

# Excerpts from Maine Legislative Record for the House of Representatives

January 21, 1975

## Orders

Mrs. Kany of Waterville presented the following Order and moved its passage:

ORDERED, that the House Rules be amended by adding a new House Rule No. 55 to read:

*55. The member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent their tribes at the biennial session of the Legislature shall be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; and be granted such other rights and privileges as may from time to time be voted by the House of Representative.*

The Order was read.

On motion of Mrs. Kany of Waterville, pursuant to House Rule No. 54, tabled one legislative day pending passage.

---

January 22, 1975

## Orders of the Day

The Chair laid before the House the fourth tabled and today assigned matter:

HOUSE ORDER, Amending the House Rules

Tabled - January 21 by Mrs. Kany of Waterville

Pending - Passage

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Like most freshmen, I had high hopes of bringing innovative problem solving to the floor of this House. So here I am with my first presentation merely trying to establish something which had been tradition in this chamber for over a hundred years.

The Order before you calls for a change in the House rules to allow a seat and speaking privileges, by consent of the Speaker of the House, for the two tribally elected Indian Representatives. It does not call for voting privileges, so there would be

no violation of the one-man, one-vote rule or any possible charges of conflict of interest.

The Indian representatives had floor privileges until 1941 when a change in a single word in our statutory law made them representatives at the Legislature instead of representatives to the Legislature, relegating them to mere onlookers from the balcony or lobbyists in the halls.

Why was the change made? The 1939 Legislative Record shows the storm brewing in debate over a pay raise for the Indian Representatives, centering on should the Indians, without the responsibility of voting, have the same pay as other legislators? We still pay them \$2,000, plus 30 days' expenses, per biennium, but don't receive the benefit of their voice. Many attempts have since been made to reinstate those floor privileges, and it is important to look at some of the very legitimate questions which have been raised. Why should the Indians have a seat and speaking privileges and not other minorities?

And haven't the Indians been adequately represented in the past? The answer is that Maine's approximately 3,000 Indians are so scattered throughout northeast Maine that they do not have a real impact in the election of a regular House member. It is only recently that the two tribes were even allowed to vote for actual members of this chamber, in 1968 - 6 years ago only with the help of Representative Mills when he threatened court action. If this doesn't show Maine historically treating Maine-born Indians like citizens of a separate nation, I don't know what would. Even so, the State of Maine has never acknowledged any inherent sovereign powers in the tribes, even though treaties between Maine and the two tribes include such wording as: "so long as they shall remain a Nation and reside within the State of Maine." Nor have the Passamaquoddy and Penobscot Indians been officially recognized by the federal government as Indians, primarily because the [original] treaties were made with Massachusetts. Maine assumed the treaty obligations and also made separate treaties. The legal questions are extremely complicated. Clarification of the Indians' legal status has simply not been made.

Perhaps the biggest question is, do the Indians really want a seat and speaking privileges? I can assure you they do. In fact, these are all letters and telegrams from members of the two tribes saying that they do.

What prompted me to introduce this order was being a member of two separate platform subcommittees on Indian affairs and listening to public hearing after public hearing in which the Indians asked for speaking privileges for their tribally elected representatives.

I believe that if we totally ignore reasonable requests such as this at such public hearings, we make a sham of those hearings.

I could give you some second-hand information about the Indians, their acute problems like the reliable estimate that 65 percent of Maine Indians were unemployed in 1973. But I feel like a parasite relaying second-hand information. Let us give this

House the benefit of the Indians' first-hand knowledge and at the same time allow them the least a voice in the state's policymaking process which affects their lives.

We, in our statutory law, even dictate how they can choose their tribal leaders. The precedent is there for what this order asks. Let us finally restore the privileges and dignity of the Indian Representatives.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: First I would like to compliment the gentlewoman from Waterville on her fine presentation on the floor of the House this morning. Some of her remarks I do agree with and there are some others that I don't.

