

*Chapter one
The beginning
I began my Legislative service as a Senator & Representative*

**MY FIRST LEGISLATIVE SESSION
SECOND HALF OF THE
118TH**

I was first elected to the legislature by special election in October of 1997. The former Penobscot Legislator had just resigned.

Because it was a special election

and in mid-term, Representative Bruce Bryant of Dixfield and I were sworn in by Governor Angus King in the Governors office.

We would have a lot of catching up to do. The 118th session was well underway.

I began my legislative service with no formal orientation, as is the custom when first year legislators are elected. The orientation would not have helped me because my situation was unique and unlike any other in the legislature. I was fortunate to be elected at a time when Libby Mitchell, Maine's first woman Speaker, presided over the House and Joe Mayo was Clerk of the House. They along with Passamaquoddy Representative Fred Moore, and Representative Joe Brooks helped me a great deal. I will always be thankful to them for their words of wisdom and guidance. The 118th was the last session for the Speaker of the House, Libby Mitchell, as she was termed out, and Representative Steven Rowe was elected as the Speaker for the 119th. Representative Fred Moore was also termed out. The Passamaquoddy have two communities, Indian Township and Pleasant Point. They elect a Representative who serves four years from each community. They elected Donald Soctomah to replace Fred Moore.

The 118th proved to be a fast and exciting session. One of the bills that passed was a bill to create a Maine Women Veterans Commission. I was very interested in participating on this commission. I am a Vietnam Veteran. I therefore requested an appointment to the newly created Woman Veterans Commission. General Earl Adams granted my request and I was later elected to chair the Commission.

I put out three newsletters to the tribe during the second session of the 118th and the first session of the 119th. Representative Joe Brooks at my urging submitted a Joint Order to establish a Joint Legislative Study Committee to study the history, duty and voting rights of the Tribal Representatives. The Joint Order passed and the "Committee to Address the Recognition of the Tribal Government Representatives of Maine's Sovereign Nations in the Legislature" was established. The Joint Committee met throughout the summer and at the end of their study wrote an in depth report that included recommendations to the Speaker of the House, The President of the Senate and the Joint Rules Committee. Representative Soctomah and I were members of this Joint Study Committee and we were given the ability to fully participate and the option of writing our own minority report. Representative Soctomah and I felt that we needed as close to a unanimous report as we could get so we did not write a minority report. The fate of the report is told within the pages of this diary. Representative Soctomah submitted a bill to be considered during the second session of the 119th. The bill was titled "The Offensive Names Bill" we would find ourselves spending much time and energy on this bill. It became a bill that drew national and international interest from the media.

119th Legislature Second Session

January 4, 2000

Thursday

Yesterday the 3rd of January we had our first Judicial Committee meeting of the New Year. Our second session will start tomorrow. I arrived around 1:30PM at the meeting and saw most of the committee members for the first time this year. I had received cards from a few of them, one in particular from Senator Benoit, who is a retired judge. He was known during his time on the bench as "the hanging judge." I suspect he has mellowed a bit since then.

2/7/00 Monday

10:30PM cold and windy

Senator Cathcart's bill got passed with four votes against it.

At least it got reported out of committee with a majority in favor. Senator Benoit was passionately in favor of it. This surprised me.

I met with Senator Pingree about the National African Summit in DC. She is very interested in attending. She told me she truly wants to run for Governor in 2002. I told her she had my support.

Beth called tonight and advised me that I have a role in the Katahdin workshop. I have to summarize the workshop and suggest possible solutions to the problem. That's almost an impossible task. I got the Baxter Deeds of Trust and that's exactly what they are... Deeds of Trust. I need something more than that! I'll have to do the research on this myself.

Tonight I learned that the Passamaquoddy's lost their court case reference Albany Township. Now it will be more difficult for my bill to pass on Wednesday. I'll speak to Donald in the morning and find out what they are going to do.

Tuesday

2/8/00 1900hrs

We had a session today. The highlights of the session were a tribute to Chuck Cinchette, who passed away in a plane crash. There was also a Joint resolution honoring Nelson Mandela. This went well until after I got up to speak. Representative Kasperzsak got up and said she was voting against the resolution because the Mandela Regime was responsible for murdering her friend. Her female friend was tied up, gagged, and killed. Well... that sort of put the kibosh to testimony. We voted and the resolution passed easily.

I was horrified to hear this woman speak!!! And to think that kind of racist thinking is on record. How many African Women were killed by DeClerk and others. I did not rise to dignify that with a comment.

