The land had been licensed to a Canadian company to cut timber. Mr. Peter Paul was charged with harvesting the logs illegally.

At the trial, Mr. Peter Paul was acquitted. The trial judge decided that harvesting trees for commercial purposes was a treaty right granted to the Micmacs under a document called Doucette's Promises, which relates to Mascarene's Treaty of 1725. The Government appealed that decision.

On appeal, Justice Turnbull agreed that Mr. Peter Paul should be acquitted, but he did not agree with the trial judge's reasoning. Justice Turnbull based his decision on his own independent historical research of old documents, including Dummer's Treaty of 1725. The Government appealed his decision to the New Brunswick Court of Appeals.

The Appeals Court reversed the decision on several grounds. First, the Court decided that Justice

Turnbull should not have decided the case based on his own historical research. By using that research, Justice Turnbull did not give the parties a chance to be heard on whether the evidence was proper.

Second, the Court of Appeals noted that prior cases had already decided that Dummer's Treaty does not apply to New Brunswick or to the Micmac Tribe.

Next, the Court went on to address the decision of the trial court judge. The Court stated that, in order for Mr. Peter Paul to have any right to harvest timber commercially, that right must be either an aboriginal right or a treaty right. The Court defined aboriginal rights as the right of native people to continue living as their ancestors had lived. Treaty rights are rights contained in official agreements between the government and native people. They are similar to contract rights.

The Court looked at Doucette's Promises to see whether Mr. Peter Paul had treaty rights to harvest timber. The Court decided that it was unclear whether commercial timber harvesting was one of the activities protected by the Promises. Since Mr. Peter Paul had not put on evidence *relating to this question*, the Appeals Court found that Mr. Peter Paul had not proved that he had any treaty right to harvest timber.

Next, the Court looked at whether Mr. Peter Paul had any aboriginal rights to harvest and sell timber. Again, the Court found that Mr. Peter Paul had not produced evidence to prove that harvesting timber was a Native tradition. The Court of Appeals' decision will be appealed to the Supreme Court of Canada if the \$4-500,000 necessary to fund the appeal can be raised.

A number of Micmacs have been angered by the Appeals Court decision. A day of protests by Tribal members was staged in late April.

Tensions increased recently when Provincial forest rangers seized logging trucks, along with their loads, in a crackdown on Native logging. The New Brunswick government has offered to settle the case. It proposes to give Native loggers the right to cut trees on 5% of the Crown lands. It has also offered to find work for Native Indians with logging companies that hold leases on the land.

Settlement discussions are now being held. Virtually all Native logging has stopped to show that Native Loggers are serious. In the meantime, the Government warned that it will charge mills that buy Native-cut timber. ■



Wabanaki Women To Hold Conference

The Wabanaki Women's Gathering/Daughters of First Light Conference will be held August 28-30 at Camp Jordan in Ellsworth. The conference will allow Native women from the Wabanaki region to meet and discuss issues important to them and their communities. The theme will be "Listening to Our Truths: Building Support Systems of Wellness for Wabanaki Women and Our Communities Through Traditional Values." The first two days of the conference are open only to Native American women. Interested members of the community are invited to attend on Sunday, August 30. For more information, call Vera Francis at 853-2796 or Natalie Mitchell-Rapp at 862-3559.



Vita Sites Needed For 1998 Tax Year

VITA stands for Volunteer Income Tax Assistance. It is a free, IRS-sponsored program to help low-income workers, including anyone eligible for the Earned Income Credit, fill out their tax returns. Using a VITA site allows low-income workers to get help filling out their tax returns without having to pay for tax preparation.

The IRS is always looking for additional VITA sites. If your Tribe or organization would be interested in setting up a VITA site to help your members, call your Regional Taxpayer Education Coordinator. The number to call is a Massachusetts number: 1-617-565-4325. Ask to speak to Norma Morris or Judith Harwood.

It is best to call in September to set up a VITA site for the 1998 tax year. The IRS will provide training to set up the site.

Services For Blueberry Rakers

The **Raker's Center** has offices for many agencies offering services to Maine blueberry rakers. It is open during harvest season. The Center is in Columbia, at the Columbia Town Hall.

These agencies will be there this year:
(Check the Rakers' Center Notice for specific times)
WIC, Head Start, Food Stamps, Pine Tree Legal Assistance, the Health Clinic, General Assistance, Job Service, Social Security, Training and Development Corporation, the Summer Youth Program, a Food Pantry, and the Red Cross.

The Rakers' Center will open for the season on Wednesday, July 22. It will remain open until at least August 19. It may stay open longer than that.

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

Executive Director of PTLA: Nan Heald, Esq.
Native American Unit Attorney: Eric Nelson, Esq.
Editor: Cushing Pagon Samp

INDEX of COMMUNITY RESOURCES



CRISIS

(available 24 hours a day)



- Adolescent Crisis Stabilization.....1-800-499-9130
- Adult & Child Abuse/Neglect.....1-800-452-1999
- Domestic Violence: Penobscot.....1-800-863-9909
or 947-0496
Aroostook.....1-800-439-2323
or 769-8251
Washington.....1-800-432-7303
or 255-4785
- Mental Health:.....1-800-245-8889
- Poison Control Center:.....1-800-442-6305
- Rape Crisis:.....1-800-310-0000
- Youth Crisis Stabilization:.....1-800-499-9130

LEGAL SERVICES (Other Than Pine Tree):

Maine Lawyer Referral and Information Service:

For a \$20.00 fee, you can be referred to a lawyer in your area for a one half hour consultation or review of your paperwork.

