



# HOUSE OF REPRESENTATIVES

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Senator Talbot-Ross, Representative Pluecker and distinguished members of the Joint Standing Committee on Agriculture, Conservation and Forestry. I am Rep. Jim Dill, House District 26-Old Town, Bradley, and Penobscot Nation Voting District. I'm here today to present LD 1054 originally entitled: **An Act to Authorize the Penobscot Nation to Use Wild Game Harvested on the Penobscot Indian Territory at Food Venues Located Within the Penobscot Indian Territory** referred here from the Joint Standing Committee on Inland, Fisheries, and Wildlife. The reason it was switched here was because the bill has been completely revamped. Attached is the new bill amendment. However, to begin with the bill should be renamed: **An Act to Amend the Laws Governing Conservation Easements.**

Maine Coast Heritage Trust (MCHT) and members of the land conservation community (under the group called First Light) have been working with Wabanaki Nations in Maine to return land, access, and caretaking responsibility to traditional lands and resources. One small piece of this effort identified by MCHT, supported by the Wabanaki Alliance and the Wabanaki Commission on Land and Stewardship, is clarifying that federally recognized Tribal governments in Maine have access to the same legal tools as land trusts and municipalities to care for Wabanaki lands including culturally important sites. It is my understanding that these minor changes would provide more tools for the Wabanaki Nations to engage in land return, stewardship, and care throughout Wabanaki territory across the state of Maine.

This proposed amendment to the Maine Conservation Easement Act would do two things that are meant to clarify rather than change the statute:

- 1.) expand the definition of "conservation easement" to include easements that preserve the historical, architectural, archaeological or cultural aspects of a property. In a way, the statute already speaks to these values by including them in the definition of a qualified holder in 476(2)(B). The amendment simply copies the phrase at the end of 476(2)(B) and pastes it into 476(1). In a sense, this is simply aligning the two different provisions of the statute so they both include this category of values. This is language similar to the State of California, where Tribes there have used it to expand their access and land holdings.
- 2.) expand the definition of "holder" to include federally recognized Indian tribes. Although it is likely that the statute, by referring to any "government body empowered to hold an interest in real property," already includes federally recognized tribes, this amendment would explicitly include such tribes within the definition. The term "federally recognized Indian tribe" is used in several other Maine statutes.

Staff from MCHT, First Light, the Wabanaki Alliance, and the Wabanaki Commission on Land and Stewardship have been communicating on this issue for several months and agree that it should be passed as soon as possible.

District 26      Bradley, Old Town, Penobscot Indian Island and Penobscot Nation Voting District, the unorganized territories of: Block 1015 and Block 1045 of Tract 026500 and Block 1058 of Tract 031000

**Amendment to LD 1054**

**An Act to Authorize the Penobscot Nation to Use Wild Game Harvested on the Penobscot Indian Territory at Food Venues Located Within the Penobscot Indian Territory**

Proposed by Representative Dill

February 3, 2026

Amend the bill by striking out the title and inserting in its place the following:

An Act to Amend Certain Definitions in the Laws Governing Conservation Easements

Amend the bill by striking out everything after the title and inserting in its place the following:

**Sec. 1. 33 MRSA §476, sub-§1** is amended to read:

**1. Conservation easement.** "Conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; ~~or maintaining or enhancing air or water quality of real property; or preserving the historical, architectural, archaeological or cultural aspects of real property.~~

**Sec. 2. 33 MRSA §476, sub-§2** is amended to read:

**2. Holder.** "Holder" means:

A. A governmental body empowered to hold an interest in real property under the laws of this State or the United States, including a federally recognized Indian nation, tribe or band in this State; or

B. A nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property.

**SUMMARY**

This amendment, which strikes and replaces the bill, changes the definitions of "conservation easement" and "holder" in the provisions of law governing property and the conveyance of real estate.

Current law provides that "conservation easement" means a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations for certain purposes. The amendment adds "preserving the historical, architectural, archaeological or cultural aspects of real property" as one of the purposes in the definition of "conservation easement." The amendment also clarifies that "holder" means a governmental body empowered to hold an interest in real property under the laws of the State of Maine or the United States, including a federally recognized Indian nation, tribe or band in this State.