

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Ninth  
Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 2 to April 3, 1980**

**THIRD SPECIAL SESSION**

**May 22, 1980**

**THIRD CONFIRMATION SESSION**

**July 17, 1980**

**FOURTH CONFIRMATION SESSION**

**July 24, 1980**

**FIFTH CONFIRMATION SESSION**

**September 12, 1980**

**REPORT, HEARING TRANSCRIPT AND  
RELATED MEMORANDA OF THE JOINT  
SELECT COMMITTEE ON INDIAN LAND  
CLAIMS**

## HOUSE

Wednesday, April 2, 1980

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Russell M. Chase of the United Church Parsonage, Monmouth.

Rev. CHASE: Let us be in a spirit of prayer together. Our heavenly Father, we thank you for the beauty of this day. Thank you for this month, as the days lengthen and it gets warmer; we thank you for the blessings that you have bestowed upon us, upon our great State of Maine and we thank you for the blessings of this body. Be with them as they deliberate the questions of the day. May they know of thy love and justice and truth. Keep them humble and keep them steadfast as they seek to follow in the footsteps of you, our Father, while we pray in the Master's Name. Amen.

The members stood at attention for the Pledge of Allegiance to the Flag.

The journal of the previous session was read and approved.

## (Off Record Remarks)

On motion of Mr. Soulas of Bangor,  
Recessed until the sound of the gong.

After Recess  
2:30 P.M.

The House was called to order by the Speaker.

The following paper appearing on Supplement no. 2 was taken up out of order by unanimous consent:

The following Communication:  
TO GOVERNOR JOSEPH E. BRENNAN AND  
MEMBERS OF THE ONE

## HUNDRED AND NINTH LEGISLATURE

In compliance with statutory requirements, I submit herewith the 60th Annual Report of the State Auditor for the fiscal year ended June 30, 1979.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc. during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1979 has been fairly presented in conformity and with generally accepted accounting principles applied on a consistent basis.

Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1979 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the Staff of the Department of Audit for their continued loyalty and devotion to duty and to the State Officials for their cooperation with this department.

Respectfully submitted,  
S/GEORGE J. RAINVILLE  
State Auditor

The Communication was read and ordered placed on file.

The following paper appearing on Supplement No. 1 was taken up out of order by unanimous consent:

## Committee of Conference Report

The Committee of Conference on the Disagreeing action of the two branches of the Legislature on Joint Order (H. P. 1811) introducing Bill "An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District" have had the same under consideration and ask leave to report: that they are unable to agree

Signed:

Messrs. DUDLEY of Enfield

PEARSON of Old Town

— of the House.

Messrs. McBREAIRTY of Aroostook

TEAGUE of Somerset

Ms. CLARK of Cumberland

— of the Senate.

The Report was read and accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

## Petitions, Bills and Resolves

## Requiring Reference

Bill "An Act to Revise Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide increased Revenues to the Highway Fund" (H. P. 2053) (L. D. 2039) (Presented by Mr. Carroll of Limerick) (Cosponsors: Mr. McKean of Limestone and Mr. Strout of Corinth) (Governor's Bill)

Committee on Transportation was suggested.

Under suspension of the rules, the Bill was read twice.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: Things are going at a fast pace here.

This is the Governor's Bill that provides the cuts and new revenues, etc., the one we discussed in our caucus this morning. I am bound to report to this body that my caucus, after two hours of what, at times seemed to be pointless deliberation, came up with at least a numerical vote that said that the only basis on which this bill could be supported by them was that it would be accompanied by a message to the Governor making our concern very clear that the operations of the Department of Transportation are at least perceived by a great many members of the public to be less than efficiently carried on and that we want to make strong representation to the Governor that a study of this department be made by an outside agency and that this body be called into special session to deal with whatever recommendations are brought forth by this study.

Having delivered myself of my obligation as the nominal leader of the Republican caucus in this House, I am going to unburden myself of my position, which is going to be to vote against this piece of legislation. I do it from a feeling of deep dismay because I guess, as everyone realizes, last night we thought we had a package put together that would have effected a compromise resolution. It would have met my long-standing objection to what we have before us, because there would have been a basis for revenue for this department. To think that you can cut this department out of its problem is ridiculous, absolutely ridiculous. There aren't enough cuts to be made in the time remaining to make this department whole. So, the compromise that was put together last night would have provided the opportunity for long-range revenue to come into this department, coupled with cuts that it obviously needs.

I am sad to say that our Chief Executive,

having a solution at hand, bit the finger of the hand that was being reached out to him in cooperation because when my caucus learned, in fact when I learned that this measure was not being supported by the Governor and it would only become law without his signature, my caucus and my enthusiasm for the support went down the drain. So, I don't know whether I am going to prevail here today or not, but I am going to vote against this bill. I am urging all of you of a like mind, who feel that this department is being placed in a position of jeopardy, and although there are those of us who say it is the Governor's burden to bear, that the Governor is the one that will be under the gun when you come back in January, it is our highway system, and we are going to be just as much at risk as anyone.

We followed this Governor in a patch and defer posture last time. You may recall, there was a proposal to raise the gas tax last June and it got nowhere, mostly because the Governor kept saying, have no fear, I have a study group looking at this whole problem. Their report, I have accelerated; it will be in before you get back. Have no fear, go along with my program, and for reasons that I can't make sense out of now, I went along with it, we all did.

We all know also what the Governor did with that study report; he canned it, he ditched it, paid absolutely no attention to it, and now we are faced with another patchwork arrangement, except that when this one bears its fruit, you are going to be into another biennium, and that is where the real problem comes.

We followed the Governor in this biennium, and before the fiscal year was half old, we were \$6 million in deficit by following his solution to the problem. And I think the potential for that being repeated is even greater as we look at what is before us here today. There is no long-range solution. It is divert, delay and defer, it is take every cash balance we have and spend it into maintaining an ongoing level of expenditures that revenues won't justify.

I hope that there will be enough of you following my lead in voting no on passage of this piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I would ask for a Roll Call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I request permission to pair on this vote with the gentleman from Orland, Mr. Churchill. If he were here, he would be voting yea and I would be voting nay.

## ROLL CALL

YEA — Alopis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Brennerman, Brown, A.; Brown, D.; Brown, K.C.; Call, Carroll, Carter, F.; Chonko, Connolly, Cox, Davies, Davis, Diamond, Dow, Drinkwater, Dutremble, D.; Elias, Gillis, Gwadosky, Hickey, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Lizotte, Locke, Lund, Mahany, Marshall, Martin, A.; Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Stover, Strout, Theriault, Tierney,

Tozier, Tuttle, Twitchell, Violette, Vose, Mr. Speaker.

**NAY** — Austin, Berry, Blodgett, Bordeaux, Bowden, Brodeur, Bunker, Carrier, Carter, D.; Conary, Cunningham, Curtis, Damren, Dellert, Dexter, Doukas, Fenlason, Fillmore, Garsoe, Gavett, Gowen, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Leighton, Lewis, Lougee, Lowe, MacBride, Masterman, McMahon, Nelson, A.; Paradis, E.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Studley, Tarbell, Torrey, Vincent, Wentworth, Whittemore.

