Wabanaki Legal News

www.ptla.org | A Newsletter of Pine Tree Legal Assistance | Spring 2023

Welcome to Pine Tree Legal Assistance's New Executive Director, Tom Fritzsche!

Pine Tree is happy to announce that we welcomed a new Executive Director, Tom Fritzsche, back in September! Tom was born and raised in Maine and is a graduate of Kennebunk High School, Amherst College, and the NYU School of Law. Tom has had a lifelong commitment to working toward the advancement of Pine Tree's vision that there should be fairness, justice, and equality for all.

Tom brings a wide range of experience working for low-income communities to promote justice and equity. He joins Pine Tree after serving as the first Executive Director of the Milk with Dignity Standards Council (MDSC). MDSC uses a collaborative model known as Worker-Driven Social Responsibility to monitor dairy farms' compliance with standards protecting farmworkers' human rights. Over the last five years, under Tom's leadership, MDSC has worked together with hundreds of farmworkers and dozens of farm owners to ensure groundbreaking, concrete improvements in working and housing conditions on farms participating in the program.

Tom has also served a teaching fellow in the Cardozo School of Law's Immigration Justice Clinic, as a Skadden Fellow and Staff Attorney in the Southern Poverty Law Center's Immigrant Justice Project, as a medical interpreter, pesticide safety trainer, and as a health outreach worker with the Maine Migrant Health Program. As a health outreach worker, Tom spent some of his time working with Wabanaki farmworkers in the blueberry barrens. Tom remembers reading the Wabanaki Legal News over 20 years ago at the Rakers' Center and is eager to continue supporting Pine Tree's work to serve Indigenous communities.

PTLA Executive Director: Tom Fritzsche

We are proud to have welcomed Tom to Pine Tree and he greatly looks forward to getting to work overseeing Pine Tree's work across the Wabanaki communities and across Maine!

ICWA Under Attack: Supreme Court Hears Oral Argument forHaaland v. Brackeen

By: Ryan Lolar, Indigenous Peoples Unit(IPU)Staff Attorneyand Alida Pitcher-Murray, IPU Intern

The Supreme Court heard a major case in November 2022 that may have ramifications for all of Indian Country. Haaland v. Brackeen, or simply Brackeen, is a case brought by an adoptive couple, the Brackeens, with support from several states and other petitioners that aims to dismantle the Indian Child Welfare Act (ICWA) and potentially more of Federal Indian law.

The Brackeen petitioners have three primary arguments:

1. The petitioners argue that ICWA is race-based and therefore violates equal protection under the Constitution, which prohibits discrimination because of race, gender, or ethnicity by the federal government under the Fifth Amendment and by state governments under the Fourteenth Amendment.

The petitioners argue that the placement preferences in ICWA are race-based and that they therefore violate equal protection. The placement preferences in ICWA prioritize adoptive placement of eligible Native children with (1) extended family, (2) another family within the child's Tribal community, or (3) another Native family. The same section of ICWA also requires state child welfare agencies to communicate with a child's Tribe to keep records of any placement and to work with the Tribe to determine the placement.

Federal Indian law, which specifically addresses Tribes and individual Tribal members, has long been understood to be politically based and not race-based. This is because Tribes are separate sovereigns from state and federal governments. Thus, laws affecting Tribes and Tribal members are based on the political status of the Tribal government or the Tribal citizen, not on their race. This principle was directly addressed and affirmed as constitutional by the Court in Morton v. Mancari in 1974 when the Court upheld the Bureau of Indian Affairs' (BIA) hiring preference for Natives over non-Natives because of the political basis of the distinction.

The political basis of federal Indian law's distinctions, including the placement preferences of ICWA, was addressed by the federal government's arguments in support of ICWA. It was also discussed by the justices on the Court who are seen to be friendlier to Tribal interests. However, the more conservative justices on the Court seemed skeptical about whether this principle fully covered ICWA, and, particularly whether it covered the third placement preference of ICWA for "other Indian families."

2. The petitioners assert that ICWA goes beyond the power of Congress to regulate Indian affairs.

Under Article I of the U.S. Constitution, Congress has the power to "regulate Commerce … with … Indian Tribes" and under Article II, the Treaty Clause recognizes the role of Congress in enacting treaties. The Court has held that these provisions are parts of the source of Congress'

"plenary" or "absolute" authority over Indian affairs. The state of Texas, which is a party to the case in opposition to ICWA, argues that ICWA exceeds this authority because ICWA is about state child custody proceedings and does not invoke a treaty.

