

# MAINE STATE LEGISLATURE

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*Indian State Authority  
State Jurisdiction: Indian Reservations*

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May 20, 1977

Honorable Donald Burns  
House of Representatives  
State House  
Augusta, Maine

Re: Maine Indians.

Dear Representative Burns:

This letter is in response to your oral request of April 28 wherein you asked the following general questions:

1. What rights do Maine Indians have to govern themselves on reservations?
2. What authority does the State of Maine have to legislate over Indians on reservations?

In view of the fact that these questions are closely related to our important pending litigation, I believe that it would not be appropriate for us to provide you with a detailed answer to your questions. As a general rule we try to avoid answering questions of law that relate to matters of pending litigation for fear that the answers may prejudice the position that we are taking in litigation.

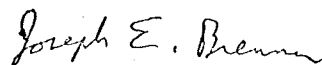
However, although it would not be appropriate for us to give you a detailed response to your questions, I can give you a general answer to your questions. The State has always taken the position, based upon the advice of this office, that the Maine Legislature has the same right to any other citizens of the State of Maine. The Indians and Indian tribes in Maine are not sovereign entities but are fully subject to Maine law. To the extent that Maine statutes provide some limited powers of self-government to Indians

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residing on reservations, that power is one which is granted by the Legislature and does not exist in the tribes as a matter of right. The tribal governments existing on the three reservations in Maine exercise only that authority which they are authorized to exercise by the State.

I hope this answers your questions. If you have any further inquiries, please feel free to advise me.

Sincerely,



JOSEPH E. BRENNAN  
Attorney General

JEB/ec