**ABSENT** — Birt, Boudreau, Brannigan, Cloutier, Dudley, Dutremble, L.; Fowle, Hall, Laffin, Leonard, MacEachern, Maxwell, Stetson, Wood, Wyman.

**PAIRED** — Brown, K.L.; Churchill.

Yes, 81; No, 53; Absent, 15; Paired, 2.

The **SPEAKER**: Eighty-one having voted in the affirmative and fifty-three in the negative, with fifteen being absent, and two being paired, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

#### Passed to be Enacted

An Act Relating to Games of Chance at Agricultural Fairs. (H. P. 1797) (L. D. 1919) (H. "A" H-979)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, Ordered sent forthwith.

#### House at Ease

Called to order by the Speaker.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

#### Divided Report

Majority Report of the Joint Select Committee on Indian Land Claims reporting "Ought to Pass" as amended by Committee Amendment "A" (S-536) on Bill "An Act to Provide for Implementation of the Settlement of Claims by Indians in the State of Maine and to Create the Passamaquoddy Indian Territory and Penobscot Indian Territory" (S. P. 827) (L. D. 2037)

Report was signed by the following members:

Messrs. COLLINS of Knox  
CONLEY of Cumberland  
— of the Senate.

Mrs. POST of Owl's Head  
Mr. BROWN of Livermore Falls  
Mrs. SEWALL of Newcastle  
Mrs. MITCHELL of Vassalboro  
Messrs. HOBBS of Saco  
VIOLETTE of Van Buren  
PEARSON of Old Town  
GILLIS of Calais  
DOW of West Gardiner  
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. REDMOND of Somerset  
— of the Senate.  
Mr. STROUT of Corinth  
— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-536)

In the House: Reports were read.

The **SPEAKER**: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I move we accept the **Minority "Ought to Pass" Report**.

Owl's Head, Mrs. Post, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

rence.

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I would like to pose a question though the Chair to any member of this committee.

What is the reason and the rush for us supporting this document here today or tomorrow?

The **SPEAKER**: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: The bill that we have today is the product of many long months of work. It is the product of approximately 13 months of negotiation between the state and the Indian Tribes. This Legislature, today, is faced with an unusual position and perhaps for many of us one that is difficult to adapt to, but what we are actually here for is to ratify this particular negotiated settlement.

The bill was presented to us, the settlement was presented to us by the Attorney General last week. It was printed last week and the hearing was held on Friday, an 8 hour long hearing. Over the weekend, the committee staff dealt with this particular issue with the Attorney General's Office and other interested parties. On Monday morning, members of this particular committee came in to work with commissioners of the areas that they were particularly affected with and reported back to the committee, and the committee deliberated in the afternoon.

Several questions were raised; many were answered. Suggested amendments were posed both to the Attorney General's Office and to the Indian tribal negotiating committee. Those amendments were considered that evening or on the following morning and the next day those two parties reported back to the committee those amendment which has been agreed upon by both parties.

The committee furthered its deliberations, accepted those amendments and after much discussion amongst committee members, both in terms of whether it was appropriate for the state to settle this claim and whether this was, in fact, a good settlement for the State of Maine, came to the determination that we should, in effect, ratify this particular agreement.

I know that it is sometimes difficult for us to deal with the contract negotiations of state employees, because we like to take an issue and mold it in our committees, deal with it on the floor and amend it. I think I probably like that process as much as anyone does; however, in this instance, what our role is is to ratify an agreement which has been worked out by two parties, the state and the Indian Tribes and nations.

I think the Joint Select Committee on Indian Land Claims has very thoroughly deliberated the issue. We have discussed everything from live bait to PUC. I don't know of any issue that has been involved in this bill or any sentence in this bill which has not been examined by the committee and very thoroughly discussed.

It is our recommendation that this is an appropriate settlement for the state and that it should be ratified. I don't believe we are rushing into anything.

The **SPEAKER**: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I commend the good lady and the members of the Joint Committee for their effort and time in presently a document for our consideration here today. I can appreciate the frustrations that Mrs. Post has in terms of the time that was allowed, meaning the bill being heard on Friday and their executive meetings in dealing with their legislative

appraisal on what is before us today in this report. But it is still hard for me, as one legislator in Seat 121, to understand how we can honestly support the recommendation of that committee based on the amount of information that it has had. And grant you, like all of us, there has been a lot of information concerning the Indian Land Claims flying around this state or, more importantly, before us here in the legislature for the last several years.

It is a difficult issue for all of us to face, both the parties that think they have been aggrieved, the people of Maine who have to validate this communication that is here before us today, the money that we are asking somebody else to spend—that is the federal tax dollars, which is your money and mine, it is awful easy to spend the other fellow's money in this room; it is a little hard when you have to earn it, provide it and put it in the Federal Treasury to be spent—and to ratify an agreement that was worked out between the tribes who are purchasing land, some of the major landowners in this state who are selling the land, and the parties themselves that were not involved in the agreeable price, which is the federal government, you and I.

Dead River has got 129,000 acres of land for sale at an agreed price of \$24.4 million, \$180.49 an acre. Is that a fair and reasonable price?

Bertram Tackeff has 5,500 acres of land with an agreed sale price of \$1,210,000, at \$220 an acre. Is that a fair price?

Diamond International has 2,408 acres of land at \$413,000. I won't read them all. Cassidy heirs, 38,000 acres, \$6 million; Scott Paper Co., 4,200 acres of land, \$900,000.

Granted, these companies are willing to sell and they are very influential people themselves in their individual rights and collectively, but you and I have been told for a number of years that we, the people of Maine, we, the State of Maine, have a legitimate defense in claims against the State of Maine, against its lands, against its dollars, and right now, with the federal monies being paid to offset the claims, and I think that very capable people representing us have represented us in good faith in determining what we have for a court case. It is a gamble to go to court.

James Sinclair told me, and he told the legislative panel, that there is no case, no matter what it is, which is 100 percent. You rule, at least in his theory, on a scale of 8, but he thought that we had a substantial argument in winning our case before the court. And to be quite honest with you, I think that is where it belongs, before the court, to give a fair and equal settlement for everyone.

Now, if the individuals who are claiming that this land is theirs and the appropriate money belongs to them in purchase of lands, the court will bear it out. There is nothing wrong with that. But, on the other hand, if our present Attorney General, our former Attorney General, outside counsel such as Mr. Sinclair, feel that we have a sound and solid case, then I think the people of Maine are entitled, that the Penobscot and Passamaquoddy Indians are entitled to go to court for a fair and honorable settlement in determining what is owed and what is not owed. I would hope the House today would support that.

