

Testimony of Eliza Townsend
In support of LD 958
An Act to Prohibit Eminent Domain on Tribal Lands
April 4, 2025

Good morning, Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee, I am Eliza Townsend, Maine Conservation Policy Director for the Appalachian Mountain Club.

AMC is a people-oriented conservation nonprofit; our mission is the protection, understanding, and enjoyment of the outdoors. We have 6,200 members in Maine and manage 130,000 acres of forestland in Piscataquis County for multiple use, including sustainable forestry, backcountry recreation, and outdoor education. We pay property taxes on all of our land.

AMC supports LD 958 and commends Minority Leader Faulkingham for bringing forward this bill. As this committee knows, issues of land ownership and control are central to the tension between the tribes and the State of Maine and led to the 1980 land claims settlement.

The settlement acknowledged the need for the tribes to acquire additional land, set up a process to accomplish that, and set aside federal funds for that purpose. Unfortunately, due to flaws in the Settlement Act, the agreed-upon acreage has never been reached.

The Settlement Act treats the tribes not as sovereign governments, but subject to the laws of the State of Maine, including those that allow the taking of land by the State, municipalities, refuse disposal districts, and utilities. A public entity or the Public Utilities Commission may consider cost along with other factors in finding that there is no “reasonably feasible alternative.”

This further undermines the autonomy of tribal members, leaving them vulnerable. As an example, Route 190 was constructed through the heart of the Passamaquoddy Reservation at Sipayik, though maps clearly show a previous route to Eastport. While the Settlement Act is an improvement over the circumstances that allowed the construction of that road, it continues to leave tribes at a distinct disadvantage. Permitting the taking of tribal lands by eminent domain also stands in contrast to the recognized right and need of the Wabanaki to acquire land.

Federal law protects most other tribal nations from state level eminent domain, and LD 958 would put the Passamaquoddy, Penobscot, Maliseet and M’ikmaq on a par with most of their 570 peers. This bill is no substitute for recognizing the inherent sovereignty of those who lived in this place long before the arrival of European settlers, but it is a step toward fairness and respect.

We urge you to vote Ought to Pass.