

MAINE STATE LEGISLATURE

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

Legislative Document

No. 52

S. P. 73

In Senate, January 19, 1949.

Referred to Committee on Indian Affairs, sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Haskell of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-NINE

AN ACT Creating the Division of Indian Affairs.

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

Sec. 1. R. S., c. 22-B, additional. The revised statutes are hereby amended by adding thereto a new chapter to be numbered 22-B, to read as follows:

CHAPTER 22-B.

DIVISION OF INDIAN AFFAIRS.

Sections 1- 3 Division of Indian Affairs.

Sections 4-14 Indian Tribes.

Sections 15-22 Indians: General Provisions.

Sections 23-54 Penobscot Tribe.

Sections 55-61 Passamaquoddy Tribe.

Division of Indian Affairs

Sec. 1. Division of Indian affairs; director, qualifications, employment and salary; personnel. A division of Indian affairs, hereinafter in this chapter called the "division" is hereby created and established. The division shall be under the control and supervision of the director of Indian affairs, hereinafter in this chapter called the "director".

The director shall be a person qualified by experience, training and demonstrated interest in Indians' affairs and shall perform all the duties set

forth under the provisions of this chapter. He shall be appointed by the governor, with the advice and consent of the council, to serve for a term of 2 years and until his successor is appointed and qualified. Any vacancy shall be filled by appointment for a like term. The director shall receive such salary as shall be fixed by the governor and council.

The director may employ, subject to the provisions of the personnel law, the necessary assistance to carry out the purposes and provisions of this chapter.

Sec. 2. Rules promulgated; existing rules to govern. The director is authorized to adopt such reasonable rules and regulations as are necessary to carry out the purposes and provisions of this chapter. Until modified or repealed by the director, all orders, rules and regulations and permits or other privileges issued or granted with respect to any function consolidated hereunder, and in effect at the time of such consolidation, shall continue in effect to the same extent as if such consolidation had not occurred.

Sec. 3. Annual report. The director shall make a written report of the activities of the division, together with his recommendations, to the governor annually and at such other times as the governor may request.

Indian Tribes

Sec. 4. Indian defined. An Indian is defined for all purposes as being a person who is in whole or to the extent of at least $\frac{1}{4}$ part of Indian blood.

Sec. 5. Division to have general supervision, to keep records; controller to file and audit account. The division shall have general supervision over the Indian tribes and shall keep in its office all records pertaining to the tribes except such matters as pertain to the filing and auditing of accounts, which shall be kept in the office of the state controller.

Sec. 6. Agents, appointment, and tenure; vacancies. Agents for the Penobscot and Passamaquoddy tribes of Indians shall be appointed by the governor, with the advice and consent of the council, and hold their office during the pleasure of the governor and council. Vacancies shall be filled by the governor with the advice and consent of the council, but there shall never be more than 3 agents for each tribe.

Sec. 7. Duties of agents. The agents shall have the care and management of the property belonging to the tribes for their benefit; each of said agents shall at least once in 6 months visit each Indian reservation within his agency limits where Indians reside, and incorporate into his reports the dates of such visits and the condition in which he found the Indians on each reservation at each visit.

Sec. 8. Record of proceedings; account of receipts and expenditures. The agents shall keep a true record of their proceedings, and correct accounts of all receipts and expenditures of every kind; and shall carry into effect all treaties with said tribes.

Sec. 9. Health officers provided for. A tribal physician or nurse for each of the reservations of the Penobscot and Passamaquoddy tribes of Indians shall be appointed by the director. Such tribal physician or nurse shall be a physician or other person approved because of training and experience in public health work and shall serve for a term of 3 years and until his successor is appointed and approved; compensation to be determined by the director.

Sec. 10. Appointment of overseers of the poor and other special officers. An overseer of the poor, a road commissioner, a local health officer, municipal board of child welfare and a tribal hall keeper may be appointed by the tribal governor of each of the Indian tribes subject to the approval of the tribal council, if any, of each such tribe. Such officers shall advise with the Indian agent and receive compensation for duties performed upon his authorization.

Sec. 11. Appointment of clerks of Indian tribes. A clerk of the reservation of each Indian tribe shall be appointed by the tribal governor subject to the approval of the tribal council, if any. The clerks shall keep a record of the births and deaths of persons living on such reservation and perform all other duties with respect to the same as are required of the clerks of towns under the provisions of sections 383 and 385 of chapter 22. He shall receive a fee of 25c for each certificate returned to the bureau of vital statistics.