For eight years we have been listening to the arguments presented by our legal counsel, and I am really frustrated to try to figure out why we are in the position we are in today. If we have such a good case, why don't we go to court? If Mr. Tureen and his associates feel that they can win 12.5 million acres of land in court, then why don't they go to court? You know why they don't want to go to court, because I think that Mr. Cohen and Mr. Sinclair are right, we have a case.

We are being asked to support this issue, and there is not an emergency on it. If it is such an emergency as we were told in caucus because they have to meet some federal deadline by

May for the federal budget, then why haven't the proponents, Mrs. Post and others, put an emergency on it so they can be guaranteed that it will meet the cutoff of the federal budget by May? My honest thinking why it isn't on there is because it isn't May, it is November. The present administration has indicated that it will support such a settlement, but there is no guarantee that the present administration is going to be sitting in Washington after the first of the year.

It took us 53 days to try to determine what is an equitable budget to run the highway transportation department, and we haven't done it yet this afternoon, and we are being urged to support this measure and pass it in the next two days. That is a little bit too fast for me, and I think it is a little bit too fast for the people of Maine.

**THE SPEAKER:** The Chair recognizes the gentleman from Livermore Falls, Mr. Brown. **MR. BROWN:** Mr. Speaker, Ladies and Gentlemen of the House: Representative Kelleher has eloquently described the frustrations, I think, that many of us, perhaps all of us, in the House of Representatives feel today.

I served on that Joint Select Committee. It was not an easy task; obviously, it was a very challenging task, a very interesting task. However, it was extremely frustrating for all of us. It was frustrating for us because, first of all, we are not considering the typical L. D. that we are usually concerned with.

We have before us, in fact, a settlement. As you all know, in going through our usual legislative procedures, it is typical of legislators, politicians, if you will, because it is the nature of the beast to amend, to change and to keep in a constant state of turmoil any particular piece of legislation that may be going through this body. However, as I stated earlier, this is not that kind of bill. It is one in which we had very little control over in terms of amendments. It is one in which negotiations over the past several years have culminated in this particular piece of legislation before us. Consequently, it was a very difficult bill to deal with from that respect, and I don't want anybody in the House to think that it wasn't and that we don't share many of those same frustrations.

Again, we must consider that we are dealing with a settlement and, if you will, an out-of-court settlement, because the State of Maine has been sued by the federal government. And what this is, is a settlement, not at all dissimilar to any other type of out-of-court settlement. As usual, in any out-of-court settlement, neither side is totally satisfied and many members of the committee that voted in favor of this bill were not totally and completely satisfied with all aspects of it. But I would also point out that many of the Indians were not completely and totally satisfied with many of the aspects as it affects them, because they are giving up some things as well.

I think what we have to look at are the alternatives. The alternatives that we have are two: (1) we can approve the settlement that is before us which, incidentally, is only concerned with jurisdictional powers, not with the acquisition of land, not with the allocations of monies, that is a federal question, even though I do admit that obviously in any federal settlement, we are obviously the source of all federal monies, but, nonetheless, that is not what we are debating today.

Keep in mind that while we may feel we are losing something with passage of this bill, the Indians are also losing something and gaining something as well, and I think the State of Maine is gaining something. That is the first alternative.

(2) The second alternative is to do as the Representative from Bangor indicated, and that is, go to court. That seems like the manly thing to do, that seems like the thing to do so that our pride won't continue to be hurt, but I think there are some very serious implications

if we decide to go that route.

The good Representative from Bangor talked about the facts being in our favor. We have had, the committee has had, some of the best legal advice available to us, legal advice that is spread out over several years, two attorneys general, one of the best known trial attorneys in the country and many, many other sources of legal advice. I think we all know that if we go to court, we are not looking for either a win/lose situation; I don't believe that for a minute. If we go to court, I think we all realize that the culmination of a court battle is not going to be a win or a lose. Again, it is going to be—I don't know, is it going to be a 90 percent win, an 80 percent win, 75 percent, what have you? I am not sure and I don't think any of us are, but that is a risk that we would be taking if we go to court.

Secondly, if we go to court, we are going to be tying up a good portion of Maine's lands for a five to ten year period of time while the matter is in litigation. During that time, titles and mortgages would be in turmoil, as you all know, municipal bonds would not be marketable, and I think without question, the result of all of that would be economic disaster for the State of Maine.

In summary, it is obvious that the members of the House feel that they are between a rock and a hard place, and for those of you who oppose this bill at this time, don't feel like the lone ranger, that is just the way I felt, the way I continue to feel. However neither choice is acceptable, totally acceptable, to both parties. It is necessary and very essential for us to consider which of the two alternatives is the one that is going to be most desirable for Maine and its citizens. I firmly believe that the bill before us is the most acceptable choice.

Again, this is an out-of-court settlement, and I believe that if we go ahead and pass the bill before us, we are doing the State of Maine a great service in getting this issue behind us.

**THE SPEAKER:** The Chair recognizes the gentleman from Enfield, Mr. Dudley.

**MR. DUDLEY:** Mr. Speaker and Members of the House: I am opposed to this piece of legislation because the people I represent are opposed to it.

In my opinion, this will make nothing in my area but chaos, if you know what that is. Nobody has taken into consideration that it will cost the State of Maine or the national government or the National Guard to police this once this is passed.

It might be different if we were allocating land in unorganized towns, but we are taking from three of the towns that I represent about 2/3 of the town. This would be all right. These people don't mind living with colored people or any ethnic group as long as they live under the same laws that they do. This is not the case, and two groups of people can't live in one community with a different set of laws and regulations. This is impossible, it has never worked anywhere else and it will not work in the State of Maine or in my district, in the little towns that I represent; it is impossible.

Let me tell you some of them. Any law, we will live by it, but we expect others to live by the same, whether they come from Massachusetts or the Reservation or wherever they come from. We have out-of-state hunters come and out-of-state fishermen, and they live by our laws. This is the way it would have to be, and if you have it any different than that, you will have nothing but chaos and bloodshed and lots of hunting accidents and lots of drownings and lots of things that you can't control back there in the woods. You might control it in the city from one block to another, but it is a little different area where I come from, and, believe me, it is going to cost the State of Maine a lot to police a bill of this nature.

I wouldn't be afraid of a bill like this if the people of Maine had a chance to vote on it, no I wouldn't because I would accept the decision

The Indian Reservation voted last week, I think, and my people that are being affected by this haven't had a chance to vote.

Let me cite you just a few illustrations—lots of these poor farmers in this area have had to give away potatoes to the extent that they have lost their land and they lost it by not being able to pay their taxes, by a tax lien. These big paper companies could buy it up, but they can't buy it back for the price that it is being sold today, even if it was in their family for 200 years. This is one place where it is unfair. If this Indian land is the next lot, it can't have a tax lien and be taken away, but theirs can. This is not equal rights and justice. It looks to me like we are trying to make a nation within a nation, and you can't do this on a small basis like this, impossible. It would cost more to police it than it is worth, more loss of life than the whole bill is worth.

