

MAINE STATE LEGISLATURE

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(EMERGENCY)
(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1869

S. P. 719

In Senate, January 24, 1980

Referred to the Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Pray of Penobscot.

Cosponsors: Senators Martin of Aroostook, Carpenter of Aroostook and Silverman of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981, to the Department of the Attorney General for the Defense of Land Claims Asserted by the Passamaquoddy Tribe and the Penobscot Nation.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Department of Attorney General are now due and payable and others will become due and payable immediately after July 1, 1980; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1979-80	1980-81
ATTORNEY GENERAL, DEPARTMENT OF		
All Other	\$100,000	\$100,000

Sec. 2. Lapse of unexpended funds. In the event of settlement of the Indian land claims litigation, the unexpended funds remaining in the All Other account of the appropriation made in section 1 shall lapse to the unappropriated surplus as provided by the Maine Revised Statutes, Title 5, section 1544.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

The land claims asserted by the Passamaquoddy Tribe, the Penobscot Nation and possibly and "Houlton Band of Maliseets" collectively constitute the most complex and far reaching litigation in the history of the State of Maine. The magnitude and importance of these claims require the assistance of expert and specialized counsel both to prepare for a possible settlement and for a trial defense.

The purpose of this bill is to enable the Attorney General to ensure protection of the state's interest in the Indian land claims litigation through the pretrial and trial stages.

This bill provides All Other moneys to pay for assistance of trial counsel during the settlement period of the land claims case and for assistance of trial counsel for actual trial preparation and trial of this case.

If the land claims case is settled, the All Other funds not used in the course of preparation for settlement or trial will not be expended. Provision for lapse of the funds and return to the unallocated surplus is included in section 2 of this bill.