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96TH CONGRESS
2D SESSION

H. R. 7919

To provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1980

Mr. EMERY (for himself and Mrs. SNOWE) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Maine Indian Claims
4 Settlement Act of 1980".

5 CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

6 SEC. 2. (a) Congress hereby finds and declares that:

1 (1) The Passamaquoddy Tribe, the Penobscot
2 Nation, and the Maliseet Tribe are asserting claims for
3 possession of lands within the State of Maine and for
4 damages on the grounds that the lands in question
5 were originally transferred in violation of law, includ-
6 ing the Trade and Intercourse Act of 1790 (1 Stat.
7 137), or subsequent reenactments or versions thereof.

8 (2) The Indians, Indian nations, and tribes and
9 bands of Indians, other than the Passamaquoddy Tribe,
10 the Penobscot Nation, and the Maliseet Tribe, that
11 once may have held aboriginal title to lands within the
12 State of Maine long ago have lost their aboriginal hold-
13 ings and have ceased to exist.

14 (3) The Penobscot Nation, as represented as of
15 the time of passage of this Act by the Penobscot Na-
16 tion's Governor and Council, is the successor in inter-
17 est to the aboriginal entity generally known as the Pe-
18 nobscot Nation, which years ago claimed aboriginal
19 title to certain lands in the State of Maine.

20 (4) The Passamaquoddy Tribe, as represented as
21 of the time of passage of this Act by the Joint Tribal
22 Council of the Passamaquoddy Tribe, is the successor
23 in interest to the aboriginal entity generally known as
24 the Passamaquoddy Tribe, which years ago claimed
25 aboriginal title to certain lands in the State of Maine.

1 (5) The Houlton Band of Maliseet Indians, as rep-
2 resented as of the time of passage of this Act by the
3 Houlton Band Council, is the successor in interest, as
4 to lands within the United States, to the aboriginal
5 entity generally known as the Maliseet Tribe, which
6 years ago claimed aboriginal title to certain lands in
7 the State of Maine.

8 (6) Substantial economic and social hardship to a
9 large number of landowners, citizens, and communities
10 in the State of Maine, and therefore to the economy of
11 the State of Maine as a whole, will result if the afore-
12 mentioned claims are not resolved promptly.

13 (7) This Act represents a good faith effort on the
14 part of Congress to provide the Passamaquoddy Tribe,
15 the Penobscot Nation, and the Houlton Band of Mali-
16 seet Indians with a fair and just settlement of their
17 land claims. In the absence of congressional action,
18 these land claims would be pursued through the courts,
19 a process which in all likelihood would consume many
20 years and thereby promote hostility and uncertainty in
21 the State of Maine to the ultimate detriment of the
22 Passamaquoddy Tribe, the Penobscot Nation, the
23 Houlton Band of Maliseet Indians, their members, and
24 all other citizens of the State of Maine.

1 (8) The parties to these claims, acting through
2 their duly authorized representatives, whose authority
3 is hereby recognized and acknowledged, have executed
4 a Settlement Agreement dated , 1980,
5 which requires implementing legislation by Congress.

6 (9) The State of Maine, with the agreement of the
7 Passamaquoddy Tribe, the Penobscot Nation, and the
8 Houlton Band of Maliseet Indians, has enacted legisla-
9 tion defining the relationship between the Passama-
10 quoddy Tribe, the Penobscot Nation, the Houlton Band
11 of Maliseet Indians and their members, and the State
12 of Maine.

13 (10) Since 1820, the State of Maine has provided
14 special services to the Indians residing within its bor-
15 ders, including the members of the Passamaquoddy
16 Tribe, the Penobscot Nation, and the Houlton Band of
17 Maliseet Indians. During this same period, the United
18 States provided few special services to the respective
19 tribe, nation, or band, and repeatedly denied that it
20 had jurisdiction over or responsibility for the said tribe,
21 nation, and band. In view of this provision of special
22 services by the State of Maine, requiring substantial
23 expenditures by the State of Maine and made by the
24 State of Maine without being required to do so by Fed-
25 eral law, it is the intent of Congress that the State of

1 Maine not be required further to contribute directly to
2 this claims settlement.

3 (b) It is the purpose of this Act—

4 (1) to remove the cloud on the titles to land in the
5 State of Maine resulting from Indian claims;

6 (2) to clarify the status of other land and natural
7 resources in the State of Maine;

8 (3) to ratify the Maine Implementing Act, which
9 defines the relationship between the State of Maine
10 and the Passamaquoddy Tribe and the Penobscot
11 Nation; and

12 (4) to confirm that all other Indians, Indian na-
13 tions and tribes and bands of Indians now or hereafter
14 existing or recognized in the State of Maine are and
15 shall be subject to all laws of the State of Maine.