Everybody has talked here about dollars and cents. I couldn't care less about dollars and cents. They print them in Washington and now they are printing them so fast, they aren't worth 10 cents anyway, so I am not concerned about dollars and cents. I am concerned about human life, bloodshed, that is what I am concerned about.

Just believe me, I want to be on record in bold print as telling you ahead of time, so many times I have told you in the last 20 or 30 years about things in here and a few years later you would say, well, Jim, you told us right, I guess and I am telling you right today, I know I am talking to a lot of deaf ears but I am going to tell you anyway. I can tell you a little while ago, they tried to pass a Moose Bill in this House and the advocates of the moose bill said the Canadians could get a moose caller and they could call them across the line and kill our moose. Well, believe me, this has opened up the moose season all over the State of Maine for just one group of people, not for my people, just one group of people, because with a moose caller, you can call them from most any of these lots onto theirs and so what, up there in the woods, you catch a man with a moose and he is an Indian—well, "I killed it on the reservation," how are you going to prove he didn't?

These are just some of the little things that are involved. Believe me, if this bill passes, you are in for a lot of trouble. I live in that neck of the woods, I live with some hillbillies, I live with some Ku Klux Klan men, I live with these people, I know what goes on in that neck of the woods and some of you people must know where I come from and what some of the aspects are there. Some of the things that happen up there don't even make the Bangor Daily.

I was told by the Governor of Georgia once, that man Wallace, they lost a man and a woman there and he said it was a terrible tragedy, that it made the papers and the press all over the world, even in China, but that same week, we had six killings in Maine and some of them were up our way and they never even made the Portland Press Herald, so he said, it makes a difference where the people get killed and that is the case with this bill. It makes a difference, if they were killed in Portland, they would make the headlines but if they get killed in one of my little towns, they probably wouldn't make the Bangor Daily.

That is all I have to say and I regret this is being passed without a referendum.

**THE SPEAKER:** The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

**MR. SILSBY:** Mr. Speaker, I would like to pose two questions to the Chair and then speak on the bill.

The first question is, this bill was introduced on March 26, 1980, cosponsored by two members of the other body—do we have any rule that requires the introduction of such legislation to be emergency in nature?

**THE SPEAKER:** Is the gentleman posing the question to the Chair? The Chair would answer in the negative.

Mr. SILSBY: Mr. Speaker, the second question is whether or not this bill requires a fiscal note particularly with respect to the item on Page 13, putting responsibility onto state law enforcement officers to enforce the laws of the State of Maine within the Indian territories?

The SPEAKER: The Chair would advise the gentleman from Ellsworth, Mr. Silsby, that this is a negotiated agreement between the Attorney General of the State of Maine and the Indian tribes, that the matter for the fiscal note deals with legislation originating with this body.

Mr. SILSBY: Mr. Speaker, Members of the House: Thank you. I guess it is no secret by now that I am in opposition to this bill for a number of reasons, some of which have been expressed in the caucus and also by previous speakers.

As you will recall, this bill was not available to the public until Friday, March 28, 1980, the day of the public hearing in Augusta. The bill is obviously very complicated and contains many new concepts which are not readily understood.

Although the bill envisions the acquisition of land from private ownership, the creation of quasi-municipalities by virtue of the legislation will certainly have a substantial future impact on the counties involved. I say "quasi-municipalities" because I know of no municipality in the State of Maine which can have its own hunting and fishing regulations. I believe that these would be completely different from regular municipalities, despite the fact that they are tailored in some ways to our regular municipalities.

Prior to the hearing, I was looking over a newspaper map of the land area in my county. What I originally thought to be an involvement of about 3 1/2 townships, turned out on the map at the public hearing to be 5-2/3 townships. I have had a number of constituents say that they do not understand what is going on. In my judgment, this bill should have received not one public hearing but several public hearings, particularly in the areas of the land involvement because of the impact on these communities.

I think for the most part that there has not been sufficient time for public reaction to set into this bill. I think we are going to see a delayed reaction probably within a month or so after we vote on it. So I would go along with a referendum type of approach myself.

Since the settlement proposal has been introduced, I have heard nothing but pessimism on the part of the state. I respect the state's attorneys; I am in that business, as you know; I respect the work that they have been doing and I respect their judgment, but I think we have cast this case completely in the negative with such phrases as—I think we would win but what if we didn't, and the legal fees would be astronomical. The case would take years to go through the courts. It would affect the marketability of titles so that property could not be sold, mortgages given or bonds issued and that there would be great social dislocations.

This is a very complicated case and attorneys for the state have been studying it for some time. Should the state go to court, there would be substantial legal expense and delays. However, I cannot accept the proposition that land titles will be made completely unmarketable during the period of litigation. Since this issue was raised in about 1972, it has been common practice for title examiners, including myself, dealing with real estate title opinions, to make an exception for Indian land claims in their title reports.

I have faith in our judicial system, I don't think that we can do anything else but have faith in our judicial system, and I cannot believe that any court would allow good-faith litigation such as this to bring the people of the State of Maine to their knees.

Because of the complexity of this case, it would seem to me that the state should seek a

complete judicial solution with the issue finally being resolved by the Supreme Court of the United States.

For those present at the hearing, we saw that the tribes were not unified in their approach, with some of the Penobscot tribe opposing the settlement for fear of losing their sovereignty. A judicial disposition of the case would finally determine whether the Indians have a claim or don't.

To look at this situation another way, if the Indians have valid claims to two thirds of the State of Maine, why shouldn't the claims be fully identified? Why should the tribal interests be compromised by accepting this particular settlement if actually they are entitled to more?

Furthermore, a case can be settled at any stage, pretrial, trial after trial, during appeal. This case could progress further, we could get more of an indication of what the posture is and then a settlement could be entertained. The proposed settlement is to terminate all Indian land claims in the State of Maine and, in my opinion, should, for that reason be borne by all the people of the State of Maine in equal fashion.

I heard today in the other body that one speaker down there thought this should be borne completely by all the people of the State of Maine, but if you exclude the contribution of federal tax dollars and look at your maps which were furnished at the public hearing, you will readily see that Hancock, for example, bears a substantial burden on its lands by virtue of the proposed settlement. According to my information, Hancock County will have involved close to 5-2/3 townships. In acreage, Hancock County has involved approximately 150,000 acres, which is one half of the total land settlement. Of the total 300,000 acres, Hancock County alone has to bear almost one half of that. This is a very unfair burden, in my opinion, to place upon one county because of the many unknowns of this legislation.

If these townships are to be treated as municipalities, such a concept anticipates economic and social changes, including roads, schools, fire protection, and law enforcement with the involvement of county and state services. This concept has been portrayed as being beneficial to the areas involved; however, it would be just as well detrimental.

The only fair way would be to apportion the entire 300,000 settlement acres of land amongst the 16 counties of Maine; then all the people in Maine would be equally sharing any burdens and would likewise share equally any benefits. It is only human nature for people of the State of Maine to say, this is a great settlement as long as it doesn't affect my land or my county, but when you think of basic fairness, why is it fair to impose this new concept on approximately 13 percent of the total land in Hancock County?

