



HOUSE OF REPRESENTATIVES
Henry John Bear
Office of the Maliseet Tribal Representative

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October 26, 2018

Matthew Pollack, Executive Clerk
Supreme Judicial Court
205 Newbury Street, Room 139
Portland, Maine 04104

RE: In the Matter of Request for Opinion of the Justices
Relating to Questions Posed by the House
Docket No. OJ-18-1

Dear Clerk Pollack:

With regard to the above referenced matter, enclosed for filing please find the Responsive Brief of the Office of the Maliseet Tribal Representative to the Maine House of Representatives.

Thank you for your attention to this matter. Please do not hesitate to contact me with any question.

Sincerely,

A handwritten signature in black ink that reads "H. Bear".

Rep. Henry John Bear
Represented Pro Se

STATE OF MAINE
SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT

LAW COURT DOCKET NO. OJ-18-1

In the Matter of a Request for an Opinion of the Justices
Relating to a Question Posed by the House of Representatives

**RESPONSE BRIEF OF
MALISEET TRIBAL REPRESENTATIVE TO THE MAINE LEGISLATURE, HENRY
JOHN BEAR**

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TABLE OF CONTENTS

TABLE OF CONTENTS..... i

TABLE OF AUTHORITIES ii

RESPONSIVE BRIEF INTRODUCTION..... 1

MOTION TO INCREASE THE LENGTH OF RESPONSE BRIEF TO TEN PAGES PER.....2

OPPOSITION BRIEF

MOTION TO STRIKE MR. CLARK'S BRIEF AS MALICIOUS AND HAVING NO.....2

PROBATIVE VALUE

EQUALLY RELEVANT BASIS FOR A TREATY-BASED AND CONSTITUTIONAL.....5

EXCEPTION TO THE STRICT APPLICATION OF OPPOSITION CITED

CONSTITUTIONAL PROVISIONS

CONCLUSION..... 10

TABLE OF AUTHORITIES

Cases

<i>California v. Cabazon Band of Mission Indians</i> , 480 U.S. 202 (1987).....	passim
<i>Passamaquoddy v. Maine</i> , 75 F.3d 784 (1st Cir. 1996).....	17

Answer of the Justices,

319 Mass. 731, 733-734, 66 N.E.2 nd 358 (1946).....	13
--	----

Answer of the Justices

364 Mass. at 844, 302 N.E.2 nd 565.....	13
--	----

Opinion of the Justices

427 Mass. 1211, 1214-1215, 696 N.E.2d 502 (1998).....	13
---	----

Opinion of the Justices

363 Mass. 889, 898, 294 N.E.2d 346 (1973).....	13
--	----

Statutes

25 U.S.C. chapter 29	17
8 M.R.S. chapter 11	10
8 M.R.S. chapter 31	10
8 M.R.S. chapter 14-A	10
Article X, § 5, ss. 1 - 5	3
Me. Const. art. VI, § 3	2

RESPONSIVE BRIEF INTRODUCTION

“...the best Indian was the Indian that was subservient and ignorant of his rights”, Town of Houlton, Public Assistance Director, circa 1970’s

I remain honored by this opportunity to submit this responsive brief to the Justices. To begin, I point the Justices to how, contrary to the assertions of Opponent Briefs, there does exist persuasive precedent that the circumstances leading to H.O. 72 and that continue to exist are, indeed, “exigent” and constitute circumstances in which a solemn occasion exists and that it is, therefore, an occasion for an advisory opinion (*Opinion of the Justices*, 363 Mass. 889, 898, 294 N.E.2d 346 (1973) in light of the particular circumstances, where answers are not adverse to private rights, and where answers are directed solely to questions of law of continuing importance.

We are very concerned about the continuing impacts of serious health and economic circumstances and of the consequences of the Justices not answering the specific question propounded, especially in the coexisting circumstances of significant legislative doubt expressed by a majority of the Maine Legislature as to its power and constitutional authority to enact or enforce gaming legislation that purports to regulate tribal gaming on Maliseet tribal lands, and especially in the now known context of the decision in *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987).