The argument about Congress's powers is unlikely to be successful, although

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the thinking behind it is endorsed by at least one member of the Court. The principle of federal Indian law that Congress has plenary authority when it comes to legislation affecting Tribes has a strong foundation. The Court is unlikely to unroll the long-standing and well-supported principle of Congress's plenary power, despite recent cases where the Court has seemingly reversed on precedent in other contexts.

3. The petitioners argue that ICWA violates the anticommandeering doctrine.

The anticommandeering doctrine is a principle derived from the 10th Amendment to the U.S. Constitution that prevents the federal government from requiring states to enforce federal law. A famous example of this princple comes from Printz v. United States (1997), where the Court held that the 1993 Brady Act violated the anticommandeering doctrine because the federal act required state law enforcement officers to perform background checks before individuals bought firearms. Opponents to ICWA argue that this principle applies to ICWA and should invalidate it because ICWA requires state officials to, for example, create a record of where children are placed and make "active efforts" to reunify Native children with their families.

The Court did not seem particularly engaged with this argument, though some of the justices asked follow up questions suggesting they may believe the "active efforts" provision of ICWA violates anticommandeering. Other justices, who seemed to represent the majority, were more skeptical and seemed to reject the idea that anticommandeering applied.

What's next?

The Supreme Court will likely release an opinion on the case later this year, which may address some or all the issues raised by supporters and opponents of ICWA. There continues to be concern throughout Indian Country about what the opinion will say as to equal protection and anticommandeering. Indeed, if the Court upholds these arguments, the ruling could upend federal Indian law by invalidating other important federal laws, regulations, and programs that benefit Tribes.

However, there is a strong likelihood that the Court does not hold in the favor of ICWA's opponents and instead chooses to uphold the long history of federal Indian law that supports ICWA as it is. The Court has made several positive decisions for Tribes in recent terms, with the exception being Oklahoma v. Castro-Huerta (2022). In addition, many well-respected advocates believe that if the Court does accept any of the anti-ICWA arguments, it will do so in a limited fashion that may be addressable through states passing their own ICWA legislation. Some states like Michigan and Washington already have their own ICWA laws, and a bill is proposed for this legislative session in Maine that may implement a state ICWA law here. Please note that as of the publication of this article, no language for the bill has been made public.

Finally, Brackeen is an impressive moment of collective action throughout Indian Country and from allies across the United States. In appellate court cases, amici curiae (or "friends of the court") can write briefs in support of positions that are being argued before the Court to provide additional support or information. The advocates from the United States and Tribal Nations that were before the Court received additional briefs in support from other Tribes, law professors, state child welfare agencies, and nonprofit organizations, who all came together to stand up for ICWA.

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We Want to Hear from You!

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

Pine Tree Legal Assistance, Inc.

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How To Reach Us

Pine Tree Legal Assistance, Inc., including its Native American Unit, has currently closed it's walk-in hours out of precaution due to the Covid-19 pandemic. We are available to be reached on our toll free line at 1-877-213-5630; V/TTY 711, or through the expanded call center hours at Pine Tree Legal Assistance, Inc. by calling:

Presque Isle 207-764-4349

Machias 207-255-8656

Bangor 207-942-8241

Augusta 207-622-4731

Lewiston 207-784-1558

Portland 207-774-8211

HOURS:

Monday 12:00 - 2:30 pm

Tues, Thurs, Fri. 9:00 – 11:30 am

We apologize for any inconvenience this may cause, but we hold the health and safety of our clients and staff in very high regard, and look forward to reopening to walk-in service and in-person outreach when it is deemed safe to do so.

Know Your Child's Rights Regarding Abbreviated School Days in Maine

By Gabrielle Grossman, KidsLegal Intern

Many schools in Maine have been suffering from staffing shortages. In fact, several school districts have recently considered shortening the school day, closing schools, or going remote due to these staffing shortages. Some of the most severe shortages affect students receiving special education.

