
**Testimony in Support of LD 1054, An Act to Amend Certain Definitions in the Laws
Governing Conservation Easements**

Before the Committee on Agriculture, Conservation and Forestry

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Senator Talbot Ross, Representative Pluecker, and members of the Agriculture, Conservation and Forestry Committee, my name is Luke Frankel, and I am the Woods, Waters, & Wildlife Director at the Natural Resources Council of Maine (NRCM). NRCM is a nonprofit, nonpartisan membership organization dedicated to protecting, restoring, and conserving Maine's environment, now and for future generations. On behalf of our nearly 20,000 members and supporters, I am here to testify in support of LD 1054, An Act to Amend Certain Definitions in the Laws Governing Conservation Easements.

We support this bill because we believe that the Wabanaki Nations in Maine should have equal access to the full range of land conservation tools that municipalities, state agencies, land trusts, and other nonprofit organizations do.

For decades, conservation easements have played a critical role in land conservation in Maine. As a state with very little public land, conservation easements have proven to be an extremely valuable method of protecting high-value areas without requiring a full transfer of ownership. The result of their deployment across the state has been more land protected with fewer dollars, all while providing landowners with additional means to monetize their property without forfeiting ownership, a true win-win scenario.

Another key advantage of conservation easements is that they provide a level of flexibility that is not present in traditional real estate transactions. Easements can be crafted in any number of ways to best fit the circumstances of a particular situation. This includes choosing which specific property rights the landowner wants to forfeit (e.g., development, subdivision, mineral, commercial use, etc.) and under what terms (e.g., duration, special considerations, etc.).

To date, the Wabanaki Nations in Maine have not taken full advantage of this important tool in the conservation toolbox. To our knowledge, two big reasons for this are (1) the legal authority of the four federally recognized tribes in Maine to officially "hold" a conservation easement is not explicit in statute and (2) the current use of conservation easements in Maine is not fully aligned with Wabanaki relationships to land.

LD 1054 addresses these barriers by amending the definition of "holder" within the laws governing conservation easements in Maine to explicitly include "a federally recognized Indian nation, tribe or band in this state." The bill also better enables cultural motivations for land conservation by adding language to the definition of "conservation easement" to include the purpose of "preserving the historical, architectural, archaeological, or cultural aspects of real

property.” This language is identical to that found in the definition of nonprofit corporations or charitable trusts that are eligible to hold conservation easements in Subsection 2, Paragraph B.

These changes, while modest, help pave the way for the Wabanaki Nations in Maine to access and utilize the full range of conservation tools deployed by other entities across the state so that they can better protect the land, water, and wildlife that is central to their culture and identity. For this reason, we strongly encourage the Committee to vote Ought to Pass on LD 1054.

Thank you for your time and consideration.