16 DEFINITIONS

17 SEC. 3. For purposes of this Act, the term—

18 (a) “Houlton Band of Maliseet Indians” means
19 the Maliseet Tribe of Indians as constituted on March
20 4, 1789, and all its predecessors and successors in in-
21 terest, which, as of the date of passage of this Act, are
22 represented, as to lands within the United States, by
23 the Houlton Band Council of the Houlton Band of
24 Maliseet Indians.

1 (b) "Land or other natural resources" means any
2 real property or other natural resources, or any inter-
3 est in or right involving any real property or other nat-
4 ural resources, including but without limitation miner-
5 als and mineral rights, timber and timber rights, water
6 and water rights, and hunting and fishing rights.

7 (c) "Land Acquisition Fund" means the Maine
8 Indian Claims Land Acquisition Fund established
9 under section 5(c) of this Act.

10 (d) "Laws of the State" means the Constitution,
11 and all statutes, regulations, and common laws of the
12 State of Maine and its political subdivisions, and all
13 subsequent amendments thereto or judicial interpreta-
14 tions thereof.

15 (e) "Maine Implementing Act" means the "Act to
16 Implement the Maine Indian Claims Settlement" en-
17 acted by the State of Maine in chapter of the Pri-
18 vate and Special Laws of 1979.

19 (f) "Passamaquoddy Indian Reservation" means
20 those lands as defined in the Maine Implementing Act.

21 (g) "Passamaquoddy Territory" means those lands
22 as defined in the Maine Implementing Act.

23 (h) "Passamaquoddy Tribe" means the Passama-
24 quoddy Indian Tribe, as constituted on March 4, 1789,
25 and all its predecessors and successors in interest,

1 which as of the date of passage of this Act, are repre-
2 sented by the Joint Tribal Council of the Passama-
3 quoddy Tribe, with separate Councils at the Indian
4 Township and Pleasant Point Reservations.

5 (i) "Penobscot Indian Reservation" means those
6 lands as defined in the Maine Implementing Act.

7 (j) "Penobscot Indian Territory" means those
8 lands defined in the Maine Implementing Act.

9 (k) "Penobscot Nation" means the Penobscot
10 Indian Nation as constituted on March 4, 1789, and all
11 its predecessors and successors in interest, which as of
12 the date of passage of this Act are represented by the
13 Penobscot Nation Governor and Council.

14 (l) "Secretary" means the Secretary of the
15 Interior.

16 (m) "Settlement Fund" means the Maine Indian
17 Claims Settlement Fund established under section 5(a)
18 of this Act.

19 (n) "Transfer" includes but is not limited to any
20 voluntary or involuntary sale, grant, lease, allotment,
21 partition, or other conveyance; any transaction the pur-
22 pose of which was to effect a sale, grant, lease, allot-
23 ment, partition, or conveyance; and any act, event, or
24 circumstance that resulted in a change in title to, pos-

1 session of, dominion over, or control of land or other
2 natural resources.

3 APPROVAL OF PRIOR TRANSFERS AND EXTINGUISHMENT
4 OF INDIAN TITLE AND CLAIMS OF THE PASSAMA-
5 QUODDY TRIBE, THE PENOBSCOT NATION, THE HOUL-
6 TON BAND OF MALISEET INDIANS, AND ANY OTHER
7 INDIANS, INDIAN NATION, OR TRIBE OR BAND OF IN-
8 DIANS WITHIN THE STATE OF MAINE