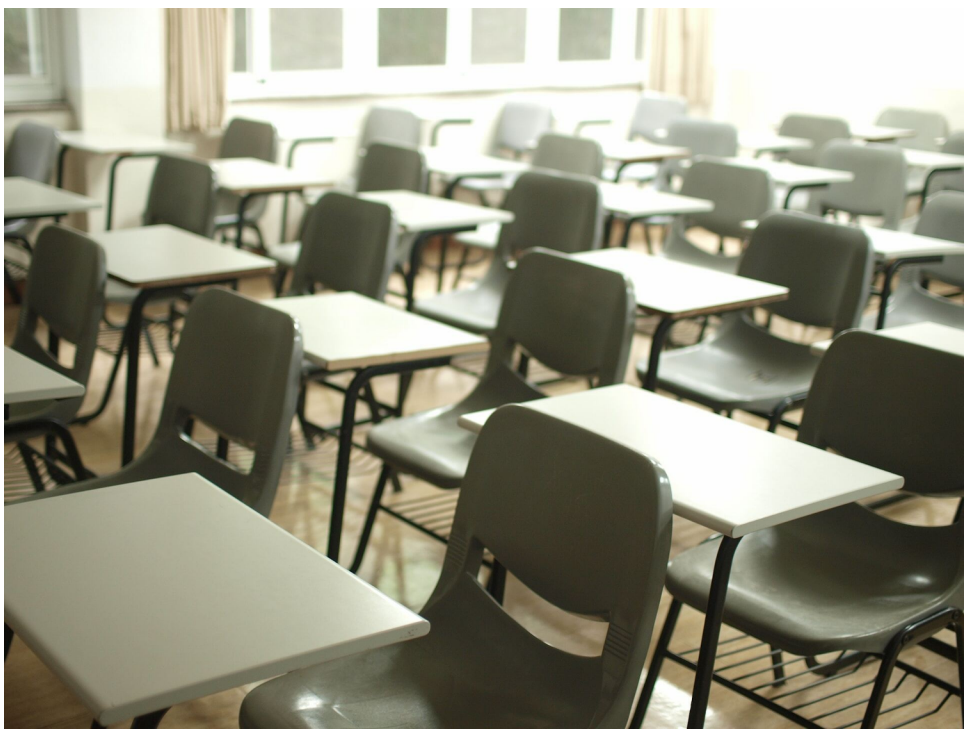
While students with disabilities have been wrongfully sent home early long before this shortage began, the KidsLegal team continues to see a significant number of cases of schools unlawfully putting children on an abbreviated day. Because the federal government does not require schools to collect or report data on abbreviated school days, the extent of the problem, specifically for children with disabilities, can be difficult to assess. However, there are a set of ground rules that govern special education and abbreviated days that all parents should know to protect their rights and those of their children.

What is an abbreviated school day?

An abbreviated school day is a day when a student receives less time at school than same grade-level peers in the same school.

When is an abbreviated school day unlawful?

It is unlawful for a student to be put on an abbreviated school day as a disciplinary tactic. Schools should follow the disciplinary procedures set out in the school handbook for all students. It is important to remember that students who received special education services through an Individualized Education Program (IEP) or accommodations through a 504 Plan have additional rights when faced with disciplinary action resulting in more than 10 days out of school.



Using abbreviated school days to address disability-related behaviors in school is unlawful. In its settlement with Lewiston Public Schools, the Department of Justice (DOJ) condemned the district's overuse of abbreviated school days to manage disability-related behavior. The settlement requires Lewiston Public Schools to end its practice of systemically and discriminatorily using abbreviated days for students with disabilities based on staffing, purported safety concerns, or a lack of appropriate placement, even if the student is waiting to be transitioned to a new placement. The Lewiston settlement signals to other Maine school districts that similar usage of abbreviated days will not be tolerated.

When is an abbreviated school day appropriate?

A move to a shortened day is appropriate only when the IEP team believes that for the safety and educational needs of the child, a temporary move to a shorter school day would benefit them. It also should only be utilized as a last resort option after all other supportive measures have been attempted. If your student begins to receive less time at school than same-aged peers for more than 10 school days, this is considered a change in placement. The decision can only be made by the IEP Team. If the IEP team meeting determines that a child needs an abbreviated school day, the Team must develop a re-entry plan for the child to return to school. The return must be within 45 calendar days. If your child is unable to return within 45 days, the Team must meet every 20 school days to review your child's progress towards returning.

What if my child is not making progress towards returning to a full day?

If your child is not progressing toward a full day of school, the IEP Team must determine what additional services or settings will allow the child to progress to a full school day. This might include access to one-on-one ed tech instruction or out of district placements if the services your child needs cannot be addressed in the public-school setting in which they are currently placed. A contract with a board-certified behavioral analyst (BCBA) can also be very helpful in assisting the student to get more structure and support for managing challenging behaviors by helping the school and family identify patterns behind problematic behavior and making suggestions for addressing the triggers in a way that will best motivate your student. A parent can ask the school to utilize a "BCBA" in the context of a 504 Plan or IEP meeting.

What if my child does not have an IEP?

