

Testimony of Patrick Woodcock

The voice of Maine business

**On Behalf of the Maine State Chamber of Commerce
in opposition to of L.D. 958, “An Act to Prohibit Eminent Domain on Tribal Lands”
April 4, 2025**

Good Afternoon, Sen. Carney, Rep. Kuhn and Members of the Joint Standing Committee on Judiciary. My name is Patrick Woodcock, I am the President o& CEO of the Maine State Chamber of Commerce. I am here to testify in opposition to of L.D. 958, “An Act to Prohibit Eminent Domain on Tribal Lands”

LD 958 would amend the *Maine Implementing Act (MIA)* and the *Mi’kmaq Nation Restoration Act (MNRA)*. These laws allow the State to exercise, under limited circumstances, eminent domain for public uses if that land is included within Penobscot or Passamaquoddy Indian Territory, or the Trust Lands of the Houlton Band of Maliseet Indians or the Mi’kmaq Nation (Tribal Lands).

The legislation would have potentially far-reaching consequences given the interaction with the Maine Implementing Act (MIA) and the Mi’kmaq Nation Restoration Act (MNRA), which would limit further modifications by the Maine Legislature. As a result, this legislation would bind a future Legislature because it would result in a permanent and irrevocable change to current law. This bill would limit the Department of Transportation’s (DOT) ability to exercise it’s limited authority regarding Tribal Lands which is governed under by 30 M.R.S.A. §§ 6205(3)(A) and (B), 6205-A & 7204 to establish eminent domain. Once the Tribes consent to amendments by the Legislature through this bill, the Legislature will be prohibited from repealing or amending language in the future even if there is a need to or problems arise down the road.

While the Maine State Chamber of Commerce respect private property rights and especially respects the Tribes’ land rights we would caution that eliminating this tool completely could have unforeseen consequences. At the very least, the legislation should only apply to existing tribal land. Further, the Chamber is concerned that the legislation would only increase leverage in future negotiations for use of tribal lands when it is mutually beneficial. This bill could compromise future development and potentially public safety by preventing the Department from making critical infrastructure improvements to roads or bridges that may be necessary. At this time, it is impossible to predict where development may be needed or where it may occur. Again, given that the four Tribes of the Wabanaki Nations have the authority to establish more than 50,000 acres of additional Tribal Trust lands within Maine in locations that cannot be identified today, it would be impossible to know where and if economic impacts would occur.

We understand Maine DOT has worked closely with the Tribes for years to reach agreement when the Department intends to acquire Tribal lands for public use. We would encourage the Legislature and the Department to continue using this consensus-based approach to working with the Tribes to come to resolution on these issues.

We urge the Committee to vote ought-not-to-pass on LD 958.