I have opposed this order in previous legislatures because I feel that we as members of the House, all 151 of us, come here to represent all the people of Maine. I feel that we represent not only our own constituents from where we come from, but we try to represent, with distinction and pleasure to the Indians, the type of representation that they want.

There are some very capable legislators here that are elected by the Indians. My seatmate across the aisle, Mr. Mills, is a very capable man who has presented their problems with eloquence on the floor of this House, and I think the success of the legislation that was passed in this House is due to representation like Mr. Mills, Mr. Binnette, the gentleman from Aroostook County, Mr. Haskell, when he was here, and Mr. Bither, because of Indians that reside fairly heavily in their districts.

I don't think that we in this House should be singling ourselves out to support an order for any particular group or persons in this State. We are here to represent, and I hope to represent all the people of Maine.

The Indian Representatives appear before the appropriate committees where the bills are being heard as other people do in this state, as other special interest groups do. But unfortunately, the other special interest groups are not as well provided for as the legislature provides for for the Indians. I might say that they are allowed 30 trips here to the legislature to speak in behalf of their bills. They are allowed telephone privileges. They are allowed a small compensation for themselves to be here. I think it is \$2,000.

I don't believe that this legislature is unrealistic in its approach and care for the Indians. They have a special bureau, and they should have. That bureau is well manned and it is well financed. They present their arguments to the various committees in the legislature that deal with Indian bills.

I ask this House to not support the order. It isn't that we are not in tune to like or dislike the Indians - that's not true at all. You are here to represent them as you are here to represent everybody else in this State. I hope that this House will not support the order, and I move for its indefinite postponement.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves for the indefinite postponement of this House Order.

The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I rise to support the motion for indefinite postponement for many reasons. I think I can speak authentically about Indian people. I represent the Town of Milford here, which has almost as many Indians as there are on the Reservation. I have represented them for ten years. I find them very nice people to represent, and I have had no problems with them. I didn't think they were unreasonable. I think we are the people that sometimes get unreasonable when we say there are a thousand Indians - this was the figure given here this morning - there are a thousand that claim to be Indians. They are the Indians by legislation of this House or the Indian council puts them on the Council on this registry. But there are not a thousand Indians by birth in this State, I am sure.

Another figure was given here - 65 percent of them are unemployed, and 65 percent of them will always be unemployed, because in my opinion they don't want to work. I have hired them on many occasions in the past. One or two days is about the limit of my payroll. They wouldn't show up after that. There are a few that want to work, and they are working. Those are not the ones we deal with. We send a delegation, we'll say, up to Old Town to meet the Indians and we get up there about ten o'clock in the forenoon and the legitimate ones are the ones that want to work and they're working. They get home at five o'clock, so we see the ones that are not working, and in some cases, not all cases, quite a few don't want to work.

I can take you back into a little history in the House because I have been here a long while. It is true, they did at one time sit in the House, but at that time they didn't vote for a representative. They elect Mr. Binnette from Old Town, Mr. Mills, and they are two of the most able legislators, in my opinion, in the House. They have got a lot of seniority here, they know their way around, and they have done well for these people. What I am trying to tell you, in the old days, they didn't vote for a legislator, but they do vote for a legislator now.

I would like to bring you up to date a little further. We had a Democrat candidate, an Indian fellow, Cliff Francis. He ran twice for the legislature and he is one with more Indian blood than the average. Perhaps that's the reason he didn't get elected. But let me tell you, he lost the election by some eight or nine votes. I came down to the recount with him, and we found that he didn't carry Old Town Island. We also found that his own people, 34 of them, didn't vote for either him or his opponent and that he didn't carry the Island. Now, this was in a general election, and he lost by a very small margin. So my thought in that vein was that if they had really wanted an Indian Representative in the House in the place of one of us, they had a chance to do it, because they either didn't vote for him at all or they voted against him and perhaps it's because he is a real Indian. There were quite a lot of them that voted that were obviously Indian by legislation.

