

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Sixth Legislature  
State of Maine

Daily Edition

First Regular Session  
beginning December 5, 2012

beginning at Page 1

Out of order and under suspension of the Rules, the Senate considered the following:

**ENACTORS**

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

**Emergency Measure**

An Act To Open the St. Croix River to River Herring  
H.P. 65 L.D. 72

**THE PRESIDENT:** The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you Mr. President. I just wanted to rise and speak briefly in support of enactment of L.D. 72. I will keep my comments brief. In the words of George Smith, who was involved in originally putting in place the blockage of the alewife passage many years ago, who spoke before the committee and said, "We made a mistake years ago." The science, the historical record, all of the information that's come to light today, there is an overwhelming preponderance of evidence that opening up the St. Croix River to the passage of alewife is the right thing to do. I ask that you all take advantage of this opportunity and join me for the sake of the groundfisheries, bait for our lobster industry, and most of all for the health of the St. Croix. I ask that you join me in voting for enactment of L.D. 72. Thank you.

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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Senator **DUTREMBLE** of York was granted unanimous consent to address the Senate on the Record.

Senator **DUTREMBLE:** Thank you Mr. President. In regards to L.D. 66, I originally recorded my vote in the negative. I would like to publically make it known that I would like to show that my vote should have been in the affirmative for the motion Ought Not to Pass. Thank you.

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Senator **KATZ** of Kennebec was granted unanimous consent to address the Senate off the Record.

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Senator **GOODALL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

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Senator **TUTTLE** of York was granted unanimous consent to address the Senate off the Record.

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Out of order and under suspension of the Rules, the Senate considered the following:

**PAPERS FROM THE HOUSE**

**Joint Resolution**

The following Joint Resolution:

H.P. 963

**JOINT RESOLUTION MEMORIALIZING  
THE PRESIDENT OF THE UNITED STATES  
AND THE CONGRESS OF THE UNITED STATES  
TO PROVIDE TO THE HOULTON BAND OF MALISEET  
INDIANS JUST AND EQUITABLE COMPENSATION  
COMPARABLE TO THE SETTLEMENT PROVIDED TO THE  
PENOBSCOT NATION AND THE PASSAMAQUODDY TRIBE**

WE, your Memorialists, the Members of the One Hundred and Twenty-sixth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, in the 1970s, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians asserted claims for possession of large areas of land in the State and for damages, alleging that the lands in question originally were transferred in violation of the Indian Trade and Intercourse Act of 1790; and

WHEREAS, the Indian claimants and the State reached certain agreements that represented a good faith effort on the part of all parties to achieve a fair and just resolution of those claims, which, in the absence of agreement, would have been pursued through the courts for many years to the ultimate detriment of the State and all its citizens, including the Indians; and

WHEREAS, in 1980, a settlement was reached and was enacted by the Maine Legislature as the Maine Revised Statutes, Title 30, chapter 601, An Act to Implement the Maine Indian Claims Settlement, and, as part of the settlement, the tribes dropped their claims to 12.5 million acres of land; and

WHEREAS, the United States Congress indicated that it finds and declares that the settlement represented a good faith effort on the part of United States Congress to provide the 3 tribes with a fair and just settlement of their land claims; and