By virtue of the implementing legislation, the State of Maine is committing itself to do certain things in consideration of the extinguishment of the Indian land claims.

The federal bill provides that both the Indians and the State of Maine agree. However, there is nothing in the bill that says the implementing legislation may be changed by the State of Maine either by itself or with the consent of the Indian tribes. It appears to me that should some severe problem arise as a result of the passage of this legislation which is not to the detriment of the tribes, the State of Maine could find itself in the peculiar position of not being able to change one word of the implementing legislation. I believe that this is a realistic possibility.

There is also a federal circular, namely Circular A-95, which provides for the evaluation, review and coordination of federal and federally assisted programs and projects. This regulation has an exception for applications from federally recognized Indian tribes. However,

there appears to be enough uncertainty concerning it, applicability of this regulation, as to require further investigation prior to passage of this legislation. Our regional planning commission has been in touch with the Attorney General's Office and orally advised that the regulation does not apply. However, I would want to be sure of this before I voted for the bill.

Then there are various questions that are raised when you start reading the bill, such as the possible requirement that the hunter and fishermen be forced to buy a separate hunting and fishing license before it can hunt in his favorite territory or fish in his favorite pond. The effect on our experimental moose season for this coming fall, the distinct possibility of the waters in the territory receiving favored treatment by the federal and state governments with respect to fish stocking projects, the poor camp owner who finds himself on the shore on one of these lakes with an Indian ordinance that prohibits him from fishing. I know that over 10 acres the State of Maine has some control, but you apply it to hunting, the hunter that has a camp in some area, the Indians can pass an ordinance that there is no more hunting.

The eminent domain power, which will allow the territories to be enlarged in areas where perhaps people felt they were secure and the mechanics lien problem, where the supplier who furnishes materials to a project in an Indian territory finds that he has to bring against the Secretary of the Interior in the United States Federal Court to enforce his mechanic's lien rather than bringing it at his convenience into state court.

Although the state has attempted to lay to rest the criminal jurisdiction problem currently being encountered with Indians in the State of Maine, there will undoubtedly be many more problems raised in different ways by virtue of the passage of this bill.

If this bill becomes law, we will uphold it. However, poor woodsmen, seeing that the tribes are receiving more than they ever had, they feel differently, especially when all they have to do is drop a match.

Look at what is happening on the Aroostook borders right now where our citizens do not care for the foreign imports of potatoes. I believe that we could have the same thing in these Indian territories.

If it be the will of the people of the State of Maine to settle the Indian Land Claims by making an \$81 million payment to the tribes, I certainly cannot object. If the \$81 million was placed in trust for the purchase of land by the tribes and then held by them as any other private owner would hold it, I could vote in favor of this bill. However, with all due respect to all the legal minds representing the State of Maine, I cannot, in good conscience, vote to place a burden on our Maine real estate and in particular the heavy burden to be borne by Hancock County that will forever change the traditional concepts of real estate law.

I feel that if the tribes are not willing to accept trust funds for the purchase of land to be held by them, as any other owner, we should seek a complete federal solution to all our Indian land claims in the United States, which might be quickly accomplished by Congress extinguishing all claims and then appropriating funds for payment to the tribes in such amounts as Congress sees fit.

I am extremely fearful that if this House votes to accept the settlement before us and Congress does not go along, we will have placed a floor of \$81 million on any future negotiations with the tribes as well as setting a springboard for use by the Indian tribes in other states.

America has always been known as the melting pot where we today try to treat everyone equally no matter what his natural origin is. The blacks have struggled for years to gain equality in American society. Rather than making an effort to integrate the Maine Indians

into our society, the United States and the State of Maine have consistently tried to treat them as a separate culture apart from our ways of life. It is no wonder that the Indians as a whole have not been accepted as members of American society.

What is the effect of this legislation? It is just one more step in driving a wedge between the American white man and the Indian. No matter how you cut it, separate territories for a particular race means a nation within a nation. If we want to integrate the American Indian in our society, take him off the reservation and give him economic and educational assistance, but otherwise treat him like any other American citizen.

I would request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I concur completely with the remarks of the previous speaker.

I would like to applaud right up front the efforts of the Attorney General and his department, both Attorneys General, and also the work of the committee. However, I think there is a little element of confusion here in that we put a tremendous burden on our lawyers. In my experience with attorneys, the decision as to whether to go to court or not ultimately rests with the client, and it seems to me that we are putting an unfair burden on the Attorney General in trying to make that decision for us. It seems to me, if we read between the lines what he has told us, and what the Attorney General previously told us and what I seem to have heard from Mr. Sinclair, whom I have a great deal of respect, say at the hearing, is that we have approximately a 60-40 chance of winning and they don't want to take the burden on themselves as to guaranteeing the win. No one can do that.

This legislature, or with a referendum, and the State of Maine's people have that burden. At the same time, I wouldn't choose to make a crusade of this myself. I was asked in my caucus last week if I was leading the opposition to this. I am not leading any opposition to this; however, as an individual legislator, I do want to speak my mind and I will be voting against this legislation for three general reasons.

One, it seems to me, as the preceding speaker said, this seems to set in concrete and further solidify the policies that this country has had since approximately 1932 of treating a red man as a class of citizen apart, while at the same time, and very paradoxically, we have forced busing and what have you to pursue an integration policy with Blacks. I just think that this is counter-productive and it would be in the tradition of our melting-pot type of society to blend the Indian into our society rather than further ostracizing him from it.

Secondly, I have a problem with the idea of—let me put it this way. When private citizens or private entities litigate, oftentimes they find as a practical matter that it is in their interest to compromise, but when two classes of citizens or two sets of citizens within a society have a difference of opinion, it doesn't seem to me that it is appropriate for the government to compromise that in the interest of monetary designs. It seems to me what the government should be doing is not creating a situation where one set of citizens is enriched to the disadvantage of the other or vice versa, but rather to be seeking the truth and justice of the situation and finding out through court action what the proper course of action is.

Very frankly, if the Indians deserve more, I am all for that, that is what justice is all about. If they deserve the figure that we are talking about, I am all for that. If they deserve nothing, I am all for that, and I don't think you can put a price tag on truth and justice.

The third problem I have with it is that through this state portion of the resolution of the problem, we seem to beg the question of

cost. We do this with so many things, and the cost precedent that it would set. We beg the question of cost by passing it to the federal government as though they had a magic money tree and they got that money from some magic source, which they don't, it comes from you and I. There is also the possibility that the cost, in fact, would not be \$81 million but would set a precedent for settlements across this whole nation that could run into the billions. Then who is to say whether we were economically smart at this time with \$81 million or not?

Finally, as I talked to people both within the Legislature and without of the legislature, and I advanced these reasons for my own position to the bill, they keep coming at me with things like—but you will cloud titles, you will create economic upheavals. Well, there was an unscrupulous boulder of a contractor at one time, who sued me very unjustly, and I was urged to compromise the thing in the interest that he attached all my property, but as I got into the thing a little bit, I discovered that there was such a thing as a release of an attachment bond and by getting that attachment released through the bond, I was able to go about my business and release my checking account, for what little money it had in it, while I pursued truth and justice in the courts.

