



Natural Resources Council of Maine

3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • www.nrcm.org

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

Before the Committee on Judiciary

Josh Caldwell, Climate and Clean Energy Policy Advocate

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Senator Carney, Representative Kuhn, and members of the Judiciary Committee, my name is Josh Caldwell, and I am the Climate and Clean Energy Policy Advocate for the Natural Resources Council of Maine (NRCM). NRCM is Maine's leading nonprofit, nonpartisan membership organization dedicated to protecting the environment on behalf of our nearly 24,000 supporters statewide and beyond. We are also proud members of the Wabanaki Alliance, which is now more than 300 members strong. I am here today to testify in support of LD 958, An Act to Prohibit Eminent Domain on Tribal Lands.

As an environmental advocacy organization, NRCM is committed to protecting, restoring, and conserving Maine's environment. We conduct our work on the unceded lands of the Penobscot Nation, Passamaquoddy Tribe, Mi'kmaq Nation, and Houlton Band of Maliseet Indians, who have been stewarding the lands and waters that we now call Maine for generations. After a long history of broken treaties, forced relocation, and genocide dating back to the first colonial settlements in New England, the time to address these ongoing injustices is far overdue.

Federal law protects most tribal nations from state-level eminent domain, but not in Maine. The antiquated Maine Indian Claims Settlement Act (MICSA) of 1980 places the Wabanaki Nations in a unique and inequitable position relative to other federally recognized tribes. As members of this committee are well aware, efforts to amend MICSA and put the Wabanaki Nations on level footing with other federally recognized tribes have been ongoing these past few legislative sessions, and this legislation represents an important step toward recognizing and respecting the inherent sovereignty of the Wabanaki Nations.

Sovereign nations should not have their land taken without consultation or agreement. This should be reason enough to support this legislation, but it is worth noting that concerns regarding eminent domain are not without historical basis. The Wabanaki Nations have faced a series of illegal land grabs and treaty encroachments, including the construction of Route 190, which was built through the heart of the Passamaquoddy Reservation at Sipayik and serves as a living reminder of the impacts of eminent domain.

Ensuring that the lands of the Wabanaki Nations are not subject to eminent domain may only be a small step relative to the magnitude of the injustices of the past, but it is an important one given the strong physical, cultural, and spiritual connection that the Wabanaki people have to these lands. We want to see the state go much further and will continue to advocate for the implementation of all 22 recommendations included in the 2020 Maine Indian Claims Task Force report.

In the 66 years since NRCM was founded, we've worked closely with Wabanaki Nations on key environmental issues such as fish passage and toxic contaminants in our waterways. We recognize the invaluable role that Wabanaki knowledge-keepers have in protecting the woods, waters, and wildlife of Maine. We are committed to actively using our voices, resources, and power to support the Wabanaki Nations in their pursuit of state-recognized sovereignty.

For these reasons, we strongly urge the Committee to vote Ought to Pass on LD 958. Thank you for your time and consideration.