

MAINE STATE LEGISLATURE

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NEW DRAFT

E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 875

H. P. 1554

House of Representatives, March 10, 1933.

Reported by Mr. Dunn from Committee on Indian Affairs and laid on table to be printed under joint rules.

HARVEY R. PEASE, Clerk.

New Draft of H. P. 835, L. D. 267.

S T A T E O F M A I N E

I N T H E Y E A R O F O U R L O R D N I N E T E E N H U N D R E D T H I R T Y -
T H R E E

A N A C T R e l a t i n g t o P e n o b s c o t a n d P a s s a m a q u o d d y T r i b e s o f I n d i a n s .

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

Sec. 1. R. S., c. 17, §§ 27 and 51, amended. Section 27 of chapter 17 of the revised statutes, as amended by chapter 136 of the public laws of 1931; and section 51 of chapter 17 of the revised statutes, are hereby amended to read as follows:

'Sec. 27. School moneys of tribe, how expended; schools, how regulated; free tuition in high school. All moneys appropriated for schools for the Penobscot tribe of Indians shall be expended under the supervision of the agent of said tribe, subject to the approval of the ~~governor and council~~ **department of health and welfare**; said agent and the superintendent of the Old Town schools shall jointly employ the teachers and fix their salaries, limited by such appropriation. Said teacher shall meet all minimum qualifications as required for certification in the public schools of the state. The schools upon island number one, commonly called Indian Old Town island, shall be under the care and supervision of the superintendent of schools of the city of Old Town; and those within the territorial limits of any other town, under the care and supervision of the superintending school committee of such town. Said superintendent or school

committee shall visit such schools at least 3 times during each school term; regulate the grades and courses of study; assist the teachers and scholars by counsel; and make reports to the agent and to the commissioner of education once each year, noting therein such facts and information as may seem of importance in the interest of education among said tribes, or as may be required by the ~~governor and council~~ **said department**. The superintendent of schools of Old Town shall have such authority over the schools on Indian Island as superintendents in any town may have, except as limited by this section. Said superintendent shall be paid from the state appropriation for school superintendents a sum not exceeding \$100 per year for his services. The children of Indian Island may have the option of attending the Old Town schools whenever their parents may express a desire for them to so attend and the superintendent of schools shall transfer them to the building appropriate and suitable for their grades. The said children of said island shall be subject to all compulsory attendance laws, as per sections 74, to 82, inclusive, of chapter 19 ~~of the revised statutes~~, except that the superintendent of the Old Town schools and the agent of the Penobscot tribe of Indians, shall jointly have full authority to enforce the full provisions of said attendance laws, and for purposes of such enforcement the attendance officer for the city of Old Town shall act as attendance officer for Indian Island. All laws relating to the public schools shall be applicable to the schools on Indian Island, and the superintendent of the Old Town schools and the agent of the Penobscot tribe of Indians shall be jointly responsible for the enforcement of the provisions of said laws. **Whenever it shall be shown that any of the children of the Penobscot tribe of Indians shall have completed the course of study for elementary schools as prescribed or shall have passed the examination prepared by the state commissioner of education for entrance into high school, such children shall be granted entrance to any high school in this state, to which said children may apply under the same conditions as pupils residing in towns that do not maintain a free high school, as provided in section 93 of chapter 19, except that such tuition for such pupils shall be paid by the department of health and welfare, from Indian funds. Said tuition shall be based on the average instructional cost per pupil for the year preceding that for which the tuition is paid.'**

Sec. 2. R. S., c. 17, § 51, amended. Section 51 of chapter 17 of the revised statutes is hereby amended to read as follows:

'Sec. 51. Supervision of schools at Pleasant Point and at Peter Dana's Point; reports and compensation of superintendent; teaching in English and use of text-books; free tuition in high schools. The school at the

Pleasant Point Reservation shall be under the care and supervision of the superintendent of schools of the town of Perry or of the school union of which Perry may be a member. The school at Peter Dana's Point shall be under the care and supervision of the superintendent of schools of the town of Princeton or of the school union of which Princeton may be a member. All subjects shall be taught in the English language, and the text-books used shall be the same as those used in the town in which said schools are located. Said superintendents shall visit said schools at least 4 times during each school term; regulate the grades and courses of study; assist the teachers and scholars by counsel, or discipline; and make report once each year to the agent and to the governor and council, noting therein such facts and information as may seem of importance in the interest of education among the Indians of said reservation, or as may be required by the governor and council. The governor and council are hereby authorize to pay said superintendents reasonable compensation for said services; but the compensation shall not be less than \$100 in each case, and shall be paid out of the state fund for the superintendence of school unions. Whenever it shall be shown that any of the children of the Passamaquoddy tribe shall have completed the course of study for elementary schools as prescribed or shall have passed the examination prepared by the state commissioner of education for entrance into high school, ~~under the free attendance act,~~ such children shall be granted ~~free~~ entrance to any high school in the state to which said children may apply **under the same conditions as pupils residing in towns that do not maintain a free high school, as provided in section 93 of chapter 19, except that tuition for such pupils shall be paid by the department of health and welfare, from Indian funds. Said tuition shall be based on the average instructional cost per pupil for the year preceding that for which the tuition is paid. When the children of the Passamaquoddy tribe shall have entered any high school they shall be given free tuition by said high school, and so long as they shall apply themselves with due diligence and shall make reasonable progress they shall be allowed to continue in said school to the completion of the standard secondary school course.'**

Sec. 3. R. S., c. 17, § 55, amended. Section 55 of chapter 17 of the revised statutes is hereby amended to read as follows:

'Sec. 55. Biennial election of Passamaquoddy tribe; procedure. Biennially on the even numbered years, on the 1st Tuesday of ~~November~~ **October**, the Passamaquoddy tribe of Indians shall hold their election for the choice of governors and lieutenant-governors of said tribe, and a representative to the legislature of this state. The agents of said tribe shall give notice of the time and place, 7 days before said day of election, by

posting notices thereof, one at their respective offices and one in some conspicuous place on the reservations at Pleasant Point and Peter Dana's Point. Said agents shall receive, sort, and count the votes given in at said election, in the presence of members of the tribe, and those elected shall be given certificates therefor.'