Your response to that, obviously, will be, whoever heard of getting an \$81 million release of attachment bond? Well, we are talking about congressional legislation, aren't we? Why couldn't we get a little bit creative somewhere along the line and suggest that a release of attachment type of fund be set with the \$81 million and escrowed by the federal government against the just claims of whoever was proven just through court action?

In other words, there are ways to resolve these problems, so if the only reasons that we should vote for this bill would be to cure up title problems and that sort of thing, it would seem to me that they are pretty poor reasons and with a little bit of creativity, we would be able to get around this.

I think everything else has been said. Thank you for your patience and I urge you to vote against the bill.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have kept my mouth shut but I am opening it right now.

The only thing I have heard over here is money, mortar and land. Mr. Dudley is the only one that talked about human beings and I think it is time that someone talked about human beings.

I am not what you call a conservative person nor a liberal person, but when it comes to human rights, I am all for human rights. This state and this country have abused minority groups for years and years and years and the government has turned their face to it and these people have suffered. Now, the thing has caught up with us and it is time that we face up to it, that we owe those people something.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Simon.

Mr. SIMON: Mr. Speaker, Members of the House: I feel obliged to ask a question for the record.

Section 31 of the L. D. before us provides that this action be effective only upon the enactment of legislation by the United States providing funds for the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians. I would appreciate it if someone on the committee could tell us, if the state adopts this legislation but Congress does not provide the \$81 million for the settlement and the case were to return to us, would our passage of this legislation in any way prejudice the state's position in subsequent litigation or negotiation?

The SPEAKER: The gentleman from Lewiston, Mr. Simon, has posed a question through

the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding from the Attorney General's Office that it would not.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting.

Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: in reference to the Fish and Game matters, because I was on the committee and after I saw the bill I went down to the department and asked their opinion, asked them to get some questions together. We had two meetings with the Attorney General, the questions were answered to their satisfaction, and the Deputy Commissioner of Fisheries and Wildlife was in front of our committee saying that he was satisfied with the bill as it is.

The SPEAKER: A roll call has been ordered.

The pending question is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, I would like to pair my vote with the gentleman from Orland, Mr. Churchill. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I request leave of the House to pair my vote with the gentleman from Lincoln, Mr. MacEachern. If he were here, he would be voting no and I would be voting yes.

#### ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bowden, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Brown, K.C.; Call, Carter, F.; Connolly, Cox, Cunningham, Davies, Diamond, Dow, Fenlason, Fillmore, Garsoe, Gillis, Gowen, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Jackson, Jacques, E.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Lund, Mahany, Marshall, Martin, A.; Masterton, Matthews, McHenry, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Payne, Pearson, Peltier, Peterson, Post, Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Simon, Small, Stover, Tarbell, Theriault, Torrey, Vincent, Violette, Vose, Wentworth, Wood, Wyman, Mr. Speaker.

NAY — Austin, Barry, Bordeaux, Boudreau, Brown, A.; Bunker, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Conary, Curtis, Damren, Davis, Dellert, Dexter, Doukas, Drinkwater, Dudley, Dutremble, D.; Elias, Gavett, Gray, Gwadosky, Hunter, Hutchings, Jacques, P.; Kelleher, Leighton, Locke, Lougee, Lowe, MacBride, Masterman, McKean, Nelson, A.; Paul, Prescott, Reeves, J.; Roope, Silsby, Smith, Soulas, Sprowl, Strout, Studley, Tozier, Tuttle, Twitshell, Whitemore.

ABSENT — Brannigan, Dutremble, L.; Fowle, Hall, Laffin, Leonard, Lizotte, Maxwell, Stetson.

PAIRED — Churchill-Lewis; MacEachern-Tierney.

Yes, 87; No, 51; Absent, 9; Paired, 4.

The SPEAKER: Eighty-seven having voted in the affirmative and fifty-one in the negative,

with nine being absent and four paired, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-536) was read by the Clerk.

Mr. Norris of Brewer offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-980) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: In all of the years that I have been here, I think this, without a doubt, is the most complex and all encompassing issue that has been before the legislature.

I have listened intently. I went to the hearing. There were people at the hearing who were very much in favor of this legislation and people at the hearing who were very much opposed to this legislation.

During the course of the questions being asked and answered, the thing that came out more than anything else was that it was either accept this or go to court, and if we went to court, whatever the lower courts did would subsequently be sent to the higher courts and then to the supreme court. The matter is very complex, there is no question that our legal people have worked hard and labored long. Some have changed their minds; others have said 'stand fast, don't give in.' So, with all this in mind, I thought that before we—and I appreciate that we have a responsibility to the citizens of Maine—but before we make this giant determination, we probably, if we are going to compromise, should go back to the people who are most directly involved with a referendum and allow them to make this determination.

I have heard several of my colleagues here this afternoon who have debated against this legislation say if the people were to make the determination on the compromise, they would have no problem. I know that according to the testimony at the Civic Center the other afternoon, the tribal leaders had their people come to a referendum before their council. I feel that the least we can do for our people is to take the time to allow them to very thoroughly study this problem and to act on it in referendum.

Now, this House Amendment to the Committee Amendment would put the referendum ahead until the general election in November. There is another amendment being circulated now that would allow the referendum to take place in June on the primary date if the time constraints are as close as some of the people seem to think.

I feel, in all fairness to the people, that they should have a right to vote on this, because my understanding is that there are some people who well may initiate a petition to go to referendum if we pass it here today or tomorrow, which is their right under the Constitution.

So, to save time and to move into it, I would hope that if you want to wait until November, that you vote for this amendment; if you don't want to wait until November and you want to vote on it in June, then defeat this amendment and I will offer House Amendment "B" to Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not for a referendum. We were sent up here by our people, a lot of us were sent by a big majority, and they expect us to do what is right. If we can't vote on this without sending it back to the people, we are not doing our duty, we are shirking our duty, and if some of you shirk your duty, you shouldn't be here next time.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I move this amend-

ment be indefinitely postponed.

The SPEAKER: The gentleman from Owl's Head, Mrs. Post, moves that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you oppose the good gentledady's motion and I ask for the yeas and nays.

This is an extraordinary measure that is before this body, and time and time again when we pass out bond issues, we pass them out for the ratification of the people of this state, and this issue is probably the most significant item that they will be able to vote on in the next 20 years, this particular issue right here. I submit that we are not shirking our duty, as the gentledady from Brunswick has indicated. What we are doing is getting an honest appraisal from the people of Maine, the people of Maine who are directly involved in the areas where the land in question is being sold. What is wrong with that?

I said this in caucus and I will say it again tonight, it is awful easy to give somebody else's money away and it is awful easy not to be a party of negotiation between two individuals, one a buyer, one a willing seller and the federal government is picking up the cost of that land.

