

Testimony in Support of LD 958, “An Act to Prohibit Eminent Domain on Tribal Lands.”

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Good Afternoon Senator Carney, Representative Kuhn, and members of the Joint Standing Committee on the Judiciary. My name is James Myall and I’m a policy analyst at the Maine Center for Economic Policy. I’m here to testify in support of LD 958, “An Act to Prohibit Eminent Domain on Tribal Lands.” MECEP supports LD 958 both as a matter of fairness and economic sovereignty for Wabanaki Nations.

By prohibiting the use of the state’s eminent domain power against Wabanaki Nations, LD 958 would recognize another element of tribal sovereignty. Federal law already protects 574 federally recognized tribes from having their land seized by state governments, and LD 958 would extend this protection to the Wabanaki Nations as well. Just as Maine could not seize land belonging to New Hampshire or Quebec, it should have no ability to violate the inherent right of Wabanaki citizens to their own land.

The seizure of Indigenous land is the fundamental injustice underlying the relationship between the United States and tribal nations, and the state of Maine is no exception to this pattern. For hundreds of years, federal and state governments took land from tribal nations, sometimes behind the fig leaf of nominal treaties and payments, but almost always in a way that coerced tribal nations to give up their land. In Maine, the state also used eminent domain to seize tribal land for highways that divide tribal communities to this day.

Land ownership is not only a matter of inherent fairness but also a driver of economic security and prosperity. For the Wabanaki Nations and their citizens to thrive, they must have sovereignty over their land first and foremost. Throughout Maine, land is valuable for economic growth through natural resource extraction and recreation, but it’s also foundational for other forms of economic activity. Whether land is destined for residential, commercial, or industrial use, economic development can’t take place without a level of certainty, such as that guaranteed by LD 958.

LD 958 is another step towards recognizing Wabanaki Nations’ sovereignty. It addresses a fundamental historical wrong and sets the Wabanaki Nations up for a stronger economic future. I urge you to vote “ought to pass” and I’d be happy to answer any questions.