



MAINE STATE LEGISLATURE

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April 4, 2025 - Testimony in support of LD 958:

An Act to Prohibit Eminent Domain on Tribal Lands

Good afternoon, Senator Carney, Representative Kuhn, and members of the Committee on the Judiciary. Thank you for the opportunity to testify today. My name is Representative Billy Bob Faulkingham, and I serve as the House Republican Leader. I represent House District 12, which includes the towns of Franklin, Gouldsboro, Hancock, Sorrento, Sullivan, Winter Harbor, and Steuben. I am here today to introduce my bill ***LD 958 - An Act to Prohibit Eminent Domain on Tribal Lands.***

This legislation seeks to protect the sovereignty and land rights of Maine's Indigenous communities, specifically the Passamaquoddy, Penobscot, Houlton Band of Maliseet Indians, and Mi'kmaq Nation, by preventing the taking of lands within their territories for public uses under eminent domain. Land is not just a commodity for Native nations—it is an essential part of their identity, heritage, and survival.

The history of Native American land dispossession in the United States is one of systematic and violent displacement. The tribes in Maine, like many Indigenous nations, were forced to surrender vast portions of their ancestral lands through various federal, state, and local policies. These historical injustices continue to have lasting economic, social, and cultural impacts on the tribes.

This bill addresses a critical issue: the continued vulnerability of tribal lands to eminent domain actions that can undermine the sovereignty, self-determination, and cultural integrity of Maine's tribes. By enacting this legislation, the State of Maine has an opportunity to demonstrate leadership in protecting the rights of Indigenous peoples and upholding commitments made through the Maine Indian Claims Settlement Act (MICSA) and the Mi'kmaq Nation Restoration Act.

For the Passamaquoddy, Penobscot, and other tribes in Maine, their land is integral to their cultural practices, spiritual beliefs, and economic well-being. Any loss of land, whether through eminent domain or other means, not only diminishes their physical presence but also erodes their ability to practice their traditions and sustain their communities.

This bill aligns with the principles of tribal self-determination. The ability to control and protect their lands is a fundamental right of tribal nations. The bill ensures that any actions that may affect tribal land must respect the principles of consultation, consent, and compensation. This approach is consistent with federal Indian law and has been recognized in numerous legal decisions that emphasize the importance of tribal sovereignty in land management.

The requirement for a public hearing, notice to the affected tribe, and the opportunity to appeal to the Maine Superior Court are all provisions designed to ensure fairness and transparency in the decision-making process. These measures empower tribes to have a voice in decisions that impact their land, rather than leaving them vulnerable to unilateral decisions made without their input.

Native communities in Maine, like those across the United States, have faced centuries of land loss due to government policies such as the implementation of the Indian Removal Act, the sale of lands under the Maine Indian Claims Settlement Act, and ongoing pressures from infrastructure projects, resource extraction, and development.

Protecting tribal land is not only about preserving cultural integrity—it is also about safeguarding the economic viability and environmental health of these communities. The lands held by the tribes are home to critical natural resources that are vital for their economic development, including hunting, fishing, and gathering areas.

This bill is a critical step toward restoring and protecting the rights of Maine's Indigenous peoples. It is a commitment to uphold the principles of justice and respect for tribal sovereignty. By passing this bill, the Maine Legislature will demonstrate its commitment to righting historical wrongs and ensuring a future where the tribes of Maine can thrive on their lands without the threat of unwarranted land dispossession.

I respectfully urge you to support LD 958 and act to protect the land, culture, and sovereignty of Maine's Indigenous peoples.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink that reads "Billy Bob Faulkingham". The signature is written in a cursive, flowing style.

Rep. Billy Bob Faulkingham
House Republican Leader