Fifty-one of you voted against passage of this document, or accepting the motion just a few minutes ago. I have a feeling that we are going to be asked to enact this legislation tonight. It wouldn't surprise me at all if it has already been engrossed. What is wrong with sending this out to the people of Maine for ratification? We are going to get the expression of the people in southern Maine, the people in eastern Maine, western Maine and in northern Maine. There is nothing wrong with that.

It is not a decision that should be put off lightly. Let's not be rushed by the supporters of this document based on what may or may not happen in Washington because of the federal budget and the budget constraints.

Mrs. Post said in caucus earlier that they are worried about it being presented by May. Congress moves slower than the Maine legislature and we have been working on the highway budget not for 52 days and we rejected a proposal that was presented by leadership, both parties, I understand, did this morning in their respective caucuses, and it is a regular horse race now to spend \$81 million of somebody else's money, which happens to be your constituents and mine. Give Representative Norris's amendment fair consideration, put it on the ballot. June isn't that far off and it isn't going to make that much difference, no matter how much people may want to intimidate us by the parties that negotiated either for the Indians or for the state.

I request the yeas and nays, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: One or two words of wisdom—if you don't support Mr. Norris's amendment, you are going to have a referendum anyway, because the people are going to have it. They got one for the slot machine bill, no problem; they got one for the bottle bill, no problem; they will get this one twice as easy.

The SPEAKER: The Chair recognizes the gentleman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker and Members of the House: Mr. Kelleher said that we put bond issues out for referendum, that is true. This is a negotiation, a settlement, and this settlement was not open to amendments to the committee, except technical amendments, which were strictly technical amendments, and all the amendments that we put on were agreed to by the tribes and by us. To put this amendment on the bill is to kill it, and that is the simple truth and we know exactly where Mr. Kelleher is

coming from in that direction, and I hope you vote to indefinitely postpone this.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker and Members of the House: If there ever was a word uttered incorrectly here this afternoon, it was uttered by the good gentledady just a few moments ago.

It is no deep secret how I feel on the issue, and that was well known a few weeks ago, but I think there is a feeling amongst the people of Maine that is not generally being expressed here today, and it is not an uncommon situation for amendments to be offered to put out major issues to the great people of this wonderful state.

This is an extraordinary document that is before us today, something perhaps we will never see again. It has implications nationwide, as I understand it, based on all the other claims that are now pending in various states, in various courts and in the United States Congress. So, I don't want to shock Mrs. Sewall, but I do want to give the people of Maine a fair choice, an opportunity. They are going to express that opportunity on June 10 in the primary elections. There is no reason why they can't have the same opportunity to surprise us all, perhaps, and support the gentledady's position. I would be surprised if that happened.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: As you know, this is my fourth year here and I must say this is the most earth-shaking piece of legislation, in my opinion, since I have arrived in these halls. I think, despite what Mrs. Sewall says, this being a negotiated settlement, many people don't even know where this land is. These are becoming Indian territories. I don't care what anybody says, there is going to be substantial economic impact on the people around those territories. I think the people are entitled to find out what is going on, and I think we should give them the time.

The only thing I can say is, I wish you would go along with Representative Norris's amendment and give these people the time.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just for clarification, the amendment I have offered, the amendment before us, is for the referendum in November. I just want everybody to know this is the November referendum.

I do have an amendment which will be for the June primaries, which is House Amendment "B" and I am sorry to debate it, but I simply wanted to say that if you feel that in all fairness to the people in this House, and I am not trying to sell anything, if you would rather do it in June, then vote against the November one, which is the amendment before us, and then I will offer House Amendment "B."

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in agreement with several of the speakers. I agree with Mrs. Martin that we were sent here to do a job and perhaps we should not send things out to the people who sent us here, but I do object to the haste that we are using on this bill. Really, it is frightening, the fact that the people on the committee got the bill, I believe,

last Thursday, the hearing was on Friday. This is only Wednesday and we are debating this and possibly passing it today, and I really think we should slow it down.

I am not particularly in favor of the referendum, but if that is the only way to slow it down, I think I would have to support the referendum. But I would beg of you not to pass this today, so quickly, without being very sure that we really know what it is we are dealing with.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think several people have mentioned the word 'haste.' Earlier, Representative Kelleher said that I had complained about my frustration in not having enough time to deal with this issue—that is not correct. I felt perfectly comfortable in the time that the committee had in its deliberations in dealing with this particular issue. Had I not, I would have been perfectly comfortable going to the Speaker of the House and President of the Senate and saying that we are not ready to deal with it, we want an extension of time, and I think it would have been granted. We had the time, for every individual in this legislature in joint caucus to ask every single question that they wanted to ask; the time was there. I am not sure whether Representative Lewis attended our hearing and work sessions, but they were there. I am not saying that every single member of this House did, but they had a choice if they wanted to.

The committee, at least I feel in my own mind, and I hope that other committee members do, that we had the time to deal with this issue, and if any other members of this House wanted to join with us as we went through that process, the time was also there.

People have talked about the issue that we are going to give somebody else's money away. In fact, we ought to have a referendum so that people can decide whether we want to spend \$81 million. Ladies and gentlemen, the issue before us is not \$81 million; it is the jurisdictional settlement of how the state and the Indians will manage their affairs in the future. If we want a referendum on the \$81 million, that should be a national referendum, and perhaps the amendment in that effect is not even germane, because that is where that issue is going to be decided, it is going to be decided by Congress, and I assume they will decide it in Washington and not by national referendum.

Someone has also mentioned that there is going to be substantial economic impact because some of the land is going to become Indian territory. Well, I would ask just exactly what kind of economic impact we are talking about? Those lands are now handled by paper companies and large landowners. The Indian tribes and nations are going to be no better or no worse land holders. We are not talking about the counties having to provide any services to them that they don't already provide. We are talking about municipalities being responsible for their own services. We are talking about municipalities having to make payments in lieu of county taxes. We are talking about lands that will still be subject to the forestry district tax. We are talking about lands that will still be subject to spruce budworm, as they are now. I see absolutely no economic impact on any particular lands that are affected.

We are, in fact, sent here to make tough decisions, and this is one of them, like it or not. I have respect for people who decide to take an opposite view on this issue because it is a difficult one, and we all face different pressures from the people we represent, but I think if we all want to live with ourselves then what we have to do is make the decision here and not try to shirk that responsibility by sending it out to referendum. I don't care whether it is in November or June.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to the response by Mrs. Post with respect to the economic hardship or economic changes. I believe that she was referring to me.

As I have indicated previously, there would be substantial acreage involved in northern Hancock County. If the entire Passamaquoddy Tribe or the entire Penobscot Tribe, and we have heard that there is around 4,000 or 5,000 of these people in the State of Maine today, decide to move into northern Hancock County, I submit to you there is going to be substantial economic impact on everybody around there.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I understand what Mrs. Post is saying, that you have looked it over very very carefully, and I don't think of a question that I would have to ask right now.