I had to go to the Island for an emergency meeting on my bill. Since the Passamaquoddy's lost their case in the Maine Supreme Court. Somehow the ruling was that the land was trust land but not Indian territory. That puzzles me. I have to read the case. I asked for the case to be faxed to me, but have not received it.

The decision at our meeting was to stick with the original bill and not add on the Passamaquoddy's. Should prove interesting as the Passamaquoddy's are having a council meeting tonight. They will decide what they want to do. I hope it's not to tag onto our bill. I couldn't allow that to happen.

I'll write more tomorrow after the hearing.

2/10/00

Thursday/warmer low 20's

The hearing went surprisingly well, I spoke with Donald and Greg and told them I would prefer not adding their amendment to my bill. I told them it was too important an issue for us to play with. I also said I would support them with if they chose to submit a separate bill to address the technical legal problem. Greg didn't like it; he would rather have tagged on to my bill and taken everyone by surprise.

breastfeeding

Remind readers which bill

concerning what?

ended her life.

by Kasperzsak's reasoning - or lack thereof!

(name it)

Rep Soctomah

id. & last name?

I told him I did not choose to risk my bill. I also felt that the law court decision was so technical that it should be addressed separately and have the legislature's full attention.

I advised the strategy should be that the law court rendered a legislative policy moot.

I mentioned ^{that} if he pursued that then some legislative egos would kick in. He made the comment that my ego must be just as big as everyone else's because I was a member of the legislature as well. He laughed and then told me my face was turning red. I replied I didn't think so...

Greg and Donald went directly to the revisor's office to get the new bill going. I then went to the hearing. There were two bills to be heard before ours. The big publicity bill was an act to remove the sexual assault statute of limitation. I almost forgot to mention that just before the hearing opened Senator Longley was heading out the door and as she was leaving she said, "Does anyone want anything at the downstairs shop?" I said "Yes, could you get me a cup of decaf coffee with cream?" She said "Okay." She came back with a small cup of coffee and said "At your service." I said "Thank you." Joe Brooks would have a bird if he knew Senator Longley actually got me, of all people, a cup of coffee!!

The hearing started on the sexual assault act and all the Penobscots were there for my bill. It was some pretty rough testimony they had to listen to. It gave them a glimpse of some of the horror stories we hear on our committee every day. At one point during a young man's testimony Senator Longley started to cry as did a few others on the committee. I heard later that this happened. I was out of the room talking to John Banks.

Our turn to be heard finally came and The Sub-Chief Ann Pardilla read her testimony after I presented the bill. ^{Penobscot attorney} Mark Cheveree, ^{MAESTRO Director} Diana Scully and the town manager of Carabasset valley testified in favor. No one testified against the bill.

Rep Waterhouse suggested that it might be a good idea to remove the deadline all together. I said "I would welcome that as an amendment."

The work session will be next Monday at 1:30PM and I think that will be offered as an amendment by someone. Longley, Thompson, Benoit and Treat were not there.

It looks good so far we'll have to be prepared at the work session.

Now I will also be working with Donald to get his bill passed.

The Passamaquoddy's had a joint council meeting last night to discuss the situation.

Donald won't be around until tomorrow maybe. I told him I'd help with the R's

On another subject I had a Maine ^{veterans} women's Oral History ^{OU} grp meeting this morning.

Pauleena McDougal couldn't make it so that left me and Chris Beam. We are trying to get this women vets oral history project off the ground. It's slow going but I think we made a little bit of progress. I think I'll try to combine the oral history project and the conference into one package and look for funding. This would be a really great thing for Maine's women veterans if we can pull this off.

2/10/00

1:30PM

Greg Samples writes: "Albany township bill"

is now in the works. Donald has ballot for Legis. Council signatures. Speaker Rowe has signed; others are committed, but so far no conversation with most, including Republican leadership in either body. Passamaquoddy Council approved going forward last night.

Will you be in Judic. for tomorrow's hearings? Can you or we (with you) distribute the decision and talk with committee members and Legis. leaders Fri? I'll be in my office, 772-1941, all day, and available by e-mail. In my opinion, your active support is going to be critical, and the "correction" bill will need active support from Judic. Comm members and a number of other influential legislators, if the Legislature is going to salvage the integrity of its own process, and the Implementing Act process."

2/16/00

7:55AM

I'm ready to leave for DC, the National Summit on Africa. Tony Brinkely is picking me up at my house at 8:30 or so. I've been frantically getting things in order so that I could leave. I had Judiciary agree not to hear my bill or any native bills while I'm gone.