Sec. 12. Contracts of Indians for timber and grass, void. Contracts relating to the sale or disposal of trees, timber or grass on the Indian lands made with any Indian belonging to either of said tribes, unless examined and allowed by the agent of his tribe, are void.

Sec. 13. Limitations of leases and contracts made by agents. No lease of land, or contract for trees, timber or grass, made by the agent of either tribe, has effect for more than 1 year; nor shall an agent, in any 1 year, sell or dispose of trees or timber of said Indians to an amount exceeding \$500, except as provided in sections 38 to 51, inclusive.

Sec. 14. Agents may sue in their own names. The Indian agents may, in their own names and capacity, maintain actions for money due to any Indians, and for injuries done to them or their property; and all sums or

damages so recovered shall be distributed to the Indians of the tribe, according to their usages, or be invested in useful articles.

Indians: General Provisions

Sec. 15. Warrants, how drawn. The governor and council may draw warrants on the treasurer for such sums as are payable to the Indians for the salary of the agent and for the bounties on agricultural products as hereinafter provided.

Sec. 16. Bounties on produce; proof made to agent. Bounties shall be paid to every Indian of either of said tribes for produce raised by him either on his own land or on land belonging to the tribe, as follows:

- I. For every bushel of wheat, 20c.
- II. For every bushel of rye, oats, barley, buckwheat, peas, or beans, 10c.
- III. For every bushel of potatoes, turnips, parsnips, beets, or carrots, 5c.

Before any bounty is paid to such Indian, he shall prove to the satisfaction of the agent the number of bushels of each article before named, raised by him on such land.

Sec. 17. Agent to settle account annually. Agents shall keep an account of appropriations so paid out and present it duly certified to the division in July annually for examination.

Sec. 18. Relief of Indians not members of Penobscot or Passamaquoddy tribes; overseers of poor to transmit to division a statement of such cases; contents of statement. Whenever any Indian, not a member of the Penobscot or Passamaquoddy tribe of Indians or any member of the family of such Indian, is found destitute and in distress, and is relieved by the overseers of the poor of the town required by law to provide relief for such person, the overseers of the poor shall transmit to the division a statement specifying the nature, dates and amounts of the supplies furnished, together with a statement of fact relating to the condition, tribe, length of time in the state so far as may be ascertained, and such other data as may be required concerning such Indian, whereupon the state shall reimburse said town for the relief so furnished to such extent as the division adjudges to have been expended necessarily therefor. Such reimbursements shall be from the general relief appropriation of the department of health and welfare.

Sec. 19. Division may expend fund of Indian tribes; conditions, consent of tribe. The division, subject to the approval of the governor and

council, may expend for the benefit of either Indian tribe, any portion of the funds of that tribe; provided, however, that the expenditure will not decrease the principal of the fund to such an extent as to prevent compliance with any existing provisions of statute, and provided further, that the tribe whose funds are used shall consent to the expenditure at a meeting duly called for the purpose.

Sec. 20. Penalty for posing as Indian in vending. Whoever, not a member Indian of either of said tribes, represents himself to be such Indian in the vending of goods and wares, shall be punished by a fine of not more than \$250.

Sec. 21. Appointment of constables. The governor, with the advice and consent of the council, is hereby authorized to appoint one or more reliable and well commended Indians, in each of the Indian tribes in this state, as special constables with like powers and duties of constables and police officers, within towns and cities, in the enforcement of the laws of the state, within the limits of the reservation of his tribe, with authority to take any offender before any court of competent jurisdiction, within his county. Such constables shall act as school attendance officers for their respective tribes. They shall receive such compensation as may be determined by the division.

Sec. 22. Term of office. Said constables shall be appointed for a term of 2 years from the date of his appointment or until his successor has been duly appointed and qualified. Any constable may be removed by the governor upon recommendation of the division.

Penobscot Tribe

Sec. 23. Tribal committee chosen annually; membership. A tribal committee of the Penobscot tribe of Indians shall be chosen annually, in the month of November, to consist of 12 members of said tribe. No member of said committee shall be less than 21 years of age. The said members shall be chosen at a meeting held as hereinafter provided.