If you suspect your child is being put on a shortened day due to disability-related behaviors, and your child does not yet have an IEP, the first step is to find out if your child is eligible for an IEP. Parents can make a referral for an evaluation in any area of suspected disability for their child at any time. Once a referral is made, the school has 15 school days to set up an IEP meeting to discuss the referral, what evaluations need to take place, and provide a consent form. A school district cannot evaluate your student without your signed consent.

Once you have consented to evaluations, the school district has 45 school days to conduct the evaluations and another 15 school days to hold a meeting to review the results of the evaluations and determine eligibility.

What if I have done all of this, and I still believe the school is wrongfully keeping my child on an abbreviated school day schedule?

Give us a call! Pine Tree's KidsLegal unit can help with communication with the school regarding your child's rights to a full school day. The best way to reach the KidsLegal team is during live intake open call center hours:

Indigenous Peoples Unit Hotline

1-877-213-5630

Call Center Hours & Numbers

Mondays 12:00p.m. - 2:30p.m.

Tuesdays 9:00a.m. - 11:30a.m.

Thursdays 9:00a.m. - 11:30a.m.

Mi'kmaq Nation, Houlton Band of Maliseets, and Aroostook County: 207-764-4349

Penobscot Nation, Penobscot, Piscataquis, and Waldo Counties: 207-942-8241

Kennebec, Somerset, Knox, and Lincoln Counties: 207-622-4731

Cumberland, York, and Sagadahoc Counties: 207-774-8211

Androscoggin, Franklin, and Oxford Counties: 207-784-1558

Passamaquoddy Tribe, Washington, and Hancock Counties: 207-255-8656

Student loan deadlines coming up you don't want to miss!

By Sophie Laing, Student Loan and Consumer Law Staff Attorney

Do you have student loans? There have been a lot of changes over the past year, and some of them may make it easier to deal with your student loans. But you might have to act soon.

Did you know that if you have federal loans, held by the Department of Education, you may be able to get some amount cancelled? If you made under $125,000 (single) or $225,000 (joint or head of household) in 2020 or 2021, you can apply for up to $10,000 to be cancelled, or $20,000 if you received Pell Grants when you went to school. You can apply at https://studentaid.gov/debt-relief/application. If you apply for cancellation by November 15th, you have a better chance of it going through before the payment pause ends on June 30, 2023.

The payment pause is finally coming to an end on June 30, 2023. Now may be a great time to sign up for an Income-Driven Repayment plan so that you can get affordable payments. These plans set your payments based on your income. Sometimes people have payments as low as $0/month! After you make payments for a certain number of years, the rest of your loan balance could be discharged. If your loans are in default, talk to your loan servicer about getting out of default by consolidating or rehabilitating your loans. Once the payment pause ends, you will also be able to get out of default through a program called Fresh Start.

Total and Permanent Disability discharge may also be an option for you. If you have a mental or physical disability or condition that prevents you from working, you can apply to have your loans discharged. Sometimes you can provide VA or disability benefits as proof, but most likely you will have to get a doctor to sign off on your application. Only medical professionals who are M.D.s or D.O.s can fill out the form, not nurses or other healthcare professionals.

The website studentaid.gov has more information about these programs. Not sure what type of loans you have? You can log into your account with studentaid.gov to get more information about your federal loans. You can also check your credit report to see what student loans appear on it.

Take control of your student loan debt today!

What if I am starting or thinking about starting school?

If you are an enrolled member, a direct descendant, or a descendant of a federally recognized

Tribe, then you may be eligible for a tuition waiver at any of Maine's publicly funded community colleges, colleges, or universities. Enrolled members may be eligible for further support with books and other costs. You should contact your Tribal Office, or your college or university's financial aid or bursar's office for more 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 Tax Credit denials
- Exams and audits
- Innocent spouse relief
- Injured spouse relief
- Tax Court representation

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

www.ptla.org/low-income-taxpayer-clinic

Upgrading Discharge Status

By Dylan Maeby, Veterans Medical-Legal Partnership Staff Attorney

For many Veterans, being discharged from the military is straightforward, despite the abundance of paperwork and formalities. But this is not the case for all those who served. For some, the process of being discharged is anything but straightforward; instead, it can be a reminder of the trauma they faced during service. For veterans who developed PTSD, who are survivors of Military Sexual Trauma (MST), who suffered Traumatic Brain Injuries (TBI), or are members of the LGBTQ+ community, this process can negatively and unjustly impact the rest of their lives.

