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GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
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AUGUSTA, MAINE
04333-0001

February 19, 2026

Hon. Anne Carney, Chair
Hon. Amy Kuhn, Chair
Joint Standing Committee on Judiciary
Room 438, State House
Augusta, Maine 04330

Re: LD 395, *An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations*

Dear Sen. Carney and Rep. Kuhn:

Please accept this testimony on behalf of the Office of the Governor on LD 395, *An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations*. We support the goal of ensuring the Wabanaki Nations are appropriately benefitting from federal legislation applicable to other federally recognized Tribes.

The Maine Indian Claims Settlement Act (MICSA) broadly guarantees the Wabanaki Nations receive the benefit of federal laws, with a limited exception. MICSA provides:

As federally recognized Indian tribes, the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians shall be eligible to receive all of the financial benefits which the United States provides to Indians, Indian nations, or tribes or bands of Indians ***to the same extent and subject to the same eligibility criteria generally applicable to other Indians, Indian nations or tribes or bands of Indians.***

25 U.S.C. § 1731(i) (emphasis added). The only federal laws that benefit Tribes generally but do not apply in Maine are those that would affect or preempt the State's jurisdiction. To ensure that Congress did not inadvertently disrupt the jurisdictional agreement the parties had negotiated, MICSA provides that such laws do not apply in Maine unless specifically made applicable. 25 U.S.C. §§ 1725(h) & 1735(b).

Recognizing that making all federal legislation applicable in Maine would have disruptive effects, LD 395 carves out certain laws. It has proven very challenging for those of us who have been working on this issue to identify the best way to ensure that future federal enactments will apply in Maine when they should – to ensure the Wabanaki Nations



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appropriately benefit from those laws – but not when they should not, because of disruptive effects. While we cannot support the approach LD 395 takes in an effort to achieve that result,¹ we have been actively working with legal counsel for the Houlton Band of Maliseet Indians to identify a model that all parties could support. Given the complexity of the issues, those discussions are on-going and a final resolution is likely to take more time. However, we are committed to this good faith collaboration and hopeful it can succeed.

Sincerely,



Gerald D. Reid
Chief Legal Counsel

¹ LD 395 as printed would raise concerns that were previously expressed in connection with LD 2004 in the 131st Legislature. <http://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=179374> ; <https://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=179372> .



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