I also took Donald's ballot around yesterday during session to get enough signatures to get it in this session. I got everyone of the legislative council's members to allow it in except Senator Bennett. It is now been approved to be in this session. I must be honest and say I do not see a bright future for this bill. The gaming is going to kill it. I did promise I would do what I could to help and I will.. The ball is now in Donald's court to lobby for the bill this week.

We had a MITSC meeting yesterday, it was not a very good ^{one} meeting. For one thing Margret Willey showed up, she's one of the attorneys for Albany Township, and for another thing Mike Hastings who has been an ally in the past gave us a very hard time. The Penobscot Nation had asked MITSC to be a co sponsor of the Katahdin workshop on April 13th. The workshop was scheduled as an educational meeting for the Katahdin Advisory Committee, Hastings wanted to involve MITSC as a negotiator and wanted MITSC to set part of the agenda. I finally got mad and said the Nation would take care of this themselves. So now we will have to find the money to bring in Harald our selves.

To top it all off Deb DuBrule, the Indian today reporter was sitting in on the meeting, she laughed out loud when Dianna Scully mentioned some national organization wanted input from the committee on how well the state and tribes could cooperate.

Got to run finish this when I get back.

write it out of 1st meeting in new entry

bringing in Harald, print a scholar on wabanaki history & culture

2/22/00 Tuesday

5:00PM

~~3/5/00~~

We filmed our Womens Commission PSA in. Small space with cameras and wiring all over. There were two directors chairs in the middle of the room and they put the mike on me and wired me and shortly John Stossel came in. He introduced himself said he hoped I had a good trip and asked if they were putting me up in a nice hotel. He said this shouldn't take long depending on how well you do. He was right, it didn't take long - probably all of fifteen or twenty minutes. I don't think I answered his questions the way he expected. For instance he had a pile of pages he was holding and claimed they were names across the country that were called the S word. He asked me if I thought they should all be changed... I said I was only interested in changing the names in Maine. He said come on tell me what you think. I said yes I think they should all be changed. He said well if all these names are changed, isn't that changing history? I said I hope so... someone should change history and start telling the truth! He totally looked like he had been surprised by my answer. He then started talking about the mascot issue and the dictionary meaning of the word and also the effect it would have on language. I basically said those were all moot points and the only thing that was relevant was how the word was used to hurt and abuse native women and how native women felt abused and dehumanized by it's usage. After Stossel left the room his crew placed a 8x10 colored photo in his chair. I walked over and turned it around. Every one cracked up.

great

I stayed over at Michael and Walters and had dinner with them and Michael Golden and Patrick. It was a good time. I left the next morning and arrived back around 2:30PM Tuesday. I had all kinds of messages waiting for me. They were mostly from the Island and people concerned with the Indian Scholarship waiver bill that Senator Paradis had submitted. No one wants to lose the Waiver program we have now within the UMaine system. The bill would take it out of the system and put it on the legislative table. We'd have to fight every year to get anything. I had spoken to Senator Paradis about my concerns before I left for NY. She indicated to me she was willing to rework the bill. It was clear by all the calls that she needed to kill the bill.

i.d. these people

On Thursday, by chance, I ran into her at the Senator Inn. I was there to attend a Legislative Womens breakfast, which I think they cancelled without telling me. I decided since I was there to attend another breakfast called the Manufactured Housing Association breakfast for legislators. Senator Paradis was there and we had breakfast together and discussed the implications of her bill. She told me she was going to withdraw the bill on Monday. I will attend the hearing to make sure that is what happens.

Irene Pardilla called me and gave me a hard time about not being able to reach me on Monday. She had read about Senator Paradis's bill and was going nuts! She must have called and wrote letters to every council member including the Passamaquoddy, as well as the Governor and anyone else she could think of. She said she was going to the hearing on Monday. I told her to keep a low profile as our enemies would love to take our scholarship monies away from us. She said she would go just to monitor and may not even speak... I hope not!!!

Penobscot Subchief

Penobscot or State?

I'd keep this in

Delak

say why you hope not - here's a chance to talk about what sort of dialog is effective & what isn't

Legislature and make Albany Township Indian Territory.

We went downstairs to the first floor. Our committee had to get a bigger room because of all the interest from Albany Township and the surrounding towns ^{this issue has generated in} ~~this was generating~~.