Upon discharge, servicemembers are given one of five statuses: Honorable, General (Under Honorable Conditions), Other Than Honorable, Bad Conduct, or Dishonorable. Only the first two statuses grant access to most veteran benefits such as VA Healthcare. For veterans who fall outside these categories, getting access to important, and often lifesaving, services can be an uphill battle. There are many reasons why a veteran may be given an Other Than Honorable, Bad Conduct, or Dishonorable discharge. For instance, it is not uncommon for individuals suffering from PTSD to begin to self-medicate by consuming alcohol. Unfortunately, alcohol abuse will often lead to underperformance of duties and eventually discharge (in one of the three remaining statuses) from the military.

Two of the most prevalent myths around discharge status are that either a servicemembers status will be automatically upgraded 6 months after discharge or that discharge statuses are permanent and cannot be changed. The first myth seeks to give false hope while also dissuading the veteran from taking affirmative action, while the second leaves the veteran without any hope for change. Both myths are insidious and commonly told, but equally incorrect. There has never been a process for an automatic upgrade; if the veteran does not take matters into their own hands, nothing will change. Known as a discharge upgrade, veterans must apply for and convince a board of 3-5 members that their discharge status was unfairly or improperly issued.

For years, the prospect of obtaining an upgrade was daunting. Although each branch of service was different, the average success rate was in the low single digits. A lot has changed in the last decade and those numbers have jumped to between 25 and 45%. The driving force behind this change was the recognition by military leadership that conditions and experiences such as PTSD, TBI, and MST were causing servicemembers to act in a predictable, but inappropriate manner. It was only through the formal recognition that PTSD, TBI, and MST could lead to this misconduct that the Boards of Review began giving special consideration to these applications.

2011 also brought about the repeal of Don't Ask, Don't Tell, the longstanding policy of discharging LGBTQ+ veterans. While the repeal only applied for individuals still in service, it also provided an opportunity for the Boards to review old discharges. Additionally, transgender veterans have a new avenue for correcting military documents remove their "dead name."

Today, every branch of service has established boards that review applications for changing the status of a veteran's discharge.

If you or someone you know was discharged from the military and believe the discharge status you were given was unjust, please visit Statesidelegal.com and click on the Legal Help Navigator Tool to find an organization in your community that may be able to help. The Veterans Consortium (https://www.vetsprobono.org/) can also provide assistance nationwide.

Violence Against Women Act (VAWA) 2022 Update

By Ryan Lolar, Indigenous Peoples Unit Staff Attorney and Alida Pitcher-Murray, Indigenous Peoples Unit Legal Intern

TW: This article deals with difficult discussions of domestic violence, sexual assault, stalking, and dating violence, particularly against Indigenous people. If you or someone you know is experiencing these, please find resources for state and Tribal DV/SA agencies within the resource pages at the back of this newsletter.

In the last edition of the Wabanaki Legal News, we discussed the potential for an updated VAWA Reauthorization Act to pass through Congress that may expand recognition of Tribal sovereignty, restore Tribal jurisdiction over crimes related to domestic and sexual violence, and recognize that the Wabanaki Tribes are included in VAWA's Tribal provisions. The legislation we discussed passed through Congress in early 2022 and was signed into law by President Joseph R. Biden on March 15, 2022. VAWA 2022 builds on the previous iterations of VAWA and includes many of the previously discussed provisions.

The previous iteration of VAWA, VAWA 2013, included a provision that recognized the authority of Tribes to exercise "special domestic violence criminal jurisdiction" (SDVCJ). Unfortunately, the applicability of SDVCJ was in question because of provisions of the federal Maine Indian Claims Settlement Act (MICSA) that prohibits the application of federal laws that benefit Tribal members and Tribes if those laws "affect or preempt" the laws of Maine. However, the Maine legislature passed a law in 2020 that provides that VAWA 2022 explicitly recognizes "any participating tribes in the State of Maine." This means that VAWA 2022 applies to the Wabanaki Tribes.

VAWA 2022 took effect in October 2022. It amends VAWA 2013, expanding the "covered crimes" listed under its provisions. This "special tribal criminal jurisdiction" (STCJ) covers, in addition to the VAWA 2013 crimes, assault of Tribal justice personnel, child violence, obstruction of justice, sexual violence, sex trafficking, and stalking. The complete list of "covered crimes" is as follows:

- Assault of Tribal justice personnel;
- Child violence;
- Dating violence;
- Domestic violence;
- Obstruction of justice;
- Sexual violence;
- Sex trafficking;
- Stalking; and
- Criminal violations of protection orders.