9 SEC. 4. (a)(1) Any transfer of land or other natural re-
10 sources located anywhere within the United States from, by,
11 or on behalf of the Passamaquoddy Tribe, the Penobscot
12 Nation, the Houlton Band of Maliseet Indians, or any of their
13 members, and any transfer of land or other natural resources
14 located anywhere within the State of Maine, from, by, or on
15 behalf of any Indian, Indian nation, or tribe or band of Indi-
16 ans, including but without limitation any transfer pursuant to
17 any treaty, compact, or statute of any State, shall be deemed
18 to have been made in accordance with the Constitution and
19 all laws of the United States, including but without limitation
20 the Trade and Intercourse Act of 1790, Act of July 22, 1790
21 (ch. 33, sec. 4, 1 Stat. 137, 138), and all amendments there-
22 to and all subsequent reenactments and versions thereof, and
23 Congress hereby does approve and ratify any such transfer
24 effective as of the date of said transfer.

1 (2) Any transfer of land or other natural resources lo-
2 cated anywhere within the State of Maine, from, by, or on
3 behalf of any Indian nation, or tribe or band of Indians in-
4 cluding but without limitation any transfer pursuant to any
5 treaty, compact or statute of any State, shall be deemed to
6 have been made in accordance with the laws of the State,
7 and Congress hereby does approve and ratify any such trans-
8 fer effective as of the date of said transfer.

9 (3) Any transfer of land or other natural resources lo-
10 cated anywhere within the State of Maine, from, by, or on
11 behalf of any individual Indian, which occurred prior to De-
12 cember 1, 1873, including but without limitation any transfer
13 pursuant to any treaty, compact or statute of any State, shall
14 be deemed to have been made in accordance with the laws of
15 the State, and Congress hereby does approve and ratify any
16 such transfer effective as of the date of said transfer.

17 (b) To the extent that any transfer of land or other natu-
18 ral resources described in section 4(a) may involve land or
19 other natural resources to which the Passamaquoddy Tribe,
20 the Penobscot Nation, the Houlton Band of Maliseet Indians,
21 or any of their members, or any other Indian, Indian nation,
22 or tribe or band of Indians had aboriginal title, subsection
23 4(a) shall be regarded as an extinguishment of said aboriginal
24 title as of the date of such transfer.

1 (c) By virtue of the approval and ratification of a trans-
2 fer of land or other natural resources effected by this section,
3 or the extinguishment of aboriginal title effected thereby, all
4 claims against the United States, any State or subdivision
5 thereof, or any other person or entity, by the Passamaquoddy
6 Tribe, the Penobscot Nation, the Houlton Band of Maliseet
7 Indians or any of their members or by any other Indian,
8 Indian nation, tribe or band of Indians, or any predecessors
9 or successors in interest thereof, arising at the time of or
10 subsequent to the transfer and based on any interest in or
11 right involving such land or other natural resources, includ-
12 ing but without limitation claims for trespass damages or
13 claims for use and occupancy, shall be deemed extinguished
14 as of the date of the transfer.

15 ESTABLISHMENT OF FUNDS

16 SEC. 5. (a) The Secretary of the Treasury shall estab-
17 lish an account in the Treasury of the United States to be
18 known as the Maine Indian Claims Settlement Fund and
19 shall transfer \$27,000,000 from the general funds of the
20 Treasury into such account following the appropriation au-
21 thorized by section 13 of this Act.

22 (b)(1) One-half of the principal of the Settlement Fund
23 shall be held in trust by the Secretary for the benefit of the
24 Passamaquoddy Tribe, and the other half of the Settlement
25 Fund shall be held in trust for the benefit of the Penobscot

1 Nation. Each portion of the Settlement Fund shall be in-
2 vested and administered by the Secretary in accordance with
3 terms established by the Passamaquoddy Tribe or the Penob-
4 scot Nation, respectively, and agreed to by the Secretary.
5 The Secretary shall accept reasonable terms for investment
6 and administration proposed by the Passamaquoddy Tribe or
7 the Penobscot Nation within thirty days of the date on which
8 he receives the proposed terms, and, until such terms have
9 been agreed upon, shall fix the terms for the administration of
10 the Settlement Fund. The Passamaquoddy Tribe or the
11 Penobscot Nation may obtain judicial review in the United
12 States District Court for the District of Maine of any refusal
13 by the Secretary to accept reasonable terms put forth by the
14 respective tribe or nation, or of any failure of the Secretary
15 to administer such funds in accordance with such terms.

