

**Testimony in Support of LD 958: An Act to Prohibit Eminent Domain on Tribal Lands
Submitted to the Judiciary Committee, Maine Legislature**

Holly Lu Fain, Descendant of the Shoshone People
Cheyenne Coughatta Acree, Citizen of the Cherokee Nation

Senator Carney, Representative Kuhn, and Members of the Joint Standing Committee on
Judiciary,

Our names are Holly Lu Fain and Cheyenne Coughatta Acree and we submit this testimony in
support of Legislative Document 958, “An Act to Prohibit Eminent Domain on Tribal
Lands.” *Behne and Osiyo (hello)!*

As 2025 Juris Doctor candidates, residents of Maine, a Cherokee Tribal citizen and a person of
Shoshone descent, we come before you not only as legal advocates and academics but as
someone whose history, identity, and community are profoundly affected by the issues this bill
seeks to address.

For centuries, tribal lands across this country have been taken, reduced, and redefined without
the consent of our Indigenous and Native peoples to whom they rightfully belong. The doctrine
of eminent domain has too often been used as a modern extension of dispossession—
manipulated by law, but deeply unjust in practice. LD 958 represents a critical and long-overdue
step in reversing that legacy here in Maine.

This bill would ensure that lands held in trust for the Passamaquoddy Tribe, the Penobscot
Nation, the Houlton Band of Maliseet Indians, and the Mi’kmaq Nation are protected from state
takings. That protection is not merely a legal safeguard—it is a moral imperative. These lands
are not mere parcels of real estate; they are the geographic heart of tribal sovereignty, culture,
and self-determination.

From a legal perspective, this bill affirms what should already be a foundational principle of
state-tribal relations: that tribal nations have the right to govern and preserve their territories free
from unilateral state interference. It aligns Maine’s laws more closely with federal Indian law
principles, where tribal land takings are already tightly constrained.

It is also significant to note that LD 958 includes a mechanism for tribal consent. This reinforces
the government-to-government relationship that Maine has committed to with its tribal nations. It
honors the spirit of the Maine Indian Claims Settlement Act while correcting past statutory gaps
that left tribal lands vulnerable.

**We urge this committee to support LD 958 and to stand with the tribal nations of Maine in
affirming that their lands are not subject to involuntary seizure. This bill is not only sound
policy—it is an act of respect, justice, and reconciliation.**

Aishen and Wado (thank you) for your time and your commitment to upholding Tribal
sovereignty.

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LD 958

Attached, thank you.