Under VAWA 2022, tribes exercise their sovereign power to investigate, prosecute, convict, and sentence Indian and non-Indian defendants who commit covered crimes in Indian country against Indian victims. However, in cases of obstruction of justice and assault of Tribal justice personnel, the victim need not be Indian. Tribes may exercise STCJ jurisdiction regardless of whether the non-Indian defendant has ties to the participating Tribe. This program is voluntary; tribes are free to choose to participate or not. If they do participate, the elements of each crime will be determined by Tribal law.

Criminal defendants have certain rights under VAWA 2022. Participating tribes must:

- Protect the rights of defendants under the Indian Civil Rights Act of 1968, including the right to due process under the U.S. Constitution;
- Protect the rights of defendants under the Tribal Law and Order Act of 2010, by providing:
  - Effective assistance of counsel for defendants;
  - Free, appointed, licensed attorneys for indigent defendants;
  - Law-trained Tribal judges who are also licensed to practice law;
  - Publicly available Tribal criminal laws and rules; and
  - Recorded criminal proceedings.
- Include a fair cross-section of the community in jury pools and not systematically exclude non-Indians; and
- Inform (in writing) defendants detained by a Tribal court of their right to file federal habeas corpus petitions.

Regarding funding, VAWA 2022 reauthorized the VAWA 2013 grant program and authorized a new program to reimburse Tribal governments for expenses incurred in, relating to, or associated with exercising STCJ. VAWA 2013 had appropriations of $5.5 million in FY 2022. In addition, the Act authorized annual appropriations of $25 million for both grants and reimbursements. Please note that no more than 40 percent of the funds may be used for reimbursements. Funding for Tribal criminal justice systems and victims' services related to the exercise of STCJ is also available from DOJ's Bureau of Justice Assistance, Office of Community Oriented Policing Services, and Office for Victims of Crime.

IMPORTANT NOTICE

If you receive TANF and live on an Indian Reservation, your TANF benefits cannot be terminated because of the five year time limit if over half of the adults on the reservation are not employed.

Call Pine Tree Legal Assistance at: 1-877-213-5630 if you get a letter from DHHS telling you that you have reached the 60 month (5 year) lifetime limit.

You may be exempt from termination.

How to Recognize Housing Discrimination (and do something about it!)

Fair Housing Laws

The Fair Housing Act (FHA) is a federal law that prohibits discrimination when people rent or buy a home. The FHA also protects individuals who are involved in other housing-related activities, such as obtaining homeowner's insurance or asking for an accommodation to a no-pet policy when a tenant has a disability and needs an assistance animal. The law was passed in 1968 to protect groups of people who are members of a "protected class" from housing discrimination. Protected classes include race, color, national origin, religion, sex (including gender identity and sexual orientation), family status, and disability. The FHA is administered by the U.S. Department of Housing Urban Development (HUD). Complaints of housing discrimination may be filed with HUD.

For Tribal members living off Tribal lands: The Maine Human Rights Act (MHRA) was passed in 1971 and prohibits discrimination on the basis of protected class in employment, housing, places of public accommodation, education, and extension of credit. The MHRA's protected classes regarding housing are race, color, ancestry, national origin, sex, sexual orientation, physical or mental disability, and religion. The fair housing section of the MHRA provides rights and remedies that are nearly identical to those provided by the FHA and you may also file complaints of housing discrimination with the Maine Human Rights Commission. For contact information, please see below.

For Tribal members living on Tribal lands: Tribal members living on Tribal lands or in Tribal housing still have rights against discrimination. However, you most likely must pursue your claims in your community's Tribal Court and/or with your community's Housing Authority. However, some claims may be brought to HUD if they involve a housing program that receives federal funding. Additionally, the claims you can pursue will be under your Tribe's laws, codes, or policies, and in the federal Indian Civil Rights Act (ICRA) and some other federal housing statutes and regulations, rather than through the MHRA.

Fair Housing Testing

Pine Tree Legal Assistance (PTLA) receives HUD funding to represent people who are experiencing housing discrimination and to coordinate fair housing testing. Testers are community members who receive training from PTLA and who accept assignments to make housing inquiries and document their interactions with housing providers. The assignments are identified by PTLA and are based on referrals and research. Testers are assigned income and background information so that they are not using their own identities. Testers who are assigned protected characteristics are paired with "controls," who are not assigned protected characteristics, so that treatment can be compared. Testing does not take a lot of time and testers are paid a small stipend for completed tests once they have been trained. Please email jhunter@ptla.org to learn more about PTLA's fair housing testing program.