When ^{township folks} got there, there was no room for native people to sit as Albany and others, were already there. You could feel the tension in the room as we entered. The Passamaquoddy tribe presented its case first and then the Albany people. Albany is so afraid of the casino issue that it could see nothing else. Donald and I tried to focus our arguments on the mistake that the legislature made. Others from Albany said there was no mistake and the court never mentions a mistake in the decision. One guy testified that Albany and surrounding towns were getting together and had formed an economic development committee. I found this strange as they used this as an argument against the Passamaquoddy tribe that they were afraid of development. They were afraid of what it would do to their pristine land etc. The owner of the Bethel newspaper testified that the state had better watch out because the tribes have sovereign powers that the State can't touch and if they get in partnership with a foreign country who knows what could happen!! ^{I couldn't} Would you believe that these people from Albany and Bethel brought their children with them into this atmosphere.. ^{her} Ann Pardilla sang a song for the committee when she testified at the beginning. She felt the negativity in the room and new it was not a good atmosphere for children. During Ann's traditional song the Albany people were starting to grin and some of the native people sensed this and were ready to jump in and start a riot right there. (I found this out later... a good thing I didn't know it then.) I didn't stay for all of Albany's testimony, I had had enough for one day. I went home, Kicked my dog and had a beer. (Just kidding).

I didn't go into the State House today, I forgot about the work session on ^{the above bill.} ~~this bill.~~

Donald called and told me after they had talked on it for about an hour they tabled it until next Friday. Donald said Senator Longley was all for passing the bill if LURC could rehear the issues. Donald said the Passamaquoddy Tribe would agree to this. I hope we can get a ^{in order to} ~~devised~~ report then we can debate it on the floor with some effect. If it comes out unanimous ONTP then we're just speaking on the record, which I will do.

^{on another issue} I was worried about the Senate vote because we have no presence in that chamber and they are usually more conservative than the House. I woke up at 3:00AM and could not get back to sleep. When I got to the Senate the many of the same native women were there, and this time there were some younger native students. I went into the chamber and took a seat. Senator Pingree came over and told me they were going to try to pass it under the gavel. I waited holding my breath, the item came, I saw Senator Bennett start to rise then change his mind. The moment passed. It had gone under the gavel with no opposition in the Senate!!! I was amazed. Not only did the Offensive Names Bill pass that day but my bill for Penobscot Deadline Extension passed in the House and the Senate without debate.

You need to provide some background on this - define the "mistake" noting when it was made, what prompted the movement to change the laws, the status, etc

Passamaquoddy

the Indian Contingency

in an apparently mocking way

? not clear what you mean

define

I'd retain her name

> + great

the Land Use Regulatory Commission

on the offensive names bill

all the various levels such as municipal, county, state and federal. He said the ball was in his court now and that he would consider various options and talk to the chiefs about them at the December 1st meeting. I left this meeting feeling that we may be headed in the right direction finally.

I got home and got a call from Rex. Rex was at NCAI on Monday and would be there for the week. He is going to try to get NCAI's support for us. Jerry Pardilla is out there and Barry will fly out on Thursday to make a big PR move for the National media at the NCAI conference. I will be speaking at the Grand Falls Forum in Lewiston. The forum is sponsored by the Sun Journal, St. Mary's Hospital and the Public Library. The Sun Journal has had a lot about me in their paper. They had the advertisement for the forum as well as a preliminary piece about my background. Today they had Barry's picture along with me next to him that covered half the front page. I sure hope I can give a decent talk after all this publicity! This is a talk I agreed to give four or five months ago. The topic will be "Educational Apartheid in Maine" I haven't had much time to get ready for it as I waited until the last two weeks and then all this stuff broke. I will spend tomorrow afternoon and night working on my presentation. I sure hope that's enough time. I will be attending a half day of a housing conference tomorrow morning at the Ramada in Lewiston. It seems like I've spent a great deal of time there this week...

Did I also mention the State Wide First ever Women's Veterans Conference this Friday and Saturday? I will be hosting both the opening of the convention and banquet on Friday evening as well as the hosting the next day all day.

11/21/00

Grand Falls

The Forum went very well. I gave my half hour speech and got many good questions afterward. When I went to sit down I had to stand back up again because there was a line of people waiting to shake my hand and talk to me! The sun Journal printed a story about my speech the next day it is as follows:

SPEAKER SAYS INDIANS JUST WANT JUSTICE

By Lisa Chemlecki
Staff writer

LEWISTON- At the start of the American Revolution, George Washington asked Maine's Indians for a favor. He wanted their help in defeating the British. In return, he promised to take care of them.

The Indians agreed to the deal.

I am the chair of this commission. This is the commission first & now.