My second thought on this is, if we seat minority groups, I would like to see the House smaller not bigger, and if we do that I represent a lot of minority groups and I

would like to think that I am doing the very best I can for all of them. I can think and you can, if you stop and think a minute, of quite a few minority groups that you must represent, and if we let one group in, then I am going to feel obligated to let the others have a seat also, because they would have a legitimate right to be seated in the House.

The Indian people that we pay compensation to lobby, they are the only lobbyists, if we stop and think about it, that we actually pay, the State of Maine pays. The other lobbyists are paid by somebody, not by State funds like us. I feel very strongly that this order should not pass and so I support the motion.

I am not going to take any more of your time, but I live pretty close to these people and I have some very good Indian friends, and if you really want to know something right down to earth about them, come see me and I can tell you a lot more.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Ingegneri.

Mr. INGEGNERI: Mr. Speaker, Ladies and Gentlemen of the House: I am perhaps a little presumptuous and go against two or three veterans. I must confess that I did not go into this issue with Mrs. Kany, and my popping up is strictly spontaneous. When the gentleman from Enfield, I believe it is, spoke, two phrases came to my mind, phrases that any legislature or any congress ought to be ashamed of. One is, benign neglect. We all hear how Mr. Nixon's top administrator used that expression with reference to the blacks. He used it in an intellectual sense and, yet, it displayed something that was very deep - would show that we all know what you are fearing but we feel that if we kindly leave you alone, you will build yourselves up by the bootstraps and get to where we are.

In that very thought there is a feeling of superiority. When the gentleman from Enfield spoke, he used the expression, "there are 65 percent unemployed, but they always want to be unemployed." I just can't understand how somebody could assume that somebody wants to be unemployed or wants to live at about 25 percent of the living allowance that all of us or the average person has.

Then the expression that we represent everybody, and why should this minority be singled out among all the others? Very simply, I think there there is not a minority; it is a nation. It is a nation that was here before we were here. How best can we express the gratitude of the hospitality which they showed us hundreds of years ago when they welcomed the explorers to these shores than by showing them the hospitality of this chamber?

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: Speaking as an individual representative from Cape Elizabeth, I support the motion of the gentleman from Bangor, Mr. Kelleher, to indefinitely postpone this order.

The founding fathers of this country had a battle cry: "Taxation without representation." I submit that this order would provide double representation with less than adequate taxation, because there is a representative representing everybody in the

State of Maine presently. The State was divided into 151 Districts by the court just a year or so ago.

I was here in 1967 when the change was made that allowed the residents of the Indian Reservation to vote back in 1967, and that is the case now. I don't think it is right to discriminate in favor of any group, I believe in equality of all people irrespective of their color, race, creed, national origin or background.

I would like to point out further that in England they have a House of Lords. There are certain people who do inherit a right to sit in a certain parliamentary body, but that is not the case here. In the Legislature we all run on our own merits and are elected or defeated accordingly. If, in fact, we were going to let anyone sit, it would seem to me that former governors - we have two ex-governors in the state who served fifteen years as governor of this state, and neither one of them has been around here since January 2 as far as I know. If you are going to seat anyone, perhaps you ought to seat ex-governors or someone like that.

What need is there for this legislation? I submit there is no need. I submit further that there has been no violation of any treaty. The gentlewoman from Waterville, Mrs. Kany, very graciously gave me a copy of the Indian Tribal Treaties this morning, and I don't see of any treat violations. If we owe anything because of a breach of contract, a breach of treaty, I don't think it is here. There is no treaty that I know of that says that any Indians will be entitled to two seats in the Maine House of Representatives, speaking or otherwise.

I am not criticizing individuals who might be seated; I am sure they are very cultures, intelligent and dedicated and very fine people, but I just feel that to discriminate in favor of any group right now is also discriminating against all our constituents. I am opposed to discrimination and I hope that you will vote in favor of the indefinite postponement motion, made by the gentleman from Bangor, Mr. Kelleher.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the order of the gentlewoman from Waterville and to oppose the motion for indefinite postponement of the gentleman from Bangor. I do so in several capacities. First, there are my own personal feelings as to the justice of this particular action in the seating of the Indian representatives to the legislature. Secondly, it was quite clear in our Democratic caucus the other day that a strong majority of the Democrats in the House favor Mrs. Kany's order. So in my role as majority leader, no matter what my personal feelings might have been, I would have, in any case, supported the position that the Indian representatives should be seated. Our democratic platform has called for this on several occasions.