16 (2) Under no circumstances shall any part of the princi-
17 pal of the Settlement Fund be distributed to either the Passa-
18 maquoddy Tribe or the Penobscot Nation, or to any member
19 of either tribe or nation: *Provided, however,* That nothing
20 herein shall prevent reasonable investment of the principal of
21 said Fund by the Secretary.

22 (3) The Secretary, on a quarterly basis, shall make
23 available to the Passamaquoddy Tribe and the Penobscot
24 Nation, without liability to or on the part of the United
25 States, and without any deductions, any income derived from

1 that portion of the Settlement Fund allocated to the respec-
2 tive tribe or nation, the use of which shall be free from regu-
3 lation by the Secretary: *Provided, however,* That the Passa-
4 maquoddy Tribe and the Penobscot Nation annually shall
5 each expend the income from \$1,000,000 of their portion of
6 the Settlement Fund for the benefit of their respective mem-
7 bers who are over the age of sixty.

8 (c) The Secretary of the Treasury shall establish an ac-
9 count in the Treasury of the United States to be known as
10 the Maine Indian Claims Land Acquisition Fund and shall
11 transfer \$54,500,000 from the general funds of the Treasury
12 into such account following the appropriation authorized by
13 section 13 of this Act.

14 (d) The principal of the Land Acquisition Fund shall be
15 held in trust by the Secretary as follows:

16 (1) \$900,000 shall be held for the benefit of the
17 Houlton Band of Maliseet Indians to be used to pur-
18 chase 5,000 acres of Maine woodland;

19 (2) one-half of the balance of the principal of the
20 Land Acquisition Fund shall be held by the Secretary
21 for the benefit of the Passamaquoddy Tribe; and

22 (3) the other half of the balance of the principal of
23 the Land Acquisition Fund shall be held for the benefit
24 of the Penobscot Nation.

1 The Secretary shall expend, with the consent of the affected
2 tribe, nation, or band, the principal and any income accruing
3 to this Land Acquisition Fund for the purpose of acquiring
4 land for the Passamaquoddy Tribe, the Penobscot Nation,
5 and the Houlton Band of Maliseet Indians and for no other
6 purpose. If the Houlton Band of Maliseet Indians should
7 cease to exist, any lands acquired for the Maliseet Tribe pur-
8 suant to section 5 shall be divided equally and held in trust,
9 one-half for the benefit of the Passamaquoddy Tribe and one-
10 half for the benefit of the Penobscot Nation.

11 (e)(1) The provisions of section 177 of title 25 of the
12 United States Code shall not be applicable to (i) the Passa-
13 maquoddy Tribe, the Penobscot Nation, or the Houlton Band
14 of Maliseet Indians or any other Indian, Indian nation, or
15 tribe or band of Indians in the State of Maine, and (ii) any
16 land or other natural resources owned by or held in trust for
17 the Passamaquoddy Tribe, the Penobscot Nation, or the
18 Houlton Band of Maliseet Indians or any other Indian,
19 Indian nation, or tribe or band of Indians in the State of
20 Maine. Except as provided in subsection (e)(2), such land or
21 other natural resources shall not otherwise be subject to any
22 restraint on alienation by virtue of being held in trust by the
23 United States or the Secretary.

24 (2) Any transfer of land or other natural resources
25 within the Passamaquoddy Indian Territory or the Penobscot

1 Indian Territory, except takings for public uses consistent
2 with the Maine Implementing Act or the laws of the United
3 States, or transfers of individual Indian assignments from one
4 member of the Passamaquoddy Tribe or Penobscot Nation to
5 another member of the same tribe or nation shall be void ab
6 initio and without any validity in law or equity unless made
7 by or with the consent of the respective tribe or nation and
8 with the approval of the Secretary: *Provided, however,* That
9 the Secretary and the respective tribe or nation shall have
10 authority to approve only transfers of timber and other natu-
11 ral resources; leases of land for a term not to exceed fifty
12 years; exchanges of land; and transfers of land or other natu-
13 ral resources the proceeds of which are reinvested in land
14 within two years of the date of the receipt of such proceeds.

