

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 570

H. P. 446

House of Representatives, February 4, 1969

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Mills of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Hunting, Fishing and Trapping by Indians.

Be it enacted by the People of the State of Maine, as follows:

R. S., T. 12, § 2301, sub-§ 3, ¶ A, additional. Subsection 3 of section 2301 of Title 12 of the Revised Statutes, as last repealed and replaced by section 26 of chapter 544 of the public laws of 1967, is amended by adding a new paragraph A, to read as follows:

A. Nothing in said chapters shall be construed to enroach upon the fundamental right of said Indians to take wild life at any time for their own sustenance on their own reservation lands and on wild lands in the unorganized territories. The tribal governor and council of each reservation shall have the right to govern by tribal ordinance hunting, fishing and trapping on their respective reservation lands, both as to Indians and all others, and shall regulate by tribal ordinance the hunting, fishing and trapping by respective tribal members on wild lands in the unorganized territories.

STATEMENT OF FACTS

This bill would place the State of Maine in official concurrence with legal and binding commitments made by it to the tribes of Maine since 1820 and assumed by it from the Commonwealth of Massachusetts as a condition of statehood. These commitments originated in the 17th century and were reaffirmed by Massachusetts and Maine in every subsequent agreement with

the tribes of Maine. They pertain to unrestricted hunting, fishing and trapping rights by Indians on their own lands and in other unoccupied areas of the State. For the past 100 years, however, these rights have been ignored, overruled or denied.

In brief, this bill would permit Indians to regulate hunting, fishing and trapping on their own lands by any persons, and also regulate hunting, fishing and trapping by tribal members on wild lands in the unorganized territories. These rights on tribal lands are currently exercised by all other major tribes in the country, based on agreements and compacts made and honored by the appropriate unit of government.