

131st Maine Legislature
Joint Standing Committee on Agriculture, Conservation, and Forestry
January 22, 2024

Testimony of Gerald D. Reid
Legal Counsel, Governor Janet T. Mills, in opposition to L.D. 1349
*An Act to Review State Lands and Waterways That Have Sacred, Traditional or Other
Significance to the Wabanaki Tribes*

Senator Ingwersen, Representative Pluecker, members of the Agriculture, Conservation, and Forestry Committee, my name is Jerry Reid, I am Chief Legal Counsel to Governor Mills, and I offer this testimony in opposition to L.D. 1349, a bill that would create a new commission charged with making recommendations regarding the transfer of state-owned lands to Wabanaki Tribes.

We believe this bill is unnecessary. There is no need create a new commission to oversee an issue that is appropriately the subject of government-to-government discussions between the Wabanaki Tribes and the State of Maine. In 2022, the Governor's office worked closely with Tribal representatives to draft a new statutory framework that requires tribal-state collaboration before certain decisions are made that affect a tribe or tribal members. *See* 5 M.R.S. §§ 11051 *et seq.* The same legislation requires an annual summit among the Governor and tribal leaders. The Governor hosted the first such summit this past November at the Blaine House. The existing collaboration process, including the annual summit, presents an ideal forum for discussion and resolution of any potential land transfers.

The Governor has demonstrated her openness to conveying certain state-owned lands to Wabanaki Tribes. In 2021, the Governor signed into law L.D. 1560, a bill that she introduced to transfer a culturally significant parcel of land at the outlet of Meddybemps Lake to the Passamaquoddy Tribe. The following year, the Administration supported L.D. 1921, which transferred a second, abutting parcel to the Passamaquoddy Tribe. These transfers were the result of respectful and constructive dialogue between the Tribe and the Administration about specific parcels of culturally significant land. The same process – within the construct of the new *Tribal-State Collaboration Act* – can be used successfully in the future, without creating additional bureaucracy.

For these reasons we respectfully ask you to vote ought not to pass on L.D. 1349. Thank you.