15 (f) Land acquired and held by the Secretary for the
16 benefit of the Passamaquoddy Tribe and the Penobscot
17 Nation shall be managed and administered in accordance
18 with terms established by the respective tribe or nation and
19 agreed to by the Secretary. The Secretary shall accept rea-
20 sonable terms for management and administration proposed
21 by the Passamaquoddy Tribe or the Penobscot Nation within
22 thirty days of the date on which he receives the proposed
23 terms, and until such terms have been agreed upon shall fix
24 the terms for management and administration of said lands.
25 The Passamaquoddy Tribe or the Penobscot Nation may

1 obtain judicial review in the United States District Court for
2 the District of Maine of any refusal of the Secretary to accept
3 reasonable terms put forth by the respective tribe or nation,
4 or of any failure of the Secretary to administer such lands in
5 accordance with such terms.

6 (g) In the event of a taking of land or any interest in
7 land owned by or held in trust for the Passamaquoddy Tribe,
8 the Penobscot Nation or the Houlton Band of Maliseet Indi-
9 ans for public uses pursuant to the laws of the State or the
10 laws of the United States, the Secretary shall reinvest the
11 money received in other lands for the respective tribe, nation,
12 or band within two years of the date on which the money is
13 received. Any lands so acquired shall be approved by the
14 affected tribe, nation, or band, and shall be subject to the
15 terms of this Act and the Maine Implementing Act.

16 APPLICATION OF STATE LAWS

17 SEC. 6. (a) Except as otherwise provided in subsections
18 (b), (d), and (e) of this section, all Indians, Indian nations,
19 tribes, and bands of Indians in the State of Maine, other than
20 the Passamaquoddy Tribe and the Penobscot Nation and
21 their members, and all lands or other natural resources
22 owned by or held in trust by the United States, or by any
23 other person or entity for any such Indian, Indian nation or
24 tribe, or band of Indians, shall be subject to the civil and
25 criminal jurisdiction of the State, the laws of the State, and

1 to the civil and criminal jurisdiction of the courts of the State,
2 to the same extent as any other person or land therein.

3 (b) The Passamaquoddy Tribe, the Penobscot Nation,
4 their members, and the land owned by or held for the benefit
5 of the Passamaquoddy Tribe, the Penobscot Nation, and their
6 members, shall be subject to the jurisdiction of the State of
7 Maine to the extent and in the manner provided in the Maine
8 Implementing Act. The Maine Implementing Act is hereby
9 approved, ratified and confirmed, and the provisions of the
10 Maine Implementing Act which hereafter become effective,
11 including any subsequent amendments pursuant to subsection
12 (d), are incorporated by reference as fully as if set forth
13 herein. The Maine Implementing Act shall not be subject to
14 the provisions of section 1919 of title 25 of the United States
15 Code.

16 (c) The Passamaquoddy Tribe, the Penobscot Nation,
17 the Houlton Band of Maliseet Indians, and all members
18 thereof, and all other Indians, Indian nations, or tribes, or
19 bands of Indians in the State of Maine may sue and be sued
20 in the courts of the State of Maine and the United States to
21 the same extent as any other entity or person residing in the
22 State of Maine may sue and be sued in those courts: *Pro-*
23 *vided, however,* That the Passamaquoddy Tribe, the Penob-
24 scot Nation, and their officers and employees shall be
25 immune from suit to the extent provided in the Maine Imple-

1 menting Act. In the event that either the Passamaquoddy
2 Tribe or the Penobscot Nation fails to pay any money judg-
3 ment entered against it within ninety days after entry of final
4 judgment, the Secretary shall pay any such money judgment
5 from that portion of the income of the Settlement Fund held
6 for the respective tribe or nation. Any person asserting a
7 money judgment against either the Passamaquoddy Tribe or
8 the Penobscot Nation may sue the Secretary in the United
9 States District Court for the District of Maine for any such
10 amount due.

11 (d) Congress hereby consents to any amendment to the
12 Maine Implementing Act with respect to either the Passama-
13 quoddy Tribe or Penobscot Nation provided that such amend-
14 ment is made with the agreement of such tribe or nation.

15 (e) The Passamaquoddy Tribe and the Penobscot Nation
16 are hereby authorized to exercise jurisdiction, separate and
17 distinct from the civil and criminal jurisdiction of the State of
18 Maine, to the extent authorized by the Maine Implementing
19 Act, and any subsequent amendments thereto.