Sec. 24. Meetings for election of committee; certificates of election; vacancies. A meeting for the election of members of said committee shall be called by the agent of said tribe, who shall give notice thereof in the same manner as notice of the meeting for the election of governor of said tribe is required to be given; and at such meeting said agent or some person appointed in writing by him shall preside, who shall receive, sort, count and declare in open meeting the vote given in for members of said committee. The said agent shall issue certificates of election to the per-

sons thus elected, who shall hold office as such members, until a new election is had, unless their term of office is sooner terminated by resignation or by ceasing to be members of said tribe. Whenever any vacancy occurs in said committee, the agent shall call a meeting of the tribe to fill such vacancy.

Sec. 25. Membership, how acquired. Membership in the Penobscot tribe of Indians may, after March 22, 1901, be required only as follows:

I. By birth.

II. By adoption into the tribe as determined by its tribal committee, in accordance with the provisions of the 2 following sections.

III. By marriage to a male member of said tribe; but membership by marriage can be acquired only by such persons as are in whole or to the extent of at least $\frac{1}{4}$ part of Indian blood, and it shall not include the previous issue of the person acquiring it.

A certificate of marriage signed by the person solemnizing the same, or an attested copy of the record thereof, shall be sufficient evidence of such marriage.

Sec. 26. Committee may adopt person into tribe. The tribal committee at any regularly held meeting may, by $\frac{3}{4}$ vote of its total membership, adopt into said tribe any person who is in whole or to the extent of at least $\frac{1}{4}$ part Indian blood, and who is the husband, wife, or child of a member of said tribe, and who has his or her residence for at least 1 year next preceding such adoption upon any reservation of said tribe; but the decision of said committee upon such residence and Indian descent and such adoption shall not be effective until the same has been ratified and approved in writing by the Indian agent. The adoption of a child by any member of the tribe under ordinary legal process shall not of itself constitute such child a member of said tribe; but the power of adoption into the tribe shall in all cases rest with the aforesaid tribal committee subject to approval by the Indian agent as aforesaid.

Sec 27. Certificate of adoption to be filed with agent; such person not to hold certain offices. Whenever said tribal committee shall vote to adopt any person into said tribe, a certificate of such vote of adoption shall be signed by the person presiding at the meeting, and said certificate shall be filed with the agent of said tribe; and if ratified and approved by the Indian agent said adopted person shall thereafter be deemed and accepted to be a member of said tribe for all intents and purposes, and shall be enrolled as such upon the list of its members. No person hereafter adopted

into the tribe shall be eligible to hold the office of governor, lieutenant-governor or representative of said tribe.

Sec. 28. Persons adopted, required to make oath. Every male person adopted as provided in section 26 shall, within 1 month after such adoption, or if a minor within 1 month after becoming 21 years of age, make oath before the governor of said tribe that he will demean himself as a discreet, industrious and good member of said tribe, and will faithfully fulfil the duties incumbent upon him as such member.

Sec. 29. Membership deemed lost when tribe is abandoned. If any member of said tribe shall abandon it and join another tribe of Indians, he shall be deemed to have lost his membership in the Penobscot tribe, and shall not be entitled to any share of dividends, rentals or other money thereafter apportioned among the members of said tribe, nor to any other subsequent rights of membership.

Sec. 30. Loss of membership does not affect membership of other members of the family. When any member loses his membership under the provisions of section 29 or his right to share in dividends, rentals or other moneys under the provisions of section 32, no member of his family to whom the provisions of said sections do not personally apply shall be deemed to have lost such membership or right.

Sec. 31. Restoration to membership; proceedings. Any person a member of said tribe on March 22nd, 1901, as shown by the tribal census taken under the laws of the state, who shall have forfeited any rights of membership may regain said rights by petition, under oath, to the tribal governor, alleging 30 days' continuous residence within the state. If at the end of 60 days said tribal governor shall have refused or neglected to restore said person to membership he shall have the right of appeal to the tribal committee which shall thereupon forthwith hear the facts and enter such judgment as to restoration to membership as is just and right. Such renewal of rights shall not entitle such person to any share of the dividends, rentals or moneys which previously thereto have come into the hands of the agent, nor have any other retrospective effect.

Sec. 32. Dividends payable if member resides within state and reports to agent once a year; otherwise not. If any member of the tribe shall reside outside the tribal reservation, but within the state, he shall report to the agent of the tribe at least once in each year in order to be entitled to his share of dividends, rentals or other money apportioned to members of the tribe. During such time as he shall reside without the state he shall

not be entitled to any part of the dividends, rentals, or other money apportioned to members of the tribe.

