

# MAINE STATE LEGISLATURE

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A BRIEF HISTORY OF INDIAN LEGISLATIVE  
REPRESENTATIVES IN THE MAINE LEGISLATURE

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Of all the fifty states in, the Union, Maine is the only one that has Representatives in its' Legislature, for its' Indian Tribes. This unique practice has an interesting history.

The earliest record of Representatives being sent from the Penobscots is in 1823 and of the Passamaquoddies in 1842. At that time there was no State Law regarding election of Indian Delegate or Representative to the Legislature and the choice of this person or persons was determined by tribal law or custom only. Massachusetts records show that the practice of the two tribes sending Representatives to the State Legislature was not new with the formation of the new State of Maine in 1820 but probably had been going on since before the Revolutionary War.

The differences between the Old and New Parties in the Penobscot Tribe in the 1830's and 1840's caused such confusion that these two parties signed an agreement in 1850 which provided among other things that "an election should be held every year to choose one member of the Tribe to represent the Tribe before the Legislature and the Governor and Council." This agreement governed the choice of Representative until the Legislature passed the so-called "Special Law" of 1866 which, with the Tribe's agreement finally settled the procedure of election for not only it's Representative but the Governor and Lieutenant Governor as well.

A similar agreement setting forth the form of their Tribal Government was made between the two Passamaquoddy Reservations in what is known as the "Treaty of Peace of 1852." The system of government established by this document has remained unchanged in its essential provisions, ever since although it was not enacted into State Law until the Passamaquoddy Tribe petitioned the Legislature to do so in 1927. Among the Passamaquoddies the Representative was to be elected alternately from each of the two Reservations.

A great deal more research must be done in regard to Indian Representation in the Maine Legislature but our present meager knowledge of the subject shows that over the last half of the nineteenth century there was a gradual growth and development of the Indian Representative's status in the Legislative Halls.

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Only from the middle 1890's was there a verbatim Legislative Record made, and not until 1907 is it provided with an index, but from that year on we can read clearly the record in session after session where the Indian Representatives were seated, sometimes spoke and were accorded other privileges.

This gradual improvement in the status of Indian Representatives resulted in an effort during the 1939 Legislature to place Indian Representatives, on a nearly equal footing with the others. This effort failed however and the 1941 session passed legislation that ousted the Indians entirely from the Hall of the House, their status being reduced to little better than state paid lobbyists.

Since 1965, a gradual change for the better has occurred. Salaries and allowances have increased and seating and speaking privileges were restored in 1975 after a lapse of thirty-four years.

The closest analogy to Indian representation in the Maine Legislature now existing are probably the Federal Laws that allow the territories and the District of Columbia to seat Delegates in the Federal House of Representatives. Under Federal Law and House Rule a delegate can do anything a regular House Member can do except vote on pending legislation. He can sit on Committee and vote in Committee. He receives the same salary and allowances, and for all practical purposes except the House vote, does what any Member of Congress can do.

Opinions by the Office of the Maine Attorney General over the years would seem to indicate that Indian Representatives to the Maine House could have a position in the Maine Legislature very similar to delegates of the territories in congress, under the law and house rules as they now stand. At any rate it is to be hoped that improvements in status will continue, for with the settlement of the Maine Indian Land Claims in 1980 establishing an entirely new relationship with the State, the need for competent representation of the Indian Tribes in the Legislature is more vital than ever before.

(The above narrative of Indian Representation in the Legislature based on information derived from the Legislative Record, Federal and State House Rules, State Department Reports, Maine Public Laws, Resolves, Private and Special Laws, Federal Laws, Newspaper Articles and other published accounts).