The Question posed by the House of Representatives meets these standards. Opponent briefs only prove our Opponent’s lack of both knowledge and understanding of relevant law and the tribe’s exigent circumstances, which is exacerbated by the dark constitutional cloud that obstructs the view of State participants in our Tribal and State relationship.

In our brief, I rely upon the extensive House Record of testimony given by my Chiefs before several House Committees; testimony that fervently supports tribal gaming business development and solutions, and outlines the present-day, marginalized economic circumstances of our Tribe. This testimony includes the impacts of the high unemployment, depression and mortality, and the historical context and present-day opportunities for gaming activities in our Aroostook County homeland. We cited an authority, which we ask the Justices to apply to find that there does exist a solemn occasion and

the Legislature's continued confusion as to the application and legality of gaming activities under the *Cabazon* ruling as a real-time economic and health remedy.

MOTION TO AMEND PROCEDURAL ORDER TO PROVIDE MODEST INCREASE IN LENGTH OF RESPONSIVE BRIEF DUE TO MULTIPLE OPPOSITION BRIEFS

I humbly request the Justices grant this Motion to modestly increase the length of this responsive brief 50% or so due to unforeseen, multiple opposition briefs. Two of the three briefs were submitted by lawyers for the Hollywood Casino and the Oxford Chamber of Commerce. These briefs, which are complex and very well presented, were somewhat unexpected, as they are baldly emblematic of the corporate gaming and market preservation interests that are, with bald audacity, attempting to openly stonewall any attempt to expand gaming in the State of Maine, even when jobs and much needed revenues will be created and generated for the poorest and most remote regions.

MOTION TO STRIKE MR. JOHN CLARK'S BRIEF AS MALICIOUS, PREJUDICIAL AND HAVING NO PROBATIVE VALUE

I humbly request the Justices strike the third brief, which was apparently submitted by a Mr. John Clark of Houlton. In arguing his opposition to our brief and the idea of Maliseet gaming development, Mr. Clark does not acknowledge nor does he appear to be aware of the unanimous support of the Houlton Town Council and the Aroostook County Commission to the idea of a Maliseet Tribal Casino. Nor does he acknowledge the huge economic benefit to our remote region of \$194 million in gross profit projections; projections recently reported to the Maine Legislature by the State Office of Fiscal Policy and Analysis regarding a tribal casino in Houlton, or the State funded gaming industry studies and recommendations supporting such a casino. Mr. Clark made reckless and inaccurate written statements, as I do not now, nor have I ever, owed past-due taxes, (personal or real property), to the municipality of Houlton. Nor do I receive any stipend, allowance or salary from any Canadian Indian Band or Tribe. I do not even receive a stipend from the Houlton Band of Maliseet Indians, who are unable to pay one. These personal attacks are bizarre, malicious and untrue. I was born in the State of Maine and am proud to call Aroostook County home. Mr. Clark is attempting to distract from the important issues at hand, while perpetrating a long history of abuses toward Maliseets and perpetuating

their suffering in Houlton. Dismissing and striking his brief is justified for these reasons, as it does not address either the issue raised by the House Order regarding tribal rights under the *Cabazon* ruling or the merits of a solemn occasion. Furthermore, it is disingenuous of Mr. Clark to claim that he “hurried to make the deadline” in his letter to the Court. His so-called “brief” was the very first one to be filed, some 10 days before any other brief was filed. There was plenty of time for John Clark to correct the so-called “typo’s” before submitting his “brief”; a brief that corroborates the fact of existing and continuing “exigent” circumstances that Maliseets and the State Legislature find themselves. Further corroboration is found in a November, 1980 article of the *American Indian Journal* titled; “*A Betrayal of Trust: The Maine Settlement Act and Houlton Band of Maliseet Indians*” by Robert Cleaves, which documents the high employment, extreme health conditions and depression of the Maliseet people in Aroostook County.

