

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

April 5, 1957

To Honorable Edmund S. Muskie, Governor of Maine

Re: Penobscot Indians

We are returning herewith the petition of certain members of the Penobscot Tribe of Indians, which petition requests the Governor and Council to make available \$4000 from the annual interest of the Penobscot Indian Trust Fund for the purpose of legal counsel for research pertaining to the tribal rights of the Penobscots.

You inquire if either the Department of Health and Welfare or the Governor and Council have the legal authority to make such funds available for the above stated purpose.

We are of the opinion that the purpose for which the funds are requested is not a proper purpose for which to spend such funds from the Indian Trust Funds:

Section 334 of Chapter 25 of the Revised Statutes of 1954 sets forth the procedure under which moneys may be spent from the Indian Trust Funds:

"The department, subject to the approval of the governor and council, may expend for the benefit of either Indian tribe, any portion of the funds of that tribe; provided, however, that the expenditure will not decrease the principal of the fund to such an extent as to prevent compliance with any existing provisions of statute, and provided further, that the tribe whose funds are to be used shall consent to the expenditure at a meeting duly called for the purpose."

However, we draw your attention to the fact that general supervision over the Indian Tribes is vested in the Department of Health and Welfare and that questions relative to tribal rights come within its jurisdiction. It would, therefore, be the duty of the Attorney General to give opinions and advice to that department concerning such tribal rights.

Inasmuch as the duty upon the Attorney General is a statutory duty, we are of the opinion that the employment of private counsel for the purpose would not be proper.

Nothing herein stated would prevent the Indians from employing private counsel and paying such counsel from their own private funds.

JAMES GLYNN FROST
Deputy Attorney General

April 10, 1957

To Honorable Arthur N. Gosline

Re: Grove Street

It was indicated to us that a portion of Grove Street being discontinued by the City of Augusta so that the new State Office Building might be erected upon it, a new street on land acquired by the State might be allowed to be accepted by the City in its stead.

The question was raised whether Grove Street at that point was owned by the City of Augusta and the City Solicitor engaged to make search to see what form of title the City had.