Primarily, however, my feelings are that this question is not a political one nor even a great emotional issue although there are strong emotions involved. To me, it is simply a practical matter.

I would like to quote verbatim from the statute that establishes the Indian representative. It reads, "The member of the Penobscot Indian Tribe and a member of the Passamaquoddy Indian Tribe elected to represent the tribe at the biennial assembly of the legislature shall receive a compensation of \$1,500 for such attendance and travel as each legislative session for 20 trips to and from his place of abode at the same rate the state employees receive, an allowance for meals and housing expenses as any other member of the Senate and House of Representatives for 20-days attendance at each legislative session." So there we have written into the laws of the State of Maine the fact that the Maine Legislature has accorded a special significance to the two Indian tribes of Maine, accorded to no other group in the state to the extent that these two tribes are allowed under the law two special representatives at the legislature and a state expenditure in excess of \$3,000 is provided for them, and then it is left at that. What a complete half measure this is.

We spend more than \$3,000 of the taxpayers' money paying for special Indian Representatives to the legislature and then we really don't let them serve on appropriate committees and put in needed effort on bills that affect them. We don't, in fact, require anything of them for this expenditure but, rather, we treat these Indian representatives in a unique fashion as sort of state subsidized lobbyists who are kept behind the glass partition in a limbo that isn't even fair to them nor to us.

Opponents of this order agree that the Indians should not be seated, because to do so would be discriminatory against all other minority groups in Maine. Yet those who argue in this fashion should have the courage to carry their logic to an even farther conclusion, which is that if it is discriminatory to seat Indian Representatives then it is also discriminatory to have Indian Representatives and they should be working to repeal the law that establishes Indian Representatives.

For my part, I believe that as long as we have Indian Representatives established by law and funded by the taxpayers' money, they should be seated and given all of the appropriate opportunities to contribute to our proceedings.

So I ask you to consider this question, not on the basis of emotion, but whether in your own minds you find any logic in establishing Indian representatives by statutes as a unique legislative entity and then not allowing them to function to the fullest extent possible?

Mr. Speaker, I ask to have the vote taken by the yeas and nays.

The SPEAKER: The gentleman from York, Mr. Rolde, has requested a roll call vote.

The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: For over ten years, I have represented two Indian Reservations in the old district that I formerly represented. I now have one Indian Reservation left, but that is not the important point. The important point here is that we deal with our Indian Reservation as a nation of people who are peculiar unto themselves for their own culture. It would be very

difficult for any of us here to understand their type of culture, but it is very clear, it is traditional, it is historical, and it reaches back into time.

There is no question that under the American Revolutionary War and such that the Indians were a great asset to the new country developing. It is in their history; it is in their graveyards down there on the reservation. If any of us were to go through one of those Indian cemeteries and see the creditation on those headstones of the services these people have performed, they have been one of the strongest allies this country ever had.

Not to have progress up to ten years back and the conditions that I found when I became a member of the legislature. When I went on these reservations I found shacks that you wouldn't keep a pig in. There was no water, no sewerage, no nothing. Everything was dumped out into the middle of the street. Their clothes were doled out to them by an Indian agent from the State of Maine who, incidentally, retired a very rich man from that job.

To move it along into what we started to accomplish in the 102nd and the succeeding legislative sessions, there was a great deal of thinking done here in Augusta. There was a great deal of action taken on the petal level, not anything that was flamboyant, but what do you do to help these human beings?

