

**Testimony of Lloyd Cuttler**  
**In Opposition to L.D. 2004**  
**An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations**  
May 31, 2023

Chair Carney, Chair Moonen, and members of the Judiciary Committee, my name is Lloyd Cuttler. I am a Select Board member in the Town of Carrabassett Valley. Our attorney, Matt Manahan, has submitted a letter on behalf of our town and other towns with similar concerns, and I won't repeat that testimony here. But I wanted to emphasize a few key points.

- This bill is of significant concern to us because of the lack of clarity with respect to what it may mean in terms of state and municipal jurisdiction. It's impossible to evaluate the practical impact of this bill as drafted, particularly with so little time. We're not opposed to having additional federal laws apply in Maine, but we want to know what they are, so that we can understand the consequences.
- As I understand this bill, it would allow all federal laws for the benefit of Indians to apply in Maine even if they affect or preempt the application of the laws of Maine, including those relating to municipal jurisdiction and authority of municipal land. That's a significant change from the jurisdictional arrangement agreed to in the Settlement Act.
- It seems possible that this change would remove the right of the municipality to approve the conversion of tribal fee land to federal trust land. This is because federal law provides that the Bureau of Indian Affairs may put land into trust for Indian tribes, and that may affect or preempt the application of the laws of the State of Maine, and the Town. It would seem to me to be a very important point that should be clarified in this new Amendment to the MIA.
- It's also likely that this change would mean that Maine municipalities would lose all town land use regulation on tribal lands. This would affect hundreds of our homes that abut the Nations land in Carrabassett Valley. Federal law may be used to argue that Tribal lands are not subject to municipal or state land use regulation. We would like to have that point clarified since the tribe's land in Carrabassett Valley is Fee Land and requires a vote of the Town to be placed into Federal Trust as agreed to in the MIA.
- Further, it's possible that municipalities may not be able to continue to tax tribal land which, in the case of Carrabassett Valley, is about half of our town, or 24,000 acres of FEE land. The question is whether there is an argument that a federal Indian tax law may affect or preempt the application of the laws of the State of Maine, with respect to taxes, on Indian land. Once again this should be specifically spelled out in the Bill.

This uncertainty is of major concern to us, especially since we are seeing this Bill for the first time. We have less than 24 hours till tomorrow's hearing on this important legislation that could adversely affect hundreds of our homeowners and other Towns in the future. The Penobscott Nation has been our neighbors and landowners in Carrabassett Valley for over 40 years. For the most part it has been a very good relationship that I believe we both enjoyed. These past few years of proposed changes to the MIA have been difficult, but we have always been respectful to the Tribe. We recognize that sometimes old laws need to be "updated," and we want to work with the Nation to achieve an equitable solution to their desires and ours. Our view is protecting the rights of our Townspeople, while at the same time recognizing, and respecting our major landowner, the Penobscot Indian Nation.

Lloyd Cuttler/ Selectman/ Carrabassett Valley