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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

April 29, 1980

Reid P. Chambers
Sonosky, Chambers & Sachse
203 M Street, N.W.
Washington, D.C. 20036

Dear Mr. Chambers:

Thank you for your letter of April 1, 1980. I understand that since your letter you and John Paterson have conferred by phone on this matter. This letter will largely confirm the conversation you had with Mr. Paterson.

As I indicated in our meeting of March 27, 1980, the State is not willing to agree to any modification of the Maine Implementing Act or the proposed federal settlement act that would guarantee the same restraints on alienation and tax exempt status to Maliseet land as that applicable to the Passamaquoddy Indian Territory or Penobscot Indian Territory. While the State did make an agreement with the Passamaquoddies and the Penobscots on these issues, that agreement represents months of difficult negotiations and reflects the parties mutual assessment of the relative merits of the claims of those Indian groups and the State's long-standing relationship to them. With respect to your clients, I do not believe that any of the factors that were weighed in our negotiations with the Passamaquoddies or Penobscots are relevant to the Maliseets and in all candor we do not find persuasive your arguments that the Maliseets' land should be treated in the manner you propose. However, as I indicated at our last meeting, I would be willing to consider and would recommend to the Governor that the proposed federal bill be modified to include in it language authorizing the State and the Maliseets to enter mutually agreeable jurisdictional agreements in the future, provided that until such agreements were made the Maliseets and their land, if any, were subject to all State laws. I was of the

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impression that this alternate approach as suggested by Mr. Tureen also met with your clients' approval and that you would prepare a proposal to that end.

The amendments proposed in your letter are inconsistent with my recollection of our discussion and are unacceptable. We would, however, be willing to consider the addition of a new subsection 6(h) to the proposed federal legislation to read as follows:

"(h) Notwithstanding the provisions of subsection 6(a), the State of Maine and the Houlton Band of Maliseet Indians are authorized to execute agreements regarding the jurisdiction of the State of Maine over lands held in trust for the Houlton Band. Unless and until such agreement is made the Houlton Band, its members and any lands owned by or held in trust for the Band or its members shall be subject to the laws of the State of Maine to the extent provided in subsection 6(a)."

Any other more specific language would be unacceptable to us.

I assume you will be in touch with me after you have had a chance to consider this proposal.

Sincerely,

Richard Cohen

RICHARD S. COHEN
Attorney General

RSC:mfe

cc: Thomas Tureen