Sec. 33. Money forfeited may be used for benefit of family. If any member of said tribe shall desert his family, or fail to provide properly for said family's support, the agent may in his discretion use for the benefit of such family any part or all of said member's dividends or share of rentals or any money assigned to him from state funds or coming to him in any way by apportionment or distribution through the hands of said agent.

Sec. 34. Persons not belonging to tribe may be required to remove from reservation; proceedings; penalty if respondent does not comply with order to remove; costs. Any person residing or commorant upon the tribal reservation of the Penobscot tribe of Indians, not being a member, nor the husband, wife or legally adopted child of a member of said tribe, may be required to remove therefrom by a written notice given to him in hand under the signature of the governor or, in his absence, the lieutenant-governor. A copy of such notice attested by said tribal officers, with a return of service thereon by any officer qualified to serve criminal precepts, or an affidavit of service by any other person, shall be filed with said tribal officers and be sufficient evidence of such service. If the person so notified shall not remove from said reservation within 2 days after service of said notice upon him, said tribal officer or any member of the tribe may make complaint to the judge of the Old Town municipal court, who shall cause a certified copy of said complaint with a notice of the time and place of hearing thereon to be given in hand to said person or left at his place of last and usual abode at least 2 days before the time fixed for said hearing, or may cause said person to be at once apprehended and brought before said court. After due hearing, said judge may, if he is satisfied that such removal is approved by the majority of the tribal committee of said tribe or is for any cause proper to be enforced, order the respondent to remove within a specified time beyond the tribal reservation limits. If the respondent fails to obey said order, or if within 1 year after the service of said notice he shall again become resident or commorant upon any reservation of said tribe without the consent of said governor or lieutenant-governor, said judge may cause such person to be apprehended and brought before said court and may punish him by fine of not more than \$20, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. The costs of all such court proceedings under the provisions of this section may be included in the order or sentence of said judge; and if the respondent fails to pay the same, he may be committed

to jail for not more than 30 days additional to any imprisonment otherwise imposed upon him; and in such case, or if the judge does not include said costs in his order or sentence, such costs shall be paid by said agent from the tribal fund. Costs shall be taxed as in ordinary proceedings upon complaint.

Sec. 35. Relief of persons found destitute on reservation, not members of tribe. For all relief to any person not a member of the Penobscot tribe of Indians, nor having a pauper settlement in this state, found destitute and in distress upon any tribal reservation of said tribe, which has been furnished by the agent of said tribe or by the overseers of the poor of the town within whose territorial limits such person is so found, the state shall reimburse said agent or said town to such extent as the division adjudges to have been necessarily expended therefor. The reasonable expenses and services of said overseers relative to said pauper shall be included in the amount to be so reimbursed.

Sec. 36. Relief of members of tribe found destitute beyond tribal reservations. When any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this state where he is so found, the overseers of the poor of said town may send to the agent a statement specifying the nature, dates and amounts of the supplies furnished, which shall be transmitted to the division with such additional statements of fact as said agent may think proper; and the state shall reimburse said town for the relief so furnished to such extent as the division adjudges to have been necessarily expended therefor. Any member of said tribe found destitute and in distress beyond the tribal reservation may be removed by the agent from any place in which he may be residing, or be found, to said tribal reservation, whenever, in the judgment of the agent, such removal should be made.

Sec. 37. Payments by agent. The agent for the Penobscot tribe shall provide, furnish, pay and deliver to said tribe, on account of the state, such articles, goods, provisions and moneys as from time to time become due under any treaty or law.

Sec. 38. Islands of Penobscot tribe may be leased; assent. The islands belonging to said tribe may be leased by their agents for the benefit of such tribe for a term not exceeding 2 years, if such lease and the terms and conditions thereof are assented to by the governor and lieutenant-governor of the tribe and approved by the division; if such lease is on credit, it shall be at the risk of the agent, and accounted for as money; and the avails thereof shall be placed by him in the state treasury, subject to the order of the division according to law.

Sec. 39. Members of tribe not to sell standing wood or timber on reservation except to members of tribe. No member of the Penobscot tribe of Indians shall hereafter be permitted to sell any standing wood or timber growing on any islands or lands in the Penobscot river within the limits of the Indian reservation except to members of the tribe for firewood only; nor shall any member of said tribe lease any portion of his lands or islands within the limits of said reservation for the purpose of permitting any standing wood or timber to be cut and removed therefrom, except with the consent and approval of the Indian agent.

