

Testimony of Rick Bronson
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 Rick Bronson. I am the Town Manager for the Town of Lincoln. Our attorney, Matt Manahan, has submitted a letter on behalf of our town and other towns in the Penobscot River watershed, 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 may not be 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 on municipal land. That's a significant change from the jurisdictional arrangement agreed to in the Settlement Act.
- To the extent the Maine tribes can argue that a federal law benefits Maine Indians and that an Maine Implementing Act (MIA) provision addresses that same issue in a different way, then it seems likely the change would mean that the MIA provision no longer applies. There are thousands of federal laws that benefit Indians and could be used in this way – the Treatment as a State (TAS) provision of the Clean Water Act, cited in our lawyer's letter to you, is just one, and it could be used to support the position that Maine and Maine municipalities no longer have jurisdiction over Indian trust lands with respect to clean water act issues, contrary to Section 6204 of the MIA. It's almost impossible to get a full understanding of all federal laws that could be used in this way.
- All this uncertainty is a significant concern for us, and we request that you reject this bill as coming too late and raising too many questions at the last minute.

Thank you.