

To: Bill
From: Tim
Re: Proposed Legislative solution to the Indian Land Claim
Date: 3/20/80

I have attached copies of the Maine Statute and the Congressional Act for your information.

The Maine Act:

The Maine Act creates a Maine Indian Tribal-State Commission to monitor the Act.

Jurisdiction:

Maine has done very well in ensuring continued jurisdiction over the land. All the land which is located within unorganized or unincorporated areas of the State are designated "territories" of the respective tribes. (This includes the reservations themselves). (Sec. 5).

The Tribes are vested with "municipality" status in administering these lands with all the rights and obligations that status holds for more conventional municipalities. (Sec. 6)

The Tribes are, however, granted the right to establish tribal courts and have jurisdiction over domestic matters, Indian Child custody, and small claims.

The tribes are to designate officers to implement the State laws applicable to the territories.

The tribes are subject to the criminal and civil jurisdiction of the State on the territory land in most cases. (Sec. 4)

Hunting:

the Indians are given the right to pass hunting and fishign ordinances.

Indian and Non-Indians are bound by the tribes' ordinances.

Tribal members may hunt and fish for sustenance if the tribe so decides. (Sec. 7)

The tribes must also establish registration stations to keep track of the wildlife killed in the hunting seasons. These records are to be available to the Commissioner of Inland Fisheries and Wildlife for inspection.

The Same Commissioner has jurisdiction over lakes over 10 acres and so on.

Taxation:

The settlement fund is exempt from State taxation. (Sec. 8)

The Tribes must make "payments in lieu of property taxes." The tax is to equal that which would have been assessed by the county. One is left to speculate to whom the tax should be paid. The reference to payment, I believe is calculated to ensure that the tribes pay for the land without being formally assessed for taxes.

Criminal Jurisdiction:

Tribal jurisdiction over criminal offenses is limited to instances where the fine does not exceed \$500 or the sentence 6 months. (Class E crime). (Sec. 9).

Non-Indians are not subject to this jurisdiction which is to be exercised by the Tribal courts.

Civil Jurisdiction:

Small Claims involving members of the Tribe.

Appeal:

I can find no specific provision for appealing the verdict of the tribal court.

Federal Act:

The Trust fund:

The Secretary of the Treasury is authorized to establish a "Maine Indian Claims Settlement Fund" of \$27 million. The money is to come from the "general funds of the Treasury."

Interest from the fund is to be paid to the tribes quarterly.

The Land Acquisition Fund:

The Secretary is authorized to take \$54.5 Million from the "general funds of the Treasury" to purchase land. (300,000 acres).

The sellers of the land are granted the right to defer the realization of capital gains on the land sold.

Points:

The money for land is a formidable obstacle. I will be meeting with Don Perkins this afternoon to get the Paper Companies version of the tremendous rise in the valuation per acre.

As you know, even with a credible description of the need for this much money, the plan will be hard to sell to Congress.

Since you have been following this matter much longer and more closely than I have, I not sure how much advice I can give you. I think, however, that it is fair to compliment the State on resolving the jurisdictional questions as it did. Any final judgment on the feasibility of the federal legislation will have to await a demonstration of the integrity of the per acre figures.

***I have enclosed a copy of the Congressional Record account of the Cayuga bill. I haven't had a chance to review it but thought you might find it of interest.