

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 284

H. P. 211

House of Representatives, January 18, 1973

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Mills of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**AN ACT Relating to Actions for Money Due Indian Tribes and for
Injuries Done to Tribal Lands.**

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

R. S., T. 22, § 4709, amended. Section 4709 of Title 22 of the Revised Statutes is amended to read as follows:

§ 4709. Actions by Commissioner of Indian Affairs

The ~~Attorney General~~ **Commissioner of Indian Affairs** upon his own initiative, or at the request of the governing body of any of the Indian tribes in this State, may in the name of any such tribe and in his said capacity maintain actions for money due any such tribe and for injuries done to tribal lands. All sums or damages so recovered shall be ~~distributed~~ **transmitted** by the commissioner to the ~~Indians tribal council's account~~ **of the tribe concerned according to their usages, or be invested in useful articles.** ~~This section shall apply only to tribal and unassigned lands not privately owned and shall apply only to damages and injuries arising out of acts done after September 16, 1971, for use as said councils see fit.~~

STATEMENT OF FACT

The changes in the above statute are prompted by its discriminatory date which the tribes contend is unconstitutional and by the fact that the Attorney General might be put in an impossible situation by some possible court action. The changes thus bring it in line with its original form and purpose and remove its objectionable parts.