Mr. Clark’s inaccurate assertion that I owed taxes to the Town of Houlton is false, as I would never risk owing such taxes given the Town’s past history of bulldozing Maliseet owned homes for non-payment of taxes. Mr. Cleave’s report states that “...the Maliseets have witnessed town bulldozers level their homes for non-payment of taxes. The systematic destruction of their neighborhood continues to embitter Maliseets toward the white community. “

To illustrate the bitterness and depression experienced and that still persists, Mr. Cleaves reports on the abject condition of Maliseet housing in 1965, a year after Maliseet homes were bulldozed under the legal excuse of “non-payment of taxes”.

Nine homeless, Maliseet Indians with no recourse but to shelter in a shack adjacent to the Houlton town dump died from drinking the “Pink Lady”, a concoction of Sterno camp fuel mixed with kool-aid or Pepsi. Two of them are my relatives. One of the victims was the Grandmother of our current, Tribal Chief. At age 10, I, too, learned how to “squeeze” the gelled fuel into “pink lady” through. I, too, slept, homeless, under Maine’s bridges. After the “big scoop”, where I was placed in four, non-tribal, Maine foster homes, I would, in order to leave State custody, and with the consent of the State of Maine, enlist and serve for 15 years in the U.S. Armed Forces beginning at the age of 17 according to Maine Health and Welfare records, which are readily available to confirm these facts. The “big scoop” is a reference to the practice of State removal of tribal children from tribal families for any

reason, including alcohol addiction, inadequate housing and mental / physical health issues. Mr. Cleaves relates these facts and refers to a 1974 *Progressive* article regarding the prejudicial, but commonly held, beliefs of the Houlton Police Chief on Maliseet living conditions:

“Do we have an Indian problem? Well, if there’s an Indian problem, it’s largely of their own making. There may be some discrimination by landlords and for valid reasons. You put them in the nicest home, and they’ll wreck it. I’ve been in Indian homes around here where I wouldn’t put animals.”

Maliseet housing or tribal land upon which to build housing in the Houlton area was and remains unavailable to too many Maliseet people. These exigent circumstances, combined with unmarketable skills and a lack of local jobs to buy or pay for apartment rents persist, children are still removed from tribal mothers and the State continues to facilitate these takings. Futility, therefore, remains a daily feeling because of these circumstances which unjustly contributes to our tribal community’s destruction, poor health, poor education, low job skills, and little or no opportunity to obtain loans or funding to create private businesses other than fiddle heading, basket, blanket and beadwork, in a municipality that has no Maliseet businesses other than a modest, tribal bingo on the “Rez”, or businesses, such as a recently acquired roller skating ring, that the non-tribal townspeople will not support. This, despite federal assessments that the Maliseet Government is a “mature contractor” with regard to modest, time-limited, and inconsistent federal grants the Band currently and responsibly manages.

Tribally owned, local businesses, such as a destination resort, tribally owned, casino, are viewed by our community as being our only real opportunity in our current, “borderland” gaming market, which is based upon the proven, 25 billion dollar, tribal gaming business model that exists across the country because of the 1987 *Cabazon* ruling by the U.S. Supreme Court. In order to preserve the security of our tribal culture, we are unable to leave our Aroostook homeland as so many non-tribal people are doing and have already done; one of the few accurate points Mr. Clark makes in his “brief” .

It is no surprise that resorting to past consumption of the “Pink Lady” or, in present-day circumstances, the widespread abuse of prescription drugs has become the all too common and easy escape for Maliseets still living such marginalization for far too many.

Mr. Clark's comments appear to confirm the unfortunate but very real racist attitude that exists in Houlton. Mr Cleaves reports on that attitude in his interview of town officials on page 6 where he says, "The town official "... referred to Indians as a "problem" an obstacle to higher property value, and eyesore to the community, a group of "free-riders". ... According to [the town's] Public Assistance Director, the best Indian was the Indian that was subservient and ignorant of his rights" ... When people told [Indians that] "Yes, we broke your treaties and we owe you something,' I think that's the worst thing anybody could have ever said..." Another Houlton official showed the same ignorance when Mr. Cleaves asked if conditions could improve in Houlton, "I don't know if conditions could improve in Houlton. It's hard with all that inbreeding. I think