

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
110TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "A" to H.P. 816, L.D. 940, Bill, "AN ACT Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1981, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government."

Amend the bill in PART A by inserting after "DEPARTMENT OF HUMAN SERVICES" the following:

'INDIAN HOUSING AUTHORITIES

Penobscot Tribal Reservation

All Other \$ 41,385

Indian Township Passamaquoddy

All Other 55,645

Pleasant Point Passamaquoddy

All Other 57,970

There exists a dispute between the Executive Branch and the Tribal Housing Authorities as to the validity of certain co-operation agreements originating in 1969 and signed by the Tribal Housing Authorities and the State. This appropriation is intended to continue financial assistance to the Tribal Housing Authorities pending resolution of this dispute.

INDIAN HOUSING AUTHORITIES

Total Current Services \$155,000'

settlement. In keeping with this, the settlement legislation passed by the ←——→ Legislature last April specifically preserves the Indian Housing Authorities.

Despite this history, the Governor's office now takes the position that Section 12 of the federal settlement legislation, which relieves the State from obligations arising from "treaties or agreements" with Indian tribes, wiped out the Cooperative Agreements. In the alternative the Governor's office contends that the Agreements were invalid from the outset because they committed future Legislatures to funding. The Indians maintain that the Agreements were not affected by Section 12 because it only relates to treaties or agreements with tribes, and the Housing Authorities are separate legal entities. They also maintain that Deputy Attorneys General West and Paterson were correct in certifying that the Agreements were valid because the Agreements give the State the option of providing state officials to perform the required services.

The State provided inadequate funding for the Housing Authorities during fiscal year 1981. In recognition of the dire financial situation created by this inadequate funding, the Governor requested \$155,000 for the authorities in Legislative Document 63, "AN ACT Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1981, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government." However because the Governor also included language in L.D. 63 to the effect that the State had no legal obligation to provide even these funds, the Appropriations Committee deleted the amount.

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This amendment restores the funds recommended by the Governor and deletes the language in L.D. 63 which denies the State's legal obligation to continue to honor these Cooperative Agreements.

This amendment would also make changes in the fiscal note of the LD as follows.

Under PART A - the figure \$7,871,367 would be changed to \$8,026,367.

Under TOTAL - the figure \$8,287,547 would be changed to \$8,442,547.

(Sen. Najarian)

NAME: *Mary Najarian*

COUNTY: Cumberland

Reproduced and distributed pursuant to Senate Rule 11-A.

February 25, 1981

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