Sec. 40. Indian holding land under certificate, may convey same to another Indian of same tribe. Any Indian holding land under a certificate issued under authority of chapter 137 of the public laws of 1883, or by virtue of any assignment under the laws for the apportionment of the lands of said Penobscot tribe, may sell and convey the same to any member of the same tribe with the approval of the agent; provided that no Indian shall purchase lands upon the reservation of said tribe beyond his fair proportion of such reservation.

Sec. 41. Lots not to be sold or leased. No such Indian shall sell or lease his lot except as provided by law; and if he carries off the growth faster than is necessary for cultivation, except by permission of the agent, or commits strip or waste, he shall be dealt with as a trespasser.

Sec. 42. Surveys and plans of islands deemed authentic; water privileges and wood and timberlands reserved for public use of tribe. Surveys of the islands in Penobscot river from Old Town Falls to Mattawamkeag Point and field notes thereof, as made under the provisions of chapter 158 of the public laws of 1835 and chapter 396 of the public laws of 1839, plans of which were returned to the land office and to the Indian agent, shall be deemed authentic in all matters to which they relate; and the water privileges belonging to said islands, valuable for mills, booms, fisheries, tracts of wood and timberland, and other lots indicated on said plans as reserved for public use, (except the public farm which is subject to allotment by chapter 22, of the private and special laws of 1878,) are not subject to assignment or distribution to members of said tribe, but shall remain for the benefit of the whole tribe.

Sec. 43. Assignments of unassigned lands. The agent of said tribe, on application of any Indian thereof, male or female, 21 years of age or more, to whom his proportion of the tribe's lands has never been assigned, or has never come by inheritance, or who does not already hold by assignment, purchase or otherwise his fair share of said lands, may cause a lot

suitable for cultivation to be surveyed to such applicant from the unassigned lands of the tribe, if any, and may assign the same to him and designate the same upon the plan aforesaid. All lots so designated shall be limited by said plan and occupied accordingly, and any lot, when so assigned, shall be the property of the person to whom it is assigned during the pleasure of the legislature.

Sec. 44. Assignments accompanied by certificate of agent; form of certificate. The assignments mentioned in the preceding section shall be accompanied by a certificate from the agent to be recorded as in section 47, in form substantially as follows:

“Know all men by these presents, that I, — — —, agent of the Penobscot tribe of Indians, have caused to be surveyed and set off to — — —, a portion of the lands belonging to said tribe on the islands in Penobscot river, as contemplated by acts of the legislature, bounded and described as follows, viz.:

* * * * *

To have and to hold to him, his heirs and assigns, as contemplated by said acts, during the will of the legislature.

In witness whereof I have hereunto set my hand and seal as agent of the Penobscot tribe of Indians, this — — day of — —, nineteen hundred and — — —.”

Sec. 45. Abandonment of tribe forfeits lands. Any member of said tribe who abandons it and joins any other tribe forfeits all lands assigned to him, and the same may be assigned anew as provided in section 43.

Sec. 46. Death of owner and description of lots to be recorded. The agent shall enter upon his record a memorandum of the death of any Indian owning lands, the date thereof, a description of the lots owned by the deceased, and the names of those persons, so far as ascertainable, who are entitled to such lands by inheritance.

Sec. 47. Conveyances to be by release deed; record; lots on Old Town island. Conveyances made by virtue of section 40 shall be by release deed, executed and acknowledged, and the approval of the agent shall be written thereon; said deed and approval shall be recorded by the agent, without fee, in a suitable book kept by him; also by the register of deeds of Penobscot county in a like book kept in the registry of deeds in said county, upon payment of 25c for each deed so recorded; and until recorded as herein provided, no deed made as aforesaid shall pass any title. The provisions of this chapter shall apply to house lots on the point of Old Town island, as well as to land allotted for agricultural purposes.

Sec. 48. Deeds made and deposited with agent may be delivered after death of grantor. Deeds made by any Indian of the Penobscot tribe as provided in the preceding section may be deposited with said agent to be delivered by him to the grantee named therein, after the death of the grantor, if the fact that such deed is so deposited to be so delivered appears by the deed itself; and when delivered by said agent, it shall pass all the title of the grantor in the premises at the time of his death.