Telephone: 207-622-1460
1-800-860-1460

Tel-Law:

Tel-Law has a number of different recorded messages to answer your basic questions about the law. It operates 24 hours a day. There is no fee other than the fact that it is a toll call outside the Augusta calling area.

Telephone: 207-622-1470

Volunteer Lawyers Project:

If you meet the Pine Tree eligibility requirements, the Volunteer Lawyer's Project can give you legal advice or informational materials for free, or will refer you to a private lawyer who may handle your case without charge. There is a telephone helpline on Wednesday evenings to help you with family law questions.

Telephone: 207-774-4348
1-800-442-4293

Legal Services for the Elderly:

If you are age 60 or over, Legal Services for the Elderly can give you free legal advice or limited representation.

Telephone: 1-800-750-5353

Penquis Law Project:

This group gives legal representation to low and moderate income residents of Penobscot and Piscataquis Counties in the following kinds of cases: Protection From Abuse, Divorce



and Separation, Child Support Enforcement, Alimony, Parental Rights and Responsibilities, Wills, and Powers of Attorney. The fee depends on several factors, including your annual income and the complexity of your case.
Telephone: 207-973-3671

University of Maine Student Legal Services:

If you are an undergraduate student at the University, you can get free or reduced cost civil legal services.
Telephone: 207-581-1789

Chief Advocate, Department of Corrections:

The Advocate refers civil cases of inmates of the State correctional system, including the Maine State Prison and Maine Correctional Center, to attorneys under contract with the Department of Corrections.
Telephone: 207-289-2711.

Patient Advocate, Department of Mental Health and Retardation:

The Advocate refers civil cases of patients at state mental institutions or clients of the Bureau of Mental Health and Retardation to attorneys under contract with the Bureau.
Telephone: 207-289-4243

Inmate Advocate Office, Department of Corrections:

This office gives paralegal and advocacy services for Maine State Prison inmates.
Telephone: 207-354-2535, ext. 303

SOCIAL SECURITY:	1-800-322-9401
Bangor Area	947-6717
SSI	1-800-772-1213
Bangor Area	990-4530

DISCRIMINATION:

Housing Discrimination:	1-800-669-9777
Human Rights Commission	624-6050
ME Civil Liberties Union	774-5444

• Employment/Labor Information:

ME Job Service/Aroostook	754-2150 or 493-4121
ME Job Service/Penobscot	561-4600
ME Job Service/Washington	255-8641 or 532-9416
State Bureau of Labor	
(wage or child labor complaints)	624-6410
US Dept. of Labor	945-0330

• Housing:

Maine State Housing Authority	1-800-452-4668
Farmers Home Administration	947-0335

• Insurance:

Bureau of Insurance	582-9707
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• Mobile Homes:

Manufactured Housing Board	582-8723
Manufactured Housing Association	623-2204
(mediation for mobile home residents)	or 1-800-698-3335
Maine State Housing Authority	1-800-452-4668

COMMUNITY ACTION PROGRAMS (CAPS):

These agencies give information, outreach, job training, educational programs, day care, housing information and referral, fuel/energy assistance, insulation and furnace repair, surplus food, transportation and Emergency Crisis Intervention Program benefits. Not all services are given by all agencies.

Aroostook County Action Program

800 Central Drive
Presque Isle, ME 04769
1-800-432-7881 or 764-3721

Penquis Community Action Program

262 Harlow Street,
Bangor, ME 04401
546-7544

Washington-Hancock Community Agency

Maine and Maple Streets
Milbridge, ME 04658
546-7544



TRIBAL GOVERNMENT and AGENCIES

<u>Aroostook Band of Micmac Indians</u>	764-1972
<u>Houlton Band of Maliseet Indians</u>	532-4273
<u>Penobscot Indian Nation</u>	827-7776
<u>Passamaquoddy Tribe</u>	769-2301 and 853-2600

PENOBSCOT TRIBAL COURT SYSTEM

Court Administrator (George Tomer)	827-7776
Clerk of Courts (Clara E. Mitchell)	827-5639
Tribal Prosecutor (David Gray)	827-5639
Juvenile Intake/Probation Officer (Neana Neptune)	827-5639
<i>Regular Sessions: First Wednesday of the month.</i>	
<i>Special Sessions as needed.</i>	

PASSAMAQUODDY TRIBAL COURT SYSTEM

<u>Indian Township Division:</u>	
Clerk of Courts (Wanda Doten)	796-2301
Juvenile Intake/Probation Officer (John Dana)	796-2301
<u>Pleasant Point Division:</u>	
Clerk of Courts/Administrator (Dorothy Barnes)	853-2600
Juvenile Intake/Probation Officer (Edward Nicholas)	853-2600
<i>Regular Sessions: One Friday per month at each division. Special Sessions as needed.</i>	

OTHER TRIBAL AGENCIES

- **Central Maine Indian Association:** You can get programs and services such as job training, adult education, overcoming substance abuse, and small business development, if you live off-reservation. 989-5971
- **Tribal Governors Council** 941-6568
- **Maine Indian Tribal-State Commission** 622-4815

HEALTH SERVICES

- **Penobscot Indian Health Center** 827-6101
- **Maliseet Health Center** 532-2240
- **Micmac Health Center** 764-6968
- **Pleasant Point Health Center** 853-0711
- **Indian Township Health Center** 796-2322
- **Wabanaki Mental Health Association, NPC** 990-0605
or 990-4346

Web Sites of Interest To Native Americans:

Nipmuc Indian Association
of Connecticut...<http://www.lib.uconn.edu/NativeTech/Nipmuc/>
Pine Tree Legal
Assistance...<http://www.ptla.org/wabanaki/wabanaki.htm>
Index of Native American Resources on the
Internet...<http://hanksville.phast.umass.edu/misc/NAresources.html>