

**Testimony in support of LD 958**  
**An Act to Prohibit Eminent Domain on Tribal Lands**  
April 4, 2024~~5~~

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

My name is Katie Donlan, I live in Portland, and I am testifying in support of LD 958, “An Act to Prohibit Eminent Domain on Tribal Lands.”

As I understand this bill, LD 958 is a protective measure. This protective quality is important in consideration of the history of land takings in Maine and in the U.S. more widely. Settlers often justified the taking of Indigenous land by claiming that they were developing the land for “the public good” or even “improving the land.” However, history teaches us that decisions about who was (or was not) included in the public and what improvement meant (and for whom) were not made equitably. And yet, these decisions *were* made, and deep harm ensued.

In the 21<sup>st</sup> century, takings of Indigenous land can and do still happen. In Maine, one way the potential taking of tribal land is made possible is through state-level eminent domain, enabled by the 1980 Maine Implementing Act. The process outlined in the Implementing Act, once again, asks decisions to be made around slippery categories. For example: What counts as a “reasonably feasible alternative” to a parcel of land? By what measure is the “value” of land determined? Who gets to decide that the “benefits” of a public utility are worth it (and worth it for whom)?

The past demonstrates the weight of these decisions and the possibility of causing harm. But the taking of land is never just historical. These ramifications ripple on today, in the denial of relationships between people and places for generations to come. LD 958, by prohibiting state-level eminent domain on tribal lands, restores to the Wabanaki Nations the power to make decisions about Wabanaki territory. This is not a granting of special rights; it is a restoration of a fundamental principle of inherent sovereignty, rooted in justice and fairness. It is a small step in protecting relationships between Wabanaki people and Wabanaki places.

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