Sec. 49. Copies of deeds are evidence. Copies of deeds or certificates recorded as provided in this chapter, duly attested by the register of deeds or by the agent of said tribe, shall be evidence in all actions or controversies relating to title to lands between members of said tribe.

Sec. 50. Lease of island shores; rents of shores, how appropriated. The shores of the islands in the Penobscot river belonging to said tribe shall be leased for booming or hitching logs under the orders of the division. Such leases shall not run longer than 5 years. All sums received from rent of said shores shall be paid to the state, to be held in trust and paid to said tribe as provided in section 1 of chapter 267 of the special laws of 1873.

Sec. 51. Agents may lease privileges for mills, booms and fisheries. The agent may, with the approval of the division, lease any reserved privileges for mills, booms and fisheries for a term sufficiently long to induce persons to take leases of them; and all rents shall be paid into the treasury, to be expended for the benefit of the tribe, under the direction of the division.

Sec. 52. Warrants for interest on 4 townships purchased; also for rents. The governor and council may draw warrants on the treasury for any sum not exceeding the interest on the price of the 4 townships purchased by the state of the Penobscot tribe in June, 1833, and of any other money paid into the treasury; and for the full amount of rents paid in as aforesaid; and when the whole amount of such sums, in the opinion of the division, is more than is necessary for said tribe, the excess may be invested for their benefit.

Sec. 53. Census of Penobscot Indians; annual meeting; notices; persons entitled to membership to be reported; correction of lists; compensation of committee. An accurate census of the Penobscot tribe shall be taken early each January by the tribal committee upon the best information which they can obtain, as hereinafter provided, stating, as nearly as may be, the name, sex and age of each Indian as it existed on the 1st day of such January, each family by itself. On or before the 10th day of January, annually,

the original, certified under oath, shall be delivered to the agent, and a copy thereof to the governor of said tribe for their use. On the 1st Wednesday of January, annually, the said committee shall hold a meeting with said tribe on Old Town Indian island, for receiving information from such of the tribe as may attend, as to the membership of the tribe, the identity of persons, and the correctness of names; due notice in writing of the time and place of which meeting shall be given by said committee. At said meeting 5 of said tribal committee shall constitute a quorum thereof; and on said 1st Wednesday of January annually, the names of all persons entitled to membership under the provisions of section 25 shall be reported by the tribal committee to the person authorized by law to take the census of said tribe, and shall thereupon be placed on the census roll.

Corrections of the list, by reason of births, deaths or omissions, may, as they come to the knowledge of the committee, be certified to the agent, and he shall correct his list accordingly. This list, so corrected, shall, with his account, be returned to the division. A reasonable compensation shall be paid to the tribal committee by the agent and charged in his account, and allowed and paid to him out of the state treasury.

Sec. 54. Biennial election of tribe. Biennially on the even-numbered years, on the 1st Tuesday of September, the Penobscot Indians shall hold their election for the choice of governor and lieutenant-governor of said tribe, and a representative at the legislature of this state. The agent of said tribe shall give notice of the time and place, 7 days before said day of election, by posting notices thereof, one at his office and one in some conspicuous place on Old Town island. Said agent shall receive, sort, and count the votes given in at said election, in presence of the members of the tribe, and shall give to those elected certificates thereof.

Passamaquoddy Tribe

Sec. 55. Biennial election of Passamaquoddy tribe; procedure. Biennially on the even-numbered years, on the 1st Tuesday of October, the Passamaquoddy tribe of Indians shall hold their election for the choice of governors and lieutenant-governors of said tribe, and a representative at 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.

Sec. 56. Provisions of § 34 made applicable to Passamaquoddy reservation. All the provisions of section 34 shall apply to the Passamaquoddy tribe of Indians as well as to the Penobscot tribe, except that complaints under said section relating to the Passamaquoddy tribe shall be made to the judge of the Calais or Eastport municipal court instead of the Old Town municipal court as provided in said section.

Sec. 57. Forest commissioner may sell timber on Indian township; surveyor to be sworn. The forest commissioner may sell to the best advantage, at public or private sale, to a citizen of the state, the timber and grass from township numbered 2 on the St. Croix river, called the Indian township, expressly retaining in the written contract of sale a lien on the timber and grass cut, until the amount due for stumpage thereon is paid. Every surveyor appointed by said forest commissioner to scale or survey the lumber so sold, before entering on his duties, shall be sworn to the faithful performance of his trust, and shall file a certificate of his oath with the agent. The net proceeds from such sales shall be set up in the state treasury as an improvement fund for the reservations of the Passamaquoddy tribe of Indians to be expended with the approval and under the direction of the division; provided that in the event the balance in said improvement fund shall at any time exceed the sum of \$10,000, the excess over \$10,000 shall be added to the permanent trust funds of said tribe.