The first bill I introduced went in for \$5,000. It was to establish water on the Indian reservations. There was one pipe to serve the whole reservation with a faucet to it that had to be thawed out in the winter time. I was instrumental in introducing a bill here that went through to establish water and sewerage on the Indian Reservation. There was quite an argument, a lot of debate. It was a long-winded deal, and when it was accomplished and constructed on the Indian Reservations in the State of Maine - then I did get the surprise that I had never expected, the letters that came to me from doctors all over the United States, some from Canada, praising what had been accomplished by the Maine Legislature. The fact of it was that the Indians in their poverty and their pitiful conditions were known carriers of virus diseases.

To let you know exactly how this thing worked, if a disease broke out on an Indian Reservation in all the filth that was accumulated there, --to the Indian way of thinking, one person dying, that is nothing, two persons dying, that is nothing, but when three or four or seven more get sick, they start packing up and they leave between two and five in the morning to all parts of the United states and over into Canada. According to the American Medical Association, this was the thing that had been plaguing the physicians for a long time, these people being the carriers of violent diseases. These were the type of letters that I received from the doctors.

As you move along on this thing over a ten-year period of time - I could stand here and talk all day if my voice would hold out, but I don't think it would - but where we stand here today is not whether I represent the Indians or who represents them or anything else. What has been going on in the last ten years with the Indians in Maine is the fact that they have their own tribal laws. Some of the clearer thinking Indians



who have recently been educated have found that their tribal laws can be corrupted by a gang that violently takes control on the reservation. These things I hear and nobody in this House probably hears them, but to bring this along up to date, what we have been doing in the past ten years through the Department of Education, Health and Welfare, various agencies and everything else, is to establish each Indian reservation as a separate community in village form unto itself. This has come a long ways. We now have good schools. We have school committees. We have people there that are now trained and people are capable of making their own decisions.

Personally, I can see no harm in this legislature, in a moment of humanity towards the Indian tribes, so called, but they are in treaty with the State of Massachusetts back before 1820 when the State of Maine became a state unto itself and accepted the responsibilities that were incumbent on the State of Massachusetts. It is down in our Law Library downstairs. Glen Starbird, Associate Commissioner of Indian Affairs, he knows where these records are and he knows more about Indians than they know about themselves.

I am not going to bore you with any more of these things I have been through, but I am going to say this - I see no reason why we shouldn't seat these Indians and let them speak on their own Indian affairs when there are bills here for them to consider, as they are doing it without a vote. This cannot be done because it violates the United States Supreme Court Rule.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I was not planning to speak to this order today but feel that I would like to mention or point out that the debate that has gone on so far in this House is maybe a perfect example of the reasons why Mrs. Kany's order should indeed be passed.

Earlier in the debate we heard charges that Indians don't work or don't want to work.

We heard charges that most likely the Indian people don't care if they have representatives in this House or don't want representatives, and although the Indian representatives, which the State of Maine are paying for, are standing here today behind the glass, they themselves are not able to refute these charges. I think it is this kind of situation that needs to be changed and I ask you to vote against Mr. Kelleher's indefinite postponement.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am not speaking for or against this order, but I merely call your attention to the Constitution of the State of Maine, Section Two, it would be on page 8 in the Register and also Section 4, and I wonder if this shouldn't be a constitutional amendment to increase our numbers to 153 inasmuch it very specifically says, "151 members."

I also would mention for the benefit of some new members that we have had an Indian. He wasn't a representative of the Indians, he himself, was an Indian, Ross Dyer, who was here in the last session, a representative from Strong.

The SPEAKER: The Chair would advise the members of the House that the Attorney General, James Erwin, ruled two years ago that it would not be a violation of the Constitution if our rules were amended to add Indian representation.

The Chair recognizes the gentleman from Lewiston Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I dislike intensely this type of debate on the floor of this House. I particularly dislike getting up this morning because of my own personal feelings for the gentleman from Bangor, Mr. Kelleher., and the gentleman from Enfield, Mr. Dudley. I might say in passing that as far as Mr. Dudley is concerned, when he talks about people that don't work, he certainly doesn't mean himself because he is a three-shift man. He will be the first one to admit. And I am not out of order, Mr. Speaker.

