

# MAINE STATE LEGISLATURE

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PART 6  
INDIANS

Chap.	Sec.
1351. Indians and Tribes Generally .....	4701
1353. Penobscot Tribe .....	4761
1355. Passamaquoddy Tribe .....	4831

CHAPTER 1351

INDIANS AND TRIBES GENERALLY

Sec.
4701. Indian defined.
4702. General supervision; records; filing and auditing accounts.
4703. Record of proceedings; account of receipts and expenditures.
4704. Health officers.
4705. Overseers of the poor and other special officers.
4706. Clerks of tribes.
4707. Contracts of Indians for timber and grass.
4708. Limitations on leases and contracts made by commissioner.
4709. Actions by Attorney General.
4710. Warrants.
4711. Bounties on produce; proof.
4712. Account of appropriations.
4713. Relief of Indians not members of tribes; statements; reimbursement.
4714. Expenditure of tribal funds.
4715. Posing as Indian in vending.
4716. Constables.

**§ 4701. 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.

R.S.1954, c. 25, § 321.

**§ 4702. General supervision; records; filing and auditing accounts**

The Department of Health and Welfare 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. The Commissioner of Health and Welfare is authorized to create within the department a Division of Indian Affairs and to appoint, subject to the Personnel Law, a director thereof. All duties and powers given the commissioner relating to Indians may be delegated to the director.

R.S.1954, c. 25, § 322.

**§ 4703. Record of proceedings; account of receipts and expenditures**

The commissioner shall keep a true record of his proceedings and correct accounts of all receipts and expenditures of every kind; and shall carry into effect all treaties with said tribes.

R.S.1954, c. 25, § 323.

**§ 4704. Health officers**

A tribal physician or nurse for each of the reservations of the Penobscot and Passamaquoddy tribes of Indians shall be appointed by the Director of the Bureau of Health, subject to the approval of the commissioner. 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 commissioner.

R.S.1954, c. 25, § 324.

**§ 4705. Overseers of the poor and other special officers**

An overseer of the poor, a road commissioner, a local health officer 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 commissioner and receive compensation for duties performed upon his authorization.

R.S.1954, c. 25, § 325.

**§ 4706. Clerks of 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 section 2702. He shall receive a fee of 25¢ for each certificate returned to the Bureau of Vital Statistics. The accounts of the clerk of the Penobscot Tribe shall be audited annually by the State Department of Audit or by a qualified public accountant.

R.S.1954, c. 25, § 326; 1959, c. 363, § 15; 1963, c. 341, § 1.

### § 4707. Contracts of Indians for timber and grass

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 commissioner, are void.

R.S.1954, c. 25, § 327.

### § 4708. Limitations on leases and contracts made by commissioner

No lease of land or contract for trees, timber or grass made by the commissioner has effect for more than one year; nor shall the commissioner, in any one year, sell or dispose of trees or timber of said Indians to an amount exceeding \$500, except as provided in sections 4775 to 4788.

R.S.1954, c. 25, § 328.

### § 4709. Actions by Attorney General

The Attorney General upon his own initiative, or at the request of the governing body of any of the Indian tribes in this State, may in the name of any such tribe and in his said capacity, maintain actions for money due any such tribe and for injuries done to tribal lands. All sums or damages so recovered shall be distributed by the commissioner to the Indians of the tribe concerned according to their usages, or be invested in useful articles. This section shall apply only to tribal and unassigned lands not privately owned and shall apply only to damages and injuries arising out of acts done after September 16, 1961.

R.S.1954, c. 25, § 329; 1961, c. 342.

### § 4710. Warrants

The Governor and Council may draw warrants on the Treasurer of State for such sums as are payable to the Indians for the bounties on agricultural products.

R.S.1954, c. 25, § 330.

**§ 4711. Bounties on produce; proof**

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:

1. **Wheat.** For every bushel of wheat, 20¢.
2. **Oats, beans and others.** For every bushel of rye, oats, barley, buckwheat, peas or beans, 10¢.
3. **Potatoes, beets and others.** For every bushel of potatoes, turnips, parsnips, beets or carrots, 5¢.

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

R.S.1954, c. 25, § 331.

**§ 4712. Account of appropriations**

The commissioner shall keep an account of appropriations so paid out.

R.S.1954, c. 25, § 332.

**§ 4713. Relief of Indians not members of tribes; statements; reimbursement**

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 department 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 department adjudges to have been expended necessarily.

R.S.1954, c. 25, § 333.

**§ 4714. Expenditure of tribal funds**

The department, 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 the expenditure



will not decrease the principal of the fund to such an extent as to prevent compliance with any existing statute, and provided the tribe whose funds are used shall consent to the expenditure at a meeting duly called for the purpose.

R.S.1954, c. 25, § 334.

### § 4715. 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.

R.S.1954, c. 25, § 335.

### § 4716. Constables

**1. Appointment.** The tribal governor, with the advice and consent of the tribal council, is authorized to appoint one or more reliable 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 department.

1957, c. 158, § 1.

**2. Term of office.** Said constables shall be appointed for a term of 2 years from the date of their appointments or until their successors have been duly appointed and qualified. Any constable may be removed by the tribal governor upon recommendation of the department. (1957, c. 158, § 2.)

R.S.1954, c. 25, §§ 336, 337; 1957, c. 158, §§ 1, 2.