

1 and which may result in a cloud on the title of the poten-
2 tially affected land areas;

3 (2) these aboriginal land claims were presumed ex-
4 tinguished by conquest, abandonment, or by treaties
5 entered into in the late eighteenth and early nineteenth
6 centuries;

7 (3) the mere pendency of these claims for the
8 return of aboriginal lands and may result in irreparable
9 damage and substantial adverse consequences for the
10 State of Maine and its citizens which consequences are
11 disproportionate to the ultimate resolution of the
12 litigation;

13 (4) while the legal basis for the claims rests in
14 large part on the alleged failure of the Federal Gov-
15 ernment to carry out its trust responsibility to the
16 Passamaquoddy and Penobscot Indian Tribes, the bur-
17 den of the claims falls upon the State of Maine and
18 present-day good-faith titleholders in the State of Maine;

19 (5) a monetary remedy, if any, shall be the exclu-
20 sive remedy available for any claims arising out of or
21 based upon any claims of violation of aboriginal title
22 rights which may be brought by the Passamaquoddy or
23 Penobscot Indian Tribes; and

24 (6) no provision of this Act shall be construed as
25 replacing or diminishing any right, privilege, or obliga-

1 tion of members of the Passamaquoddy or Penobscot
2 Indian Tribes as citizens of the United States or of the
3 State of Maine, or relieving, replacing, or diminishing
4 any obligation of the United States or of the State of
5 Maine to protect and promote the rights or welfare of the
6 members of these tribes as citizens of the United States
7 or of the State of Maine.

8 DECLARATION OF TITLE EXTINGUISHMENT

9 SEC. 3. (a) To the extent, if any, that the Passama-
10 quoddy or Penobscot Indian Tribes held aboriginal title to
11 or interests in lands or waters, or both, in the area now com-
12 prising the State of Maine, the Congress hereby recognizes
13 all prior conveyances of such title and interests from such
14 Indian tribes to the State of Maine and its predecessor in
15 interest, the Commonwealth of Massachusetts, and deems all
16 such title and interests to have been extinguished as of the
17 date of such conveyances.

18 (b) Any relief which may hereafter be granted as a
19 result of any claims arising out of or based upon the alleged
20 wrongful loss of aboriginal title rights in the State of Maine
21 by the Passamaquoddy and Penobscot Indian Tribes shall
22 be limited to monetary damages only and such monetary
23 damages shall be the exclusive remedy available for any such
24 claims.

25 SEC. 4. Notwithstanding any other provision of law, any

1 action brought in any district court other than the United
2 States District Court for the District of Maine shall be trans-
3 ferred to that court immediately upon a determination that
4 the action involved the construction, application, or con-
5 stitutionality of this Act. The United States District Court
6 for the District of Maine shall have the duty to expedite to
7 the greatest extent possible the disposition of the issue of such
8 construction, application, or constitutionality and a decision
9 of the district court of that issue shall be deemed to be a
10 final order for purposes of review.

11 SEC. 5. If any section of this Act, or any portion thereof
12 or any particular application thereof is held invalid, the re-
13 mainder of the Act, and any application of this Act not held
14 invalid, shall not be affected thereby.

95TH CONGRESS
1ST SESSION

H. R. 4169

A BILL

Relating to certain Indian land claims in the
State of Maine, and for other purposes.

By Mr. COHEN and Mr. EMERY

MARCH 1, 1977

Referred to the Committee on Interior and Insular
Affairs.