Centuries later, Donna Loring. A representative for the Penobscot Nation in the Legislature wants people to know their end of the deal was never upheld. Instead, she said the State of Maine tried to make her ancestors-and their history- disappear.

"There we were, we had just helped win a war and we were put in what many might consider concentration camps," dependent on the State of Maine for everything from heating oil to shoes, said Loring while speaking at the Great Falls Forum in Lewiston Thursday.

Still Loring told the audience of about 100, many people believe that the Indians of Maine survived as a result of the goodness of the State.

It's a misconception that she and other American Indians are fighting to overturn. But face a difficult challenge- a challenge that Loring refers to as educational apartheid.

"When you want to make a people invisible, you don't want to talk about their history," she said.

"When I was in school, I learned about Columbus, George Washington and the American Revolution. I never remember being taught anything about Maine's tribal history."

MISSING HISTORY

Apartheid is most commonly used to define the segregation of nonwhites in South Africa. Although Loring believes American Indians have been forced to endure some of the same abuses, she had to ask herself an important question: "Do we really have apartheid her in Maine, in any form?"

After careful consideration, she realized that apartheid does exist. It exists in classrooms throughout the state where students are studying from textbooks that exclude the true history of her people.

"The Europeans wanted our land and our resources, and they wanted them at any cost," said Loring before reading a proclamation that was written by the first European settlers offering rewards to anyone who killed or kidnapped a Penobscot Indian. The scalp of a young male Penobscot Indian, for example was worth 25 pounds.

"That's genocide," said Loring as some people in the audience shook their heads in disbelief. "When the Europeans came the world as we knew it disappeared."

Although American Indians disappeared completely from many states, those in Maine managed to survive. The state currently is home to four Indian tribes: the Penobscots and Passamaquoddys in Washington County and the Micmacs and Maliseets in Aroostook County.

Of those four tribes, two have representatives in the Legislature.

Loring represents the Penobscots and Donald Soctomah represents the Passamaquoddys, though neither of them has voting privileges due to confines outlined in the Constitution.

VOTING RIGHTS

Loring, 52, the former police chief of the Penobscot Nation and a Vietnam War Veteran, pointed out that Maine is the only state in the nation that allows representatives from tribal governments to sit on the legislature. Although she enjoys having the opportunity to bring concerns of her tribe to the state's lawmakers, she said her people's opinions and ideas haven't always been welcomed.

Nationwide, American Indians earned the right to vote in federal elections in 1923. Maine, however, didn't allow Indians to cast ballots in state elections until 1964, making Maine the last state in the nation to do so.

It's that type of history that Loring believes should be included in classroom textbooks. The truth must be taught, she said, in order for people to earn the respect they deserve.

"I hope that I've made Maine tribes real to you today," she said.

"We ask for nothing less than equality and respect."

The next evening I opened the Women's Veterans Conference there were around thirty five or so women. Congressmen Baldacci and Allen were there at different times. I talked to Baldacci for around twenty minutes or so. The opening ceremonies went well we had the 195th Army Band and the Army National Guard doing the posting of the colors. The next day we had around fifty five or so attend and it was a very successful event. I got home around 5:00PM Saturday evening and breathed a deep sigh of relief.

We have managed to keep the tribes in the news now at least every other day since the announcement on the Androscoggin Court house steps.

The NCAI announcement went well although Barry did not go to Minneapolis but Richard Doyle went instead and they had a teleconference with the president of NCAI and Barry with the media from Maine in Barry's office listening. It made Bangor Dailey headlines and also the AP picked it up as well as the Post and the Globe.

12/07/00

Friday

We had opening/swearing in ceremonies at the State House on the 6th.

It was very interesting and very emotional at times. The most emotional for me was when Clerk of the House Joe Mayo left his podium in the front of the House for the last time as Clerk. He loved his job and because of his

physical condition could no longer carry out the duties of Clerk. He drove his wheel chair down the isle with tears rolling down his face. I don't think there was a dry eye in the House. The other touching event was when the newly elected speaker Mike Saxl recongnized his mother who had served with him in the house and was his mentor. She had run for the Senate and had lost that race. I for one will miss Jane Saxl this year. It was bitter sweet for Mike to be speaker and not be serving with his mother.

The very interesting situation of 17D's and 17R's in the Senate with one Independt will play out. Jill Goldthwait the Independent will be chairing the appropriations committee and Senators Michael Michaud and Rick Benett will take turns at the Senate Presidency. This year Michaud will be President with Bennett President Pro-tem and next year the roles will be reversed.