When I was a member of the minority back in 1945 - and I am not speaking now as a member of the majority party in the House, A am talking about my own background, an American of Canadian ancestry. In 1945 I was in the minority. A very short while ago in a discussion with my very lovely lady from Pemaquid, a good solid "Worp," I informed her that if you would tie up all the Americans of Italian ancestry, the Americans who call themselves Anglo-Saxons who are our so-called Worps, and I love them, the Americans of Greek ancestry and Americans of Polish or Lithuanian ancestry and so on, if you tie it all up and then us old Americans of Canadian ancestry group ourselves together, we are the majority.

I don't consider myself any better than anybody else. I have never been maligned since I have been here in 1945. Nobody has ever been maligned since I have been here in 1945. Nobody has ever thrown anything at me as far as my background and my ancestry is concerned. If they did, they would hear from me and find out that I was in pretty good voice. We are not giving anything here to them that they didn't have before.

I can recall working for a governor back in the thirties and there was an Indian sitting right in that corner seat. As a matter of fact, if my memory serves me right, there were two of them, and I think it stopped in 1939.

I might state to my good friend from Cape Elizabeth, Mr. Hewes, that things have changed since 1974. I am going with my leader.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

MR. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss in my duties if I didn't get up here as the representative of the Indians of the Penobscot Tribe and if I didn't try to express my thoughts on this matter.

I have a great deal of respect for my Indian brothers and sisters, as I have lived across the river from their Reservation for over 70 years. I have had many occasions

they have been to my place and they are most welcome. AS a matter of fact, I would rather have some of those Indians sit in my home than some of the Democrats in my town.

I think we try to represent these people to the best of our abilities. My friend Senator Sewell, who lives across the river also, he has been highly in accord with me on a lot of measures which pertain to the Indians. We try to do what is right for them, and whenever they need help we are right there to help them. We will do anything we can. I am speaking for Senator Sewell. He has assured me that anything that they need, he will do everything in his power to see that they get it. I don't know what is going to be gained if they sit up here. There is no question about it; they have no vote. They do have a right to come to us as their representatives and we will listen to their ideas. As a matter of fact, I have a lot of bills that are going to be presented before this body and I hope you will give me support on it because it is something that pertains to their laws which they would like to have corrected.

I also believe that they should be entitled to sit on the committees in regard to Natural Resources so they could ask the questions that pertain to their tribes, whatever it is. So those are the thoughts that I have in there but I don't believe in this order. I think we can accomplish as much without the order.

I think our majority leader said it was in the platform, I agree. There are a lot of things in the platform that I am not going to go into, I will tell you that right now. I really believe that it is entirely up to every member's mind or thoughts as to how they feel in this regard. If it is of a benefit for these people, well and good but as far as I can see, it will repeat it again, I don't see as it is going to be anything to their benefit to be allowed to sit down there. I think they could gain far more by contacting various legislators in regard to some of their measures and I certainly hope that this debate has not created a difference for these people.

I have been reading about these drumbeats and all that sort of stuff. I haven't had a drumbeat from any of those people over there in regard to having a seat, but I have heard on many occasions, many an evening, the beating of drums on some other things.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Henderson.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose my good friend, the gentleman from Bangor, Mr. Kelleher's motion of indefinite postponement.

I would like to call the attention of the House to a recent report of the Maine Advisory Committee to the U.S. Commission on Civil Rights which had to do with the condition of Indians in the State of Maine, and that report was not a very happy one. I suppose if we consider ourselves the representatives of all the people of Maine, including the Indian people, I think we have to feel to the extent that we could have done anything about about it, we haven't done a very good job. I don't have the report but only news reports of it. It says it points to a long and tiresome struggle against the

insensitivity of agencies and the carelessness of men in power. It should have said "and women" - to the needs of the Indian people.

In addition, it went on to describe the problems of housing and others that we are well aware of, but one of the things it did point out was that many programs that are developed for the Indians are those in which they are not consulted. There was a recent program set up by the Community Action Program in the Penobscot and Piscataquis area requesting funds for children and other youth services for individuals in the area, including Indians. It was only after they got the funds that someone asked if they had consulted the Indians as far as the way these funds are going to be used and they said no. But they hadn't even got any input from that community.

I hope that we can be a little bit broader in that kind of decision that we have to make and get that needed input.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentleman of the House: I have been listening to this debate, which seems to me to have gone on too long. I have just written a little summary of the differences of this group from the other minority groups which exist in our State, and the point has been raised that this is just another minority group. This is not just another minority group. This group has territory assigned by law to this group as a group. They have their own laws; they have their own culture. How can a member of the Anglo-Saxon majority effectively speak for this minority with any deep knowledge of their problems?

Mr. SPEAKER: The Chair recognizes the gentlemen from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentleman of the House: I will be very brief. I don't think I was understood very clearly when I was before you before when I tried to point out that prior to 1946 or a certain date - I think it was about then - when they did sit in the House, at that time they were not in the legislative district. They didn't vote for a legislator. Today they do. I think there is some discrepancy when you say one man, one vote. The federal court said one man, one vote. The federal court - we didn't say that, the Maine court didn't say that, the federal court said one man, one vote. From that point on we tried to divide these districts equally. These Indian people do now vote for a legislator. Prior to that they didn't: they didn't have a man in the House. That is the difference between then and now. They do vote for a legislator. I assume for a minute that they elect Mr. Binnette, and they elect the man from Eastport, Mr. Mills, then if we seat two more men and there are only a thousand Indians, this doesn't prescribe to the federal court order of one man, one vote. Then there will be one thousand Indians who have four legislators in the House.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentleman of the House: Once again, we are in no way talking about granting voting privileges, as the representative from Enfield just implied we do. We don't have treaties with any of the other minorities and

with their heirs forever, as stated in the treaties. I was wondering if the gentleman from Enfield really believes that only 35 percent of the Maine Indians are interested in working? I have a different understanding of that.

Also, the gentlemen from Cape Elizabeth was wondering about the treaty violation, and of course, there is litigation in the courts at this time because of treaty violations.

Just one more comment and that is, does the representative from Old Town really believe the Indian Representatives can be effective without speaking on legislation affecting them while standing at the back of this house? I think this is a question of dignity.

The SPEAKER: The Chair recognizes the gentlemen from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentleman of the House: In answer to the gentlewoman from Waterville, she makes reference in regard to what I said about the Indians being able to contact other people. I can tell you from my past experience, and I have been here many years, many a legislator haven't gotten up and spoken on some measure, but he has had good advice from out in back of the hall, and it has been very good and valuable advice.

The SPEAKER: The gentleman from York, Mr. Rolde, has requested a roll call vote. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Order relative to amending House Rules to Seat Indian Representatives be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

(Roll call omitted)

The SPEAKER: Fifty-two having voted in the affirmative and ninety-five in the negative, with four being absent, the motion does not prevail.

The pending now before the House is, shall this House Order receive passage?

Mr. Finemore of Bridgewater requested a roll call vote.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore has requested the yeas and nays. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on House Order to Amending House Rules relative to Indian Representatives. All in favor of this House Order receiving passage will vote yes; those opposed will vote no.

(Roll call omitted)

The SPEAKER: One hundred and seven having voted in the affirmative and forty in the negative, with four being absent, the motion does prevail.

---

The SPEAKER: The Chair at this time would recognize in the back the Representative of the Penobscot Tribe, Ernest Gosselin and would assign him to seat No. 152

The chair recognizes the Reppresentative from the Passamaquoddy Tribe, Joseph Nicholas, and would assign him to seat No. 61.

Thereupon, the Sargeant-at-Arms and Assistant Sargeant-at-Arms escorted Indian Representatives Ernest Gosselin and Joseph Nicholas to their respective seats on the floor, amid the applause of the House.