Disparate Treatment or Disparate Impact?

Housing discrimination can take the form of "disparate treatment" or "disparate impact." Disparate treatment is treating people who are members of one or more of the protected classes differently than people who are not members. To prove disparate treatment, discriminatory intent needs to be shown. Testing helps prove discriminatory intent because it provides a controlled method of recording objective evidence of discriminatory statements, advertisements, and actions. Examples of disparate treatment include:

- A rental housing provider routinely and falsely tells members of a protected class that apartments are not available.
- A landlord starts eviction proceedings because of a tenant's religious or cultural practices.
- A housing provider posts a sign that states "No Children" thereby eliminating families with children from consideration.
- A housing management company steers people to different buildings or building areas in an attempt to segregate races.

Disparate impact occurs when a housing policy, practice or standard appears to be neutral, but is not a legitimate business necessity and disproportionately affects people who belong to one or more protected classes. Disparate impact discrimination does not require proof of discriminatory intent and is established by gathering data on how a particular practice, policy, or standard operates on those who are affected by it. Examples include:

- A policy requiring rental applicants to have full-time employment, which discriminates against people with disabilities, who receive income from the Social Security Administration, or Veterans, who receive income from the Veterans Administration.
- A policy that rejects tenant applicants on the basis of criminal history without asking for clarification. Because of widespread racial and ethnic disparities in the U.S. criminal justice system, the policy could have a discriminatory effect on applicants who are members of those protected classes.

Next Steps

Please contact PTLA during intake hours with questions about housing discrimination claims and potential assistance filing a complaint.

For intake hours see **www.ptla.org/contact-us**.

For self-help information see the housing discrimination section on PTLA's website at **www.ptla.org/self-help**

For questions about fair housing testing or to suggest a housing site to test, please contact **jhunter@ptla.org**.

Housing discrimination complaints may also be filed directly with HUD, which requires all complaints to be filed within 365 days of the date of discrimination.

Contact HUD's Office of Fair Housing and Equal Opportunity (FHEO) at (800) 669-9777; TTY: 1-800-877-8339. Or go to www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint.

Maine residents may file with HUD or the Maine Human Rights Commission (MHRC), which requires complaints to be filed within 300 days of the date of discrimination.

Contact the MHRC at (207) 624-6290. For online information see **mainehumanrightscommission.formstack.com/forms/intake**.

Acknowledgement and Disclaimer:

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TRIBAL COMMUNITY RESOURCES

Mi'kmaq Nation:

www.micmac-nsn.gov

Administration, Housing, Child/Family Services	764-1972
Micmac Head Start Program	768-3217 or bbasso@micmac-nsn.gov
Health Department	764-1792

Houlton Band of Maliseet Indians:

www.maliseets.net

Administration	532-4273
	1-800-564-8524 (in-state)
	1-800-545-8524 (out-of-state)
Maliseet Health Department	532-2240
Maliseet Health Clinic	533-4229
Maliseet Housing Authority	532-7637
Indian Child Welfare	532-7260 or 866-3103
Social Services and LEAD	532-7260 or 1-800-532-7280
Domestic and Sexual Violence Advocacy Center	532-3000
	532-6401 (24/7 helpline)

Penobscot Indian Nation

www.penobscotnation.org

Administration, Tribal Clerk's Office	817-7351
Indian Health Services, Front Desk	817-7400
Penobscot Housing Dept.	817-7372
Penobscot Human Services	817-7492
Public Safety	817-7358
Domestic Violence and Sexual Assault Crisis Hotline	
	631-4886 (24/7 helpline)
Main Office	817-7349

Penobscot Nation Tribal Court System

Main Line	827-3415
Clerk of Courts	817-7327

Passamaquoddy Tribe:

Sipayik (Pleasant Point) www.wabanaki.com

Administration	853-2600
Health Center	853-0644
Housing Authority	853-6021
Domestic Violence-Peaceful Relations	853-2600 ext. 266 or 291
	1-877-853-2613 (24/7 helpline)
Police (Emergency)	911
Police (non-Emergency)	853-6100
Social Services	853-2600 ext. 258 or 853-9618

Tribal Court System (www.wabanaki.com/tribal_court.htm)

Clerk of Courts	853-2600 ext. 251 (Clerk, Rachael Nicholas) or 248 (Adminstrator/Probation)

Motahkomikuk (Indian Township)

(www.passamaquoddy.com)

Passamaquoddy Tribe(continued):

Administration	796-2301
Indian Township Clinic	796-2321
Indian Township Housing	796-8004
Police Department	796-5296
Domestic Violence	214-1917

