

MAINE STATE LEGISLATURE

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CHAPTER 1355

PASSAMAQUODDY TRIBE

Sec.

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§ 4831. Biennial elections

Biennially on the even-numbered years, on the first Tuesday of November, the Passamaquoddy tribe of Indians shall hold their election for the choice of governor and lieutenant governor of each reservation of said tribe, a representative at the Legislature of this State and a tribal committee to consist of 6 members of said tribe from each reservation, all of whom must be at least 21 years of age. The representative at the Legislature of this State shall be chosen alternately between the 2 reservations. Only certified members of the tribe who are 21 years of age or older shall be eligible to vote. The governors shall preside over all meetings of the committee and be a member *ex officio*. In the absence of the governor, the lieutenant governor shall preside. The commissioner shall give notice of the time and place, 7 days before said day of election, by posting notices thereof in some conspicuous place on the reservations at Pleasant Point and Peter Dana Point. Said commissioner shall receive, sort and count the votes given in said election, in the presence of members of the tribe, and those elected shall be given certificates therefor. All persons so elected shall hold office for 2 years or until their successors are elected. Whenever any vacancy occurs the commissioner shall call a meeting of the tribe to fill such vacancy.

R.S.1954, c. 25, § 371; 1957, c. 164, § 5; 1961, c. 141, §§ 1, 2; 1963, c. 222, § 2.

§ 4832. Census

An accurate census of the Passamaquoddy tribe shall be taken early each January by the tribal committee upon the best

information which they can obtain, as provided, stating, as nearly as may be, the name, sex and age of each Indian as it existed on the first 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 commissioner, and a copy thereof to the governor of said tribe for their use. On the first Wednesday of January, annually, the said committee shall hold a meeting with said tribe, 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.

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 commissioner and he shall correct his list accordingly.

1957, c. 164, § 6.

§ 4833. Applicability of provisions

All the provisions of section 4770 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 proper officer of the District Court for Northern Washington instead of the District Court for Southern Penobscot as provided in said section.

R.S.1954, c. 25, § 372; 1963, c. 402, § 39.

§ 4834. Sales of timber; improvement fund

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 commissioner. The net proceeds from such sales shall be placed in the Passamaquoddy tribe trust funds until a sum equal to that used from said trust funds for housing has been placed therein then the net proceeds 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 department. In the event the balance in said Improvement Fund shall at the end of any fiscal year exceed the sum of \$10,000, the excess over \$10,000 shall be added to the permanent trust funds of said tribe. From said Improvement Fund the department in charge shall make payment to the Treasurer of State to be allotted the Maine Forestry District in lieu of taxes on the basis of 6¢ per acre per year for all lands within Indian Township not already paying a Maine Forestry District tax for the prevention, control and extinguishment of forest fires.

R.S.1954, c. 25, § 373; 1957, c. 162; 1961, c. 19.

§ 4835. No sale or permits for foreigners

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. If the commissioner 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 a civil action, $\frac{1}{2}$ to the State and $\frac{1}{2}$ to the prosecutor.

R.S.1954, c. 25, § 374; 1961, c. 317, § 42.

§ 4836. Certification to controller; warrants for payment

Out of the interest accruing upon the funds belonging to said tribe, the commissioner 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.

R.S.1954, c. 25, § 375.

§ 4837. Removal of poor to reservations; reimbursement to towns

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. The State shall reimburse said town for the relief so furnished to such extent as the department adjudges to have been necessarily expended therefor.

R.S.1954, c. 25, § 376.

§ 4838. 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 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 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 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. 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. The said children of the Passamaquoddy tribe shall be subject to all compulsory attendance laws as provided in Title 20, chapter 105, except that the superintendent of schools of the Town of Perry or of the school union of which Perry may be a member and the commissioner shall jointly have full authority to enforce the full provisions of said attendance laws at Pleasant Point and for purposes of such enforcement the attendance officer for the Town of Perry shall act as attendance officer for Pleasant Point, and the superintendent of schools of the Town of Princeton or of the school union of which Princeton may be a member and the commissioner shall jointly have full authority to enforce the full provisions of said attendance laws at Peter Dana Point, and for purposes of

such enforcement the attendance officer for the Town of Princeton shall act as attendance officer for Peter Dana Point. 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 Title 20, section 1291, 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 Title 20, section 1292 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 Title 20, section 1292 for secondary schools.

R.S.1954, c. 25, § 377; 1963, c. 230.