

To: Bill
From: Tim
Re: Meeting on the Maine Settlement Legislation
Date: 7/21/80

The meeting was held in Portland at Pierce, Atwood on July 17. All parties to the settlement were represented. Jim Case did not appear so Mitchell was not represented. The House members have not attended any of these sessions.

Problems:

oThe Maliseets:

The Maliseet problem appears well on its way to a solution. The compromise will place the Maliseet land in a trust held by the Passamaquoddy and Penobscot. This will ensure that the land is protected against alienation and will be included in "Indian country." The State does not object because this arrangement does not require alteration of the Maine Implementing Act and will not increase the size of "Indian Country."

oState/Federal Contribution:

All parties are willing to compromise on this point but no one wants to ask the State Legislature to amend the offending language. A suggestion was made to include a clarification in the Committee Report on the Senate side. I do not think this will suffice. It is more likely that the federal bill will have to include a provision for funding which the State will have to adopt or cause the federal bill to be invalid.

*There will be a meeting at OMB on Wednesday to explore this further.

oExtinguishment:

The settlement agreement envisioned the appropriation of the trust fund and the land acquisition fund to be nearly simultaneous with the extinguishment of the Indians' claims. It became apparent at the meeting that this may not be the case and the Indians became very exercised that their claims might be extinguished before they received their money. A suggestion was made that, to avoid this problem, the federal act carry a provision which would give the Indians a right to proceed against the federal government, in court, with a right to compel specific performance of the federal legislation. Whether this will be necessary remains to be seen but it calmed the Indians down.

*oMark-up:

The parties are very anxious for the bill to marked-up as soon as possible. The earliest possible time would be the week of August 4-8. The Senate recesses on Thursday of that week, however. Our next opportunity would not arrive until August 18.

It goes without saying, that the problems with the bill which were highlighted at the hearing must be resolved before mark-up.

I checked with Jane and you have an appointment in New York on August 4.