

MAINE STATE LEGISLATURE

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NINETY - EIGHTH LEGISLATURE

Legislative Document

No. 788

H. P. 561

House of Representatives, February 14, 1957.

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

HARVEY R. PEASE, Clerk.

Presented by Mr. Latno of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

AN ACT Creating Indian Reservations as Unorganized Territory and Repealing Certain Laws Relating to Indians.

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

Sec. 1. R. S., c. 25, § 330-A, additional. Chapter 25 of the Revised Statutes, is hereby amended by adding thereto a new section, to be numbered 330-A, to read as follows:

'Sec. 330-A. Indian reservations as unorganized territory. The 3 Indian reservations at Old Town, Peter Dana Point and Pleasant Point shall be considered, for all purposes, as unorganized territory. Persons occupying the reservations shall be governed by the same laws as persons living in unorganized territory, except for such special laws as apply to Indians.'

Sec. 2. R. S., c. 25, § 350, repealed. Section 350 of chapter 25 of the Revised Statutes is hereby repealed, as follows:

'Sec. 350. 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 Commissioner or by the overseers of the poor of the town within whose territorial limits such person is so found, the State shall reimburse said Commissioner or said town to such extent as the Department 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. 3. R. S., c. 25, § 351, repealed. Section 351 of chapter 25 of the Revised Statutes is hereby repealed, as follows:

'Sec. 351. 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 Commissioner a statement specifying the nature, dates and amounts of the supplies furnished, which shall be transmitted to the Department with such additional statements of fact as said Commissioner may think proper; and the State shall reimburse said town for the relief so furnished to such extent as the Department 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 Commissioner from any place in which he may be residing, or be found, to said tribal reservation, whenever in the judgment of the Commissioner such removal should be made.'

Sec. 4. R. S., c. 25, § 353, repealed. Section 353 of chapter 25 of the Revised Statutes is hereby repealed, as follows:

'Sec. 353. School moneys of tribe; schools; free tuition in high school. All moneys appropriated for schools for the Penobscot tribe of Indians shall be expended under the supervision of the Commissioner, subject to the approval of the Department; said Commissioner and the Superintendent of the Old Town schools shall jointly employ the teachers and fix their salaries, limited by such appropriation. Said teachers shall meet all minimum qualifications as required for certification in the public schools of the State. The schools upon Island Number 1, 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 Commissioner 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 tribe or as may be required by the 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 provided in sections 89 to 97, inclusive, of chapter 41 except that the Superintendent of the Old Town schools and the Commissioner 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 Commissioner 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 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 107 of chapter 41, except that such tuition for such pupils shall be paid by the Department from Indian funds. Said tuition shall be based on the average cost per pupil for the year preceding that for which the tuition is paid and the tuition rates shall be determined by the formula prescribed in section 108 of chapter 41 for secondary schools. Tuition likewise for the children of the Penobscot tribe of Indians who attend the elementary schools of any city or town in this State shall be paid to said city or town by the Department in similar manner and based on the average cost per pupil in the year preceding that for which tuition is paid and the tuition rates shall be determined by the formula prescribed in section 108 of chapter 41 for secondary schools.'

Sec. 5. R. S., c. 25, § 376, repealed. Section 376 of chapter 25 of the Revised Statutes is hereby repealed, as follows :

'Sec. 376. Commissioner 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 Commissioner 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 Commissioner 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 Commissioner a statement specifying the nature, dates and amounts of the supplies furnished, which shall be transmitted to the Department with such additional statements of fact as said Commissioner may think proper, and the State shall reimburse said town for the relief so furnished to such extent as the Department adjudges to have been necessarily expended therefor.'

Sec. 6. R. S., c. 25, § 377, repealed. Section 377 of chapter 25 of the Revised Statutes is hereby repealed, as follows :

'Sec. 377. Supervision of schools at Pleasant Point and at Peter Dana's Point; reports and compensation of superintendent; teaching in English and use of textbooks; tuition rates. 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 textbooks 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 7 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 Commissioner, 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 Department. The State shall 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 living on the reservations shall have completed the course of study for elementary schools as prescribed or shall have passed the examination prepared by the Commissioner of Education for entrance into high school, such children shall be granted 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 107 of chapter 41, except that tuition for such pupils shall be paid by the Department 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 and the tuition rates shall be determined by the formula prescribed in section 108 of chapter 41 for secondary schools. Tuition likewise for the children of the Passamaquoddy tribe of Indians who attend the elementary schools of any city or town in this State shall be paid to said city or town by the Department in similar manner and based on the average cost per pupil in the year preceding that for which tuition is paid and the tuition rates shall be determined by the formula prescribed in section 108 of chapter 41 for secondary schools.'