Sec. 58. No sale or permit to a foreigner. No citizen or subject of a foreign government shall purchase, cut or carry off trees, timber or grass from the township reserved for the benefit of the Passamaquoddy tribe; and if their agent gives to such citizen or subject a permit for such unlawful purpose, he forfeits not more than \$500, nor less than \$100, to be recovered by an action of debt, $\frac{1}{2}$ to the state and $\frac{1}{2}$ to the prosecutor.

Sec. 59. Lands in Indian township may be leased or sold. The division, subject to the approval of the governor and council, may, at the expense of the state, and for the benefit of the Passamaquoddy tribe, lease or sell the whole or any part of the Indian township, on such terms as they deem just, and all sums received from such leases or sales shall be credited to the funds of said tribe.

Sec. 60. Amounts due Indians to be certified to controller by agent; controller to prepare warrants for payment of fund. Out of the interest accruing upon the funds belonging to said tribe, the agent shall certify to the state controller the amounts due to said Indians in conformity to resolves of the legislature and for any further amounts that the legislature may appropriate, and the state controller shall prepare warrants for the

same, making all payments so far as possible direct to the person to whom such payment is due.

Sec. 61. Agent may remove distressed poor to reservation; towns to be reimbursed for relief furnished. Any member of the Passamaquoddy tribe requiring assistance may be removed by the agent of said tribe from any place in which he may be residing, or be found, to either of the Indian reservations provided for said tribe, or may be removed from one of such reservations to another such reservation, whenever, in the judgment of the agent, such removal should be made. When any member of said tribe is found destitute and in distress beyond the tribal reservation and is relieved by the town in this state where he is so found, the overseers of the poor of said town may send to the agent a statement specifying the nature, dates and amounts of the supplies furnished, which shall be transmitted to the division with such additional statements of fact as said agent may think proper; and the state shall reimburse said town for the relief so furnished, to such extent as the division adjudges to have been necessarily expended therefor.

Sec. 2. Continuance of former agency in department. For the purpose of succession to all rights, powers, duties and obligations of the former department, agency or officer as constituted at the time of such assignment or transfer, the division of Indian affairs as herein created constitutes a continuation of the former department, agency or officer as to the matters within the jurisdiction of the former department, agency or officer, with the same force and effect as if such functions, powers and duties had not been assigned or transferred.

Sec. 3. Delivery of records. The head of the department or other agency, or the officer, whose functions, powers and duties are assigned and transferred to the division of Indian affairs, shall transfer and deliver to the latter all state contracts, books, maps, plans, papers, records and property of every description connected with the functions, powers and duties transferred to the division of Indian affairs within his jurisdiction and control. The director is authorized to take possession of said property.

Sec. 4. Appropriations transferred. All unexpended funds appropriated or made available to any department, agency or officer for the purpose of any of its functions, powers or duties which are transferred to the division of Indian affairs are hereby transferred to the latter.

Sec. 5. R. S., c. 22, certain sections repealed. The following sections of chapter 22 of the revised statutes, as amended, are hereby repealed:

sections 307 to 311, inclusive; sections 311-A to 311-C, inclusive, as enacted by section 1 of chapter 264 of the public laws of 1945; sections 312 to 316, inclusive; sections 318 to 321, inclusive, as amended; sections 321-A and 321-B, as enacted by section 1 of chapter 124 of the public laws of 1945; sections 322 to 336, inclusive, as amended; sections 338 to 354, inclusive; sections 356 and 357; sections 359 to 363, inclusive, as amended.

Sec. 6. Appropriations. There is hereby appropriated from the general fund of the state to carry out the purposes of this act, the sum of \$131,418 for the fiscal year ending June 30, 1950 and \$131,418 for the fiscal year ending June 30, 1951. Any unexpended balances shall lapse to the general fund.

Sec. 7. P. & S. L., 1945, c. 85, amended. Wherever in chapter 85 of the private and special laws of 1945 the words "department of health and welfare" appear, they shall be amended to read 'division of Indian affairs'; and wherever the word "department" appears, it shall be amended to read 'division'.