20 (f) The United States, every State, every territory or
21 possession of the United States, and every Indian nation and
22 tribe and band of Indians shall give full faith and credit to the
23 judicial proceedings of the Passamaquoddy Tribe and the Pe-
24 nobscot Nation. The Passamaquoddy Tribe and the Penob-
25 scot Nation shall give full faith and credit to the judicial pro-

1 ceedings of each other and to the judicial proceedings of the
2 United States, every State, every territory or possession of
3 the United States, and every recognized Indian nation and
4 tribe and band of Indians.

5 (g) Except as provided in this Act, the laws of the
6 United States which relate or accord special status or rights
7 to Indians, Indian nations, tribes, and bands of Indians,
8 Indian lands, Indian reservations, Indian country, Indian ter-
9 ritory, or lands held in trust for Indians, shall not apply
10 within the State of Maine: *Provided, however,* That the
11 Passamaquoddy Tribe, the Penobscot Nation, and the Houl-
12 ton Band of Maliseet Indians shall be eligible to receive all
13 the financial benefits which the United States provides to In-
14 dians, Indian nations and tribes or bands of Indians to the
15 same extent and subject to the same eligibility criteria gener-
16 ally applicable to other Indians, Indian nations, or tribes or
17 bands of Indians and for the purposes of determining eligibil-
18 ity for such financial benefits, the respective tribe, nation,
19 and band shall be deemed to be federally recognized Indian
20 tribes: *And provided further,* That the Passamaquoddy Tribe,
21 the Penobscot Nation, and the Houlton Band of Maliseet In-
22 dians shall be considered federally recognized Indian tribes
23 for the purposes of Federal taxation and any lands owned by
24 or held in trust for the respective tribe, nation, or band shall

1 be considered Federal Indian reservations for purposes of
2 Federal taxation.

3 IMPLEMENTATION OF THE INDIAN CHILD WELFARE ACT

4 SEC. 7. (a) The Passamaquoddy Tribe or the Penobscot
5 Nation may assume exclusive jurisdiction over Indian child
6 custody proceedings pursuant to section 1901 of title 25,
7 United States Code. Before the respective tribe or nation
8 may assume such jurisdiction over Indian child custody pro-
9 ceedings, the respective tribe or nation shall present to the
10 Secretary for approval a petition to assume such jurisdiction
11 and the Secretary shall approve that petition in the manner
12 prescribed by section 1918(a)-(c) of title 25, United States
13 Code.

14 (b) Any petition to assume jurisdiction over Indian child
15 custody proceedings by the Passamaquoddy Tribe or the Pe-
16 nobscot Nation shall be considered and determined by the
17 Secretary in accordance with section 1918 (b) and (c) of title
18 25, United States Code.

19 (c) Assumption of jurisdiction under this section shall
20 not affect any action or proceeding over which a court has
21 already assumed jurisdiction.

22 (d) For the purposes of this section, the Passamaquoddy
23 Indian Reservation and the Penobscot Indian Reservation
24 shall be deemed to be "reservations" within section 1903(10)
25 of title 25, United States Code, and the Passamaquoddy

1 Tribe and the Penobscot Nation shall be deemed to be
2 "Indian tribes" within section 1903(8) of title 25, United
3 States Code.

4 (e) Until the Passamaquoddy Tribe or the Penobscot
5 Nation has assumed exclusive jurisdiction over the Indian
6 child custody proceedings pursuant to this section, the State
7 of Maine shall have exclusive jurisdiction over the Indian
8 child custody proceedings of that tribe or nation.

9 EFFECT OF PAYMENTS TO PASSAMAQUODDY TRIBE,
10 PENOBSCOT NATION, AND HOULTON BAND OF MALI-
11 SEET INDIANS

12 SEC. 8. (a) No payments to be made for the benefit of
13 the Passamaquoddy Tribe, the Penobscot Nation, and the
14 Houlton Band of Maliseet Indians pursuant to the terms of
15 this Act shall be considered by any agency or department of
16 the United States in determining or computing the State of
17 Maine's eligibility for participation in any financial aid pro-
18 gram of the United States.