Neither Michael nor Richard have been pro Native . Neither has Jill .

These three have stepped on a lot of toes to get to where they want to be. They have stepped on the toes of the women Senators. Senator Rand wanted the presidency and Senator Cathcart was in line for the chairmanship of the appropriations committee. They are not happy campers.

The road in the legislature for Native issues will be a tough one this year. There was one bright light in all this and that was when the newly elected speaker recognized the tribal reps and asked us to stand and receive the congradulations of the House on being newly elected. It was a sign at least to me that Speaker Saxl was going to recognize us and take us seriously in the up coming sessions. There was one more highlight and that was the election of Secretary of Treasury Dale MacCormick. I was amazed that the new majority whip Pat Caldwell mentioned her activism as his mentor and a gay rights advocate in his nomination speech. I thought how far Maine has come to be able to openly speak about being gay during a nomination for a State Constitutional Office. Awesome.

Now I must prepare a couple of bills to be submitted. One a Bingo Bill that would allow games to be played on New Years eve and New Years Day and would allow that certain items such as prizes and inventory not be taxed by the state. The other is a bill that would make Maine Indian History mandatory in the Maine learning results. The biggest push I'm going to make is an amendment to the Joint Rules giving Maine Indian Reps a vote in committees. I've decided to narrow the focus of the vote to only issues that directly effect Indian tribes. This would include any of the legislative bills submitted by me or Donald or bills that are submitted by other legislators on Indian issues. If this joint rules amendment does not pass then the people of the State of Maine will know who is against it and why.

Introduction

Maine is the only State in the United States to have Tribal Representatives seated in its legislative body. These Tribal Representatives represent their respective Tribal Governments, not districts. Two Tribal Governments are represented, the Penobscot Nation, and the Passamaquoddy Tribe.

This diary is a record of my experiences as the Penobscot Nation's Representative to the Maine State Legislature. I wrote this diary for the record in order that Tribal Representatives following me might have a better idea of what they would be facing.

I was going to use "For the Record" as a title. I chose to use the present title as a result of an extraordinary event that happened to me when I attended a Flemming Fellows Retreat in the mountains of West Virginia. (That story is told within the pages of this diary.)

After deciding to keep a record for the Penobscot people and the Representatives who would follow me, I soon realized that this should be a record for others as well.

The actual experiences of my daily contacts, relationships with fellow legislators, the intricacies of the State Legislative political system and my struggle as a non-voting Tribal Government Representative equally need to be told. Indian Representatives of the past chose not to write about their daily experiences perhaps fearing some sort of repercussions against them personally or their tribe in general. I believe that now is the time to write about these experiences. There will be some legislators who will not like what I have written or said about them. I know that the legislature has a long institutional memory, however I have decided to take the risk and let the chips fall where they may. I hope my fellow legislators do not judge me too harshly. I have learned many valuable lessons during my tenure in the State Legislature. One of the most important lessons is that politics is fluid. What might be of crucial importance to me one day may not be so important the next day or the next week or the next year. A legislator may be my worst enemy on one issue but my biggest supporter on another. Representatives or Senators that I did not like for one reason or another I later came to not only like but to respect. Do not misunderstand me there are legislators that I will most likely be at odds with on every issue and those that I will never be a friend with but for the most part they are reasonable and honorable people.

I have found the House to be one huge family that unites in crises regardless of party affiliations. The Senate is an entity unto itself and one that remains a barrier and closed to Indian representation. (Tribal Representatives are working to break down this barrier)

I truly believe that now is the time to end our one hundred and eighty-year silence. It is my hope that with the publication of this diary whoever reads it will be enlightened and have a deeper sense of the plight and the contributions of Maine Indian people and their governments. It is also my hope that through communication and education the State of Maine will recognize and reconcile its past injustices and move forward to develop a beneficial partnership with Maine Tribal Governments.

← Insert or noting historical legislation passed in period covered by this diary

about the roles and experiences of tribal representatives in Maine.

**A BRIEF HISTORY OF INDIAN
LEGISLATIVE REPRESENTATIVES IN
THE MAINE LEGISLATURE**

BY
S. GLENN STARBIRD, JR., 1983
UPDATED BY DONALD SOCTOMAH, 1999
DONNA M LORING 2001

The earliest record of Representatives being sent from the Penobscots is in 1823 and of the Passamaquoddies in 1842. At that time there was no State law regarding election of Indian Delegates or Representatives to the Legislature and the choice of this person or persons was determined by tribal law or custom only. Massachusetts records show that the practice of the two tribes sending Representatives to the State Legislature was not new with the formation of the new State of Maine in 1820 but probably had been going on since before the Revolutionary War.