Tribal Court System (www.wabanaki.com/tribal_court.htm)

Clerk of Courts	853-2600 ext. 251

(when court is in session call: 796-2301 ext. 205)

STATEWIDE AND TRIBAL SERVICES

Health and Human Services (DHHS)

DHHS Child Abuse	1-800-452-1999 (24/7)
	1-800-963-9490
DHHS Adult Abuse and Neglect	1-800-624-8404

DOMESTIC VIOLENCE

Maine Coalition to End DV 1-866-834-4357 (24/7)

Aroostook Band of Micmac,

Domestic and Sexual Violence Advocacy Center
750-0570 or 551-3939 (hotline)

Houlton Band of Maliseets,

Domestic and Sexual Violence Advocacy Center
532-6401 (24/7) or 532-3000

Penobscot Nation,

Domestic and Sexual Violence Advocacy Center
631-4886 (24/7) or 817-3165 ext. 4

Passamaquoddy Tribe at Sipayik,

Passamaquoddy Peaceful Relations 853-2600 ext. 266

Passamaquoddy Tribe at Indian Township,

Indian Twnshp Passamaquoddy Dom. and Sexual Violence Advocacy Ctr.
(207) 214-1917

Penobscot County

Partners for Peace	1-800-863-9909 (24/7) or
	1-800-437-1220 (24/7) (TTY)

Washington County

The Next Step	1-800-315-5579 or 255-4934

Aroostook County

Hope and Justice Project	1-800-439-2323 (24/7) or 764-2977

RAPE CRISIS SERVICES

Penobscot County

Rape Response Services	1-800-310-0000

Aroostook County

Aroostook Mental Health Center	1-800-871-7741

OTHER SERVICES

Maine Crisis Line	1-888-568-112
Statewide Suicide Referral Line	1-800-568-1112
Poison Control Center	1-800-222-1222

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.

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
- Augusta 622-4731
- Machias: 255-8656
- Lewiston: 784-1558
- Presque Isle: 764-4349
- Bangor: 942-8241
- Farm Worker Unit (FWU): 1-800-879-7463
- Indigenous Peoples Unit (IPU): 1-877-213-5630

Volunteer Lawyers Project

www.vlp.org 1-800-442-4293 or 942-9348

Civil Legal Cases: If you are low income, the VLP may be able to find a free lawyer to take your case. No criminal cases and no family law. Intake by phone.

Family Law: If you are low income and have a family law case, you can consult with a free lawyer for up to half an hour at the following courthouse clinics:

Legal Services for the Elderly

www.mainelse.org 1 (800) 750-5353

If you are 60 or older, LSE can give you free legal advice or limited representation.

The helpline is open Monday to Friday, 9 AM to 4 PM.

Penquis Law Project

www.penquis.org 1-800-215-4942 or 973-3671

This group gives legal representation to low-income residents of Penobscot and Piscataquis Counties in cases involving domestic relations. Priority is given to people who have experienced or are experiencing domestic violence, sexual assault, or stalking.

Disability Rights Maine

www.drme.org 1-800-452-1948 or 626-2774

Bangor Court Assistance Program

561-2300 TTY: 941-3000

Volunteers are available at the Bangor District Court once a month to help you fill out family law and small claims court forms. For upcoming dates call Holly Jarvis at 561-2300.

OTHER COMMUNITY RESOURCES

Wabanaki Public Health and Wellness

992-0411

Wabanaki Public Health & Wellness' (WPHW) mission is to provide community-driven, culturally centered public health and social services to all Wabanaki communities and people while honoring Wabanaki cultural knowledge, cultivating innovation, and fostering collaboration. Our values include: inclusivity, balance, and cultural centeredness. Wabanaki traditions, language, and culture guide our approach and describe the ways we live in harmony with each other and the land we collectively share.

Maine Indian Tribal State Commission

www.mitsc.org 944-8376

Social Security Administration

www.ssa.gov/reach.htm

Statewide	1-800-772-1213
Bangor Area	1-877-405-1448 or 207-942-8698
Presque Isle Area	1-866-837-2719 or 207-764-2925

Maine Human Rights Commission

www.maine.gov/mhrc/mhrc/home

Veterans Administration

https://www.maine.va.gov/

Pine Tree's Veteran's Unit may also be able to help by contacting 400-3229 or email veterans@ptla.org.

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: (mainecareercenter.com)

Bangor: 561-4050

Calais : 454-7551

Machias: 255-1900

Presque Isle: 760-6300