



**Testimony in Support of LD 395, An Act to Restore Access to Federal Laws Beneficial to
the Wabanaki Nations**

To the Judiciary Committee

by Josh Caldwell, Climate & Clean Energy Policy Advocate

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Senator Carney, Representative Kuhn, and distinguished members of the Judiciary Committee, my name is Josh Caldwell, and I am here on behalf of the Natural Resources Council of Maine (NRCM) in support of LD 395, An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations. NRCM is Maine's leading nonpartisan membership organization dedicated to protecting Maine's environment, with nearly 20,000 supporters statewide and beyond.

For more than 65 years, NRCM has been protecting, restoring, and conserving Maine's environment, now and for future generations. We work statewide to:

- Protect the health of Maine's rivers, lakes, streams, and coastal waters;
- Promote sustainable communities through initiatives that reduce toxics pollution and waste;
- Decrease air and climate-changing pollution through energy efficiency and renewable sources;
- Conserve Maine lands and wildlife habitat, including our treasured North Woods; and
- Defend the federal environmental policies and programs that help protect Maine.

Our work is conducted upon unceded Wabanaki land, and it is incumbent upon us as an environmental advocacy organization to work alongside and in partnership with the Wabanaki Nations. We've done so on countless occasions, from removing the Veazie and Edwards Dams on the Penobscot and Kennebec Rivers to opposing the flow of out-of-state waste into Maine to establishing the Katahdin Woods and Waters National Monument to blocking mining proposals that would have been damaging to Maine's woods and waters. We are here again today to work with our Wabanaki partners to protect the nature of Maine.

The Wabanaki Nations have stewarded the land we now call Maine for time immemorial, and they continue to do so today despite innumerable adverse conditions imposed upon them by colonizers. One such condition that cannot continue to stand in their way is the gatekeeping of federal dollars and resources by the State of Maine. No other federally recognized Tribes in the

country (of which there are 574) are subject to this type of restriction. Since the passage of the Maine Indian Claims Settlement Act (MICSA) in 1980, the Wabanaki Nations have been denied access to at least 151 federal laws and programs that were designed to support tribal nations.¹ Those beneficial laws range from the Indian Civil Rights Act to the Indian Economic Development and Contract Encouragement Act, and span benefits from healthcare to food access to veterans' affairs.

I want to highlight in particular for the Committee that many of these programs and policies from which the Wabanaki Nations have been denied would have been immensely beneficial to their ability to implement and sustain sound environmental stewardship practices. These include several historic preservation acts, water quality and safe drinking water policies, gaming regulations, mining and waste management acts, site cleanup and remediation programs, invasive species management programs, land reform programs, and more. Since 1980, the State of Maine has been standing directly in the way of Wabanaki Nations in their pursuit of sound environmental practices that benefit people and wildlife alike.

This unjust circumstance translates directly to worse outcomes for Wabanaki Nations on all fronts. A report by the Harvard Kennedy School published in 2022 found that the inability of the Tribes in Maine to self-govern and access the same federal laws and grants as other federally recognized Tribes has had distinct and measurable negative economic impacts on the Tribes in Maine.²

For these reasons, we urge you to vote Ought to Pass on LD 395, a bill that will help put the Wabanaki Nations on more equal footing with those that have full access to federal laws and funding intended for Tribes across the United States.

¹ *Federal Laws Enacted after October 10, 1980 for the Benefit of Indians or Indian Nations: Research Findings*, State of Maine Task Force on Changes to the Maine Indian Claims Settlement Implementing Act, 2019. <https://legislature.maine.gov/doc/3616>

² *Economic and Social Impacts of Restrictions on the Applicability of Federal Indian Policies to the Wabanaki Nations in Maine*, Harvard Kennedy School, 2022. <https://ash.harvard.edu/resources/economic-and-social-impacts-of-restrictions-on-the-applicability-of-federal-indian-policies-to-the-wabanaki-nations-in-maine/>