19 (b) The eligibility for or receipt of payments from the
20 State of Maine by the Passamaquoddy Tribe and the Penob-
21 scot Nation or any of their members pursuant to the Maine
22 Implementing Act or any other law of the State of Maine
23 shall not be considered by any department or agency of the
24 United States in determining the eligibility of or computing
25 payments to the Passamaquoddy Tribe or the Penobscot

1 Nation or any of their members under any financial aid pro-
2 gram of the United States.

3 (c) The availability of funds or distribution of funds pur-
4 suant to section 5 of this Act may not be considered as
5 income or resources or otherwise utilized as the basis (1) for
6 denying any Indian household or member thereof participa-
7 tion in any federally assisted housing program, (2) for deny-
8 ing or reducing the Federal financial assistance or other Fed-
9 eral benefits to which such household or member would oth-
10 erwise be entitled, or (3) for denying or reducing the Federal
11 financial assistance or other Federal benefits to which the
12 Passamaquoddy Tribe or Penobscot Nation would otherwise
13 be entitled.

14 DEFERRAL OF CAPITAL GAINS

15 SEC. 9. For the purpose of subtitle A of the Internal
16 Revenue Code of 1954, any transfer by private owners of
17 land purchased by the Secretary with moneys from the Land
18 Acquisition Fund shall be deemed to be an involuntary con-
19 version within the meaning of section 1033 of the Internal
20 Revenue Code of 1954, as amended.

21 TRANSFER OF TRIBAL TRUST FUNDS HELD BY THE STATE
22 OF MAINE

23 SEC. 10. All funds of either the Passamaquoddy Tribe
24 or the Penobscot Nation held in trust by the State of Maine
25 as of the effective date of this Act shall be transferred to the

1 Secretary to be held in trust for the respective tribe or nation
2 and shall be added to the principal of the Settlement Fund
3 allocated to that tribe or nation. The delivery of said State
4 funds to the Secretary shall be accepted in full discharge of
5 any claim of the respective tribe or nation, its predecessors
6 and successors in interest, and its members, against the State
7 of Maine, its officers, employees, agents, and representatives,
8 arising from the administration or management of said State
9 funds. Upon receipt of said State funds, the Secretary, on
10 behalf of the respective tribe and nation, shall execute
11 general releases of all claims against the State of Maine, its
12 officers, employees, agents, and representatives arising from
13 the administration or management of said State funds.

14 OTHER CLAIMS DISCHARGED BY THIS ACT

15 SEC. 11. Except as expressly provided herein, this Act
16 shall constitute a general discharge and release of all obliga-
17 tions of the State of Maine and all of its political subdivisions,
18 agencies, departments, and all of the officers or employees
19 thereof arising from any treaty or agreement with, or on
20 behalf of, any Indian, Indian nation, or tribe or band of Indi-
21 ans or the United States as trustee therefor, including those
22 actions presently pending in the United States District Court
23 for the District of Maine captioned United States of America
24 against State of Maine (Civil Action Nos. 1966-ND and
25 1969-ND).

1 LIMITATION OF ACTIONS

2 SEC. 12. Except as provided in this Act, no provision of
3 this Act shall be construed to constitute a jurisdictional act,
4 to confer jurisdiction to sue, nor to grant implied consent to
5 any Indian, Indian nation or tribe or band of Indians to sue
6 the United States or any of its officers with respect to the
7 claims extinguished by the operation of this Act.

8 AUTHORIZATION

9 SEC. 13. There is hereby authorized to be appropriated
10 \$81,500,000 for transfer to the funds established by section 5
11 of this Act.

12 INSEPARABILITY

13 SEC. 14. In the event that any provision of section 4 of
14 this Act is held invalid, it is the intent of Congress that the
15 entire Act be invalidated. In the event that any other section
16 or provision of this Act is held invalid, it is the intent of
17 Congress that the remaining sections of this Act shall
18 continue in full force and effect.

○

96TH CONGRESS
2D SESSION

H. R. 7919

To provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1980

Mr. EMERY (for himself and Mrs. SNOWE) introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To provide for the settlement of land claims of Indians, Indian nations and tribes and bands of Indians in the State of Maine, including the Passamaquoddy Tribe, the Penobscot Nation, and the Houlton Band of Maliseet Indians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Maine Indian Claims
4 Settlement Act of 1980".

5 CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

6 SEC. 2. (a) Congress hereby finds and declares that: