



Janet T. Mills
GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

June 20, 2025

The 132nd Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 132nd Legislature:

By the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 958, *Act to Prohibit Eminent Domain on Existing Tribal Trust Lands*.

L.D. 958 would amend the Maine Implementing Act (MIA) and the Mi'kmaq Nation Restoration Act (MNRA) by repealing language that could allow the State, under limited circumstances, to take land 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").

Current law already imposes strict limits on the State's ability to take any Tribal lands for public uses, requiring that there is "no reasonably feasible alternative" to the taking and ensuring substitute lands are acquired so there is no net loss in lands to the affected Tribe. 30 M.R.S.A. §§ 6205(3)(A), 6205-A & 7204.

It is important to note at the outset that if this bill were enacted and ratified by the four Tribes covered by MIA and MNRA, it would be a permanent and irrevocable change to current law. This is the case because federal law authorizes the Maine Legislature to make changes to MIA and MNRA, but only with the consent of the affected Tribes. When the Legislature amends these statutes, and the Tribes consent to those amendments, the Legislature cannot unilaterally repeal or amend the new language in the future, even if problems with that language become obvious later. The Legislature should understand that this bill would permanently deny the State the ability to take even small portions of Tribal Lands abutting public rights of way for uses like road and bridge projects no matter what circumstances may arise many years into the future.

My approach to legislation addressing Tribal-jurisdictional issues has been consistent. I have supported identifying a specific problem and working together collaboratively with Tribal leaders to develop clear language with well understood consequences to resolve that problem. Proceeding in this way has not been easy. To be sure, it has not been politically expedient. It takes time and effort, but it has produced excellent results. Our constructive engagement with Wabanaki partners has produced a long list of legislative successes on issues including water quality standards to protect sustenance fishing, a ban on Native American mascots, exclusive rights to operate on-line sports wagering, and preferential tax treatment for Tribal members and Tribal businesses. We put into law a first-in-the-nation Tribal-State collaboration process. We enacted legislation ensuring the Wabanaki Nations receive the benefits and protections of the Violence Against Women Act, the Indian Child Welfare Act, the Safe Drinking Water Act. And we enacted landmark legislation providing the Mi'kmaq Nation the same rights and authorities as the other Wabanaki Nations.



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These legislative accomplishments came as the result of numerous meetings and conversations. I have personally met with Wabanaki Chiefs, sometimes together, and often individually, on many occasions. I have met with them before and during this legislative session. Never once in these discussions did any Tribal leader mention the issue of state eminent domain authority as a problem that should be addressed. The testimony presented to Judiciary Committee on this bill confirmed that no problem exists here. No one identified a single example of a dispute or difference of opinion of any kind regarding the exercise of eminent domain authority as to Tribal land since the Maine Implementing Act was enacted in 1980. In fact, both the testimony and the discussion at the work session showed just the opposite. By all accounts, State and Tribal interactions in this area have been a model of respectful and collaborative problem solving.

Against this background, it is a mystery to me why this bill was introduced. L.D. 958 is a solution in search of a problem, and yet it could have serious unintended consequences years from now that are impossible to know today. It would be a mistake to permanently bar future generations from exercising this important but seldom used authority no matter what the needs of society may be many decades into the future.

For these reasons, I return L.D. 958 unsigned and vetoed, and I urge the Legislature to sustain this veto.

Sincerely,



Janet T. Mills
Governor



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