However, there are lots of bills that we pass here that we have studied and deliberated and we think that we have done a first-rate job, and every year that I have been here, and this is my eighth year, we have a big bill at the end to correct errors and inconsistencies in the laws of Maine. So, it is obvious that no matter how careful we think we are, we still make mistakes. And as I understand it, if we make mistakes on this one, there is no way to correct it.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move that this lay on the table one legislative day.

Whereupon, Mr. Tierney of Lisbon Falls requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled for one legislative day. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Barry, Boudreau, Brown, A.; Brown, K.L.; Brown, K.C.; Bunker, Carrier, Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Dudley, Dutremble, D.; Fenlason, Gavett, Gray, Higgins, Hunter, Kelleher, Leighton, Lewis, Lougee, Lowe, MacBride, Nelson, A.; Norris, Paul, Peltier, Peterson, Prescott, Reeves, J.; Roope, Sherburne, Silsby, Smith, Soulas, Sprowl, Strout, Studley, Tozier, Whittemore.

NAY — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Bowden, Brennerman, Brodeur, Brown, D.; Call, Carroll, Carter, D.; Chonko, Connolly, Cox, Davies, Diamond, Doukas, Dow, Drinkwater, Elias, Fillmore, Garsoe, Gillis, Gowen, Gwadosky, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Locke, Lund, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Payne, Pearson, Post, Reeves, P.; Rolde, Rollins, Sewall, Simon, Small, Stover, Tarbell, Theriault, Tierney, Torrey, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Brannigan, Churchill, Cloutier, Dutremble, L.; Fowlie, Hall, Laffin, Leonard, Lizotte, MacEachern, Maxwell, Michael, Stetson.

Yes, 46; No, 92; Absent, 13.

The SPEAKER: Forty-six having voted in the affirmative and ninety-two in the negative, with thirteen being absent, the motion does not prevail.

The question now before the House is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Boudreau, Bowden, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Call, Carter, F.; Chonko, Cloutier, Connolly, Cox, Cunningham, Damren, Davies, Diamond, Doukas, Dow, Dutremble, D.; Fenlason, Fillmore, Garsoe, Gillis, Gowen, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Lund, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Payne, Pearson, Peltier, Peterson, Post, Reeves, J.; Reeves, P.; Rolde, Rollins, Sewall, Sherburne, Simon, Small, Stover, Tarbell, Theriault, Tierney, Torrey, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Barry, Blodgett, Boudreau, Brown, K.L.; Bunker, Carrier, Carroll, Carter, D.; Conary, Curtis, Davis, Dellert, Dexter, Drinkwater, Dudley, Elias, Gavett, Gray, Hunter, Hutchings, Kelleher, Leighton, Lewis, Locke, Lougee, Lowe, MacBride, Norris, Paul, Prescott, Roope, Silsby, Smith, Soulas, Sprowl, Strout, Studley, Tozier, Tuttle, Whittemore.

ABSENT — Brannigan, Churchill, Dutremble, L.; Fowlie, Hall, Laffin, Leonard, Lizotte, MacEachern, Maxwell, Michael, Stetson.

Yes, 97, No, 42; Absent, 12.

The SPEAKER: Ninety-seven having voted in the affirmative and forty-two in the negative, with twelve being absent, the motion does prevail. Mr. Norris of Brewer offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-981) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: This is the referendum for June 10. As you know, if we do enact this bill, this compromise, or whatever you care to call it, it won't become effective until 90 days after the Legislature adjourns, and this certainly would give everyone plenty of time to act and react to this most important question.

I cannot imagine, and I am not an attorney, I guess there have been many attorneys involved in this, and as many as there are, there is disagreement among the attorneys, but I can't imagine the negotiators and the Indian counsel objecting to the few extra days that it would take for the people of the State of Maine to make the determination as to whether they want to settle this or not, and that is my firm belief.

I say move slowly. June 10, this would give the folks a chance when they go to the polls to dispose of some of us in the primaries, a good chance to vote on an issue that would be a heck of a lot more important than the primary elections.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mr. Post.

Mrs. POST: Mr. Speaker, I move this amendment be indefinitely postponed.

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, moves that House Amendment "B" to Committee Amendment

"A" be indefinitely postponed.

The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a roll call on this.

There are referendums and there are referendums—there are referendums that we use as a copout and there are those kinds of referendums which I think we are talking about here today where we can buy a little bit of time in case in our haste we have made a mistake. There are those referendums that have to occur nearly a year from now, and there are those kinds of referendums such as Representative Norris's amendment proposes that would occur two months and eight days from now.

I urge you to oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is no better than the first one.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I just wanted to remind you that this would get a lot of people out to the polls and some of you people are going to need some people to come to the polls in June, and this would sure bring them out.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Berry, Birt, Bowden, Brenerman, Brodeur, Brown, D.; Brown, K.C.; Call, Chonko, Cloutier, Connolly, Cox, Davies, Diamond, Dow, Fenlason, Fillmore, Garsoe, Gillis, Gowen, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kiesman, Lancaster, LaPlante, Lund, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McMahon, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, E.; Paradis, P.; Pearson, Peltier, Peterson, Post, Rolde, Rollins, Sewall, Simon, Small, Stover, Tarbell, Theriault, Tierney, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Barry, Blodgett, Bordeaux, Boudreau, Brown, A.; Brown, K.L.; Bunker, Carrier, Carroll, Carter, D.; Carter, F.; Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Doukas, Drinkwater, Dudley, Dutremble, D.; Elias, Gavett, Gray, Gwadosky, Hunter, Kany, Kelleher, Leighton, Lewis, Locke, Lougee, Lowe, MacBride, McKean, Nelson, A.; Norris, Paul, Payne, Prescott, Reeves, J.; Roope, Sherburne, Silsby, Smith, Soulas, Sprowl, Strout, Studley, Torrey, Tozier, Tuttle, Twitchell, Whitemore.

ABSENT — Berube, Brannigan, Churchill, Dutremble, L.; Fowlie, Hall, Laffin, Leonard, Lizotte, MacEachern, Maxwell, Michael, Reeves, P.; Stetson.

Yes, 80; No, 57; Absent, 14.

The SPEAKER: Eighty having voted in the affirmative and fifty-seven in the negative, with fourteen being absent, the motion does prevail.

Thereupon, Committee Amendment "A"

was adopted.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended by Committee Amendment "A" in concurrence.

By unanimous consent, ordered set forthwith to Engrossing.

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

#### Special Sentiment Calendar

Recognizing,

Hollis Tapley for his part in rescuing a woman and her child from the Piscataqua River; (S. P. 826)

Raymond Burge for his part in rescuing a woman and her child from the Piscataqua River; (S. P. 828)

Steven Tapley for his part in rescuing a woman and her child from the Piscataqua River; (S. P. 829)

There being no objections, the above expressions of legislative sentiment were considered passed in concurrence.

#### (Off Record Remarks)

On motion of Mrs. Nelson of Portland, adjourned until nine o'clock tomorrow morning.