The differences between the old and New Parties in the Penobscot Tribe in the 1830's and 1840's caused such confusion that these two parties signed an agreement in 1850 which provided, among other things, that "an election should be held every year to choose one member of the Tribe to represent the Tribe before the Legislature and the Governor and Council." This agreement governed the choice of Representative until the Legislature passed the so-called "Special Law" of 1866 which, with the Tribe's agreement, finally settled the procedure of election for not only its Representative but Governor and Lieutenant Governor, as well.

A similar agreement setting forth the form of their Tribal Government was made between the two Passamaquoddy Reservations in what is known as the "Treaty of Peace of 1852." The system of government established by this document has remained unchanged in its essential provisions ever since, although it was not enacted into State Law until the Passamaquoddy Tribe petitioned the Legislature to do so in 1927. Among the Passamaquoddies, the Representative was to be elected alternately from each of the two Reservations.

****A great deal more research must be done in regard to Indian Representation in the Maine Legislature, but our present meager knowledge of the subject shows that over the last half of the nineteenth century there was a gradual growth and development of the Indian Representative's status in the Legislative Halls.**

Only from the middle 1890's was there verbatim Legislative Record made, and not until 1907 is it provided with an index, but from that year on we can read clearly the record in session after session where the Indian Representatives were seated, sometimes spoke, and were accorded other privileges.

This gradual improvement in the status of Indian Representatives resulted in an effort during the 1939 Legislature to place Indian Representatives on a nearly equal footing with the others. This effort failed, however, and the 1941 session passed legislation that ousted the Indians entirely from the Hall of the House, their status being reduced to little better than state paid lobbyists. Since 1965, a gradual change for the better has occurred. Salaries and allowances have increased, and seating and speaking privileges were restored in 1975, after a lapse of thirty-four years.

The closest analogy to Indian representation in the Maine Legislature now existing are probably the Federal Laws that allow the territories and the District of Columbia to seat Delegates in the Federal House of Representatives. Under Federal Law and House Rule a delegate can do anything a regular House Member can do except vote on pending legislation. He can sit on a Committee and vote in Committee, he receives the same salary and allowances, and for all practical purposes, except the House vote, does what any member of Congress can do.

Opinions by the Office of the Maine Attorney General over the years would seem to indicate that Indian Representatives to the Maine House could have a position in the Maine Legislature very similar to delegates of the territories in Congress, under the law and House Rules as they now stand. At any rate, it is to be hoped that improvements in status will continue, for with the settlement of the Maine Indian Land Claims in 1980, establishing an entirely new relationship with the State, the need for competent representation of the Indian Tribes in the Legislature is more vital than ever before.

In 1996, the Tribal Representatives sponsored a Native Bill for the first time ever, and in 1999 a rule change allowed the Passamaquoddy and Penobscot Representatives to Co-sponsor any Bill, statewide.

Currently in 2001 there are several provisions in statute and in the House Rules and Joint Rules related to the rights, privileges and duties of the Tribal Representatives.(1) The Provisions are these:

- 3 MRSA subsection 1
- 3 MRSA subsection 2
- *Rules of the House, Rule 525
- Joint Rules, Rule 206 (3)

Under these provisions Tribal Representatives

- Must be granted seats in the House
- Must be granted the privilege by consent of the Speaker, of speaking on pending legislation.
- Must be appointed to sit as non-voting members of Joint Standing Committees
- May sponsor Legislation specifically relating to Indians and Indian land claims,
- Co-sponsor any other legislation and either sponsor or Co-sponsor expressions of legislative sentiment

May be granted any other rights and privileges as voted by the House

*May amend their own legislation from the floor of the House

Are entitled to per diem and expenses for each day's attendance during regular sessions and to the same allowances as other members during special sessions.

Currently, the Wisconsin, New Brunswick, and New Zealand Legislatures are reviewing Passamaquoddy and Penobscot Representative status.

Tribal Representatives are now working towards a vote in Committee similar to what the territorial delegates have in Congress.

Note: The above narrative of Indian Representation in the Legislature, is based on information derived from the Legislative Record, Federal and State Rules, State Department Reports, Maine Public Laws, Resolves, Private and Special Laws, Federal Laws, Newspaper Articles, and other published accounts.

- *This was the latest Joint Rule to be past during the 120th Legislative session.
- (1) Final Report of the Committee to Address the Recognition of the Tribal Government Representatives of the Maine's Sovereign Nations in the Legislature
- ** The Joint Standing Committee on Maine's Sovereign Nations Native Representation is the most recent in depth study of the duties and history of the Tribal Representatives. It sets forth recommendations to both Houses of the Legislature which to date have been ignored.

119th Legislature Second Session

January 4, 2000

✓ Yesterday the 3rd of January we had our first Judicial committee meeting of the New Year. Our second session will start tomorrow. I arrived around 1:30PM at the meeting and saw most of the committee members for the first time this year. I had received cards from a few of them, one in particular from Senator Benoit, who is a retired judge. He was known during his time on the bench as "the hanging judge." I suspect he has mellowed a bit since then. We do not always agree but I like him a great deal. He mailed me a copy of an editorial he was going to send the Franklin Journal. ^{concerning the offensive names bill} ~~The article was about the word Squaw and how we needed to keep the word as used in State locations, he felt it was part of our heritage and we were throwing this away.~~ ^{that} ~~I wrote him a letter explaining how I felt, which was that the word was abusive and dehumanizing and I sent him a copy of Representative Donald Soctomah's editorial. I also sent him a humorous article about the United Indian Nations buying California from a few drunks off the street. The letter I wrote is as follows:~~ ^{that heritage away by putting forth the bill} ^{on the issue}

calling for
his commentary
called for

Senator John W. Benoit

PO Box 890
Rangeley, Maine 04970

Dear Senator Benoit,

Thank you for your card and the copy of the editorial you submitted to the Franklin Journal. I always enjoy hearing from you and am interested in your take on specific issues. I would worry, as I know you would worry if we both agreed on everything. Your clientele and mine have very different interests and as a result we are not always on the same side (to say the least!)

✓ I have enclosed a copy of Rep Soctomah's editorial on the word. ^{since it's his bill} I think it only fair that you should know his reasoning. I do have to agree with him on this one as I am representing the Native Women that this word degrades and dehumanizes.

MY FIRST LEGISLATIVE SESSION SECOND HALF OF THE 118TH

I was first elected to the legislature by special election in October of 1997. The former Penobscot Legislator had just resigned. Because it was a special election and in mid-term, Representative Bruce Bryant of Dixfield and I were sworn in by Governor Angus King in the Governor's office. We would have a lot of catching up to do. The 118th session was well underway.

I began my legislative service with no formal orientation, as is the custom when first year legislators are elected. The orientation would not have helped me because my situation was unique and unlike any other in the legislature. I was fortunate to be elected at a time when Libby Mitchell, Maine's first woman Speaker, presided over the House and Joe Mayo was Clerk of the House. They along with Passamaquoddy Representative Fred Moore, and Representative Joe Brooks helped me a great deal. I will always be thankful to them for their words of wisdom and guidance. The 118th was the last session for the Speaker of the House, Libby Mitchell, as she was termed out and Representative Steven Rowe was elected as the Speaker for the 119th. Representative Fred Moore was also termed out. The Passamaquoddy's have two communities, Indian Township and Pleasant Point. They elect a Representative who serves four years from each community. They elected Donald Soctomah to replace Fred Moore.

The 118th proved to be a fast and exciting session. One of the bills that ~~past~~^{passed} was a bill to create a Maine Women Veterans Commission. I was very interested in participating on this commission. I am a Vietnam Veteran. I therefore requested an appointment to the newly created Woman Veterans Commission. General Earl Adams granted my request and I was later elected to chair the Commission.

I put out three newsletters to the tribe during the second session of the 118th and the first session of the 119th. Representative Joe Brooks at my urging submitted a Joint Order to establish a Joint Legislative Study Committee to study the history, duty and voting rights of the Tribal Representatives. The Joint Order passed and the "Committee to Address the Recognition of the Tribal Government Representatives of Maine's Sovereign Nations in the Legislature" was established. The Joint Committee met throughout the summer and at the end of their study wrote an in depth report that included recommendations to the Speaker of the House, ~~The President of the Senate and the Joint Rules Committee.~~ *Joint Study*

Representative Soctomah and I were members of this committee and we were given the ability to fully participate ~~on the Committee~~ and the option of writing our own minority report. Representative Soctomah and I felt that we needed as close to a unanimous report as we could get so we did not write a minority report. The fate of the report is told within the pages of this diary. Representative Soctomah submitted a bill to be considered during the second session of the 119th. The bill was titled "The Offensive Names Bill" we would find ourselves spending much time and energy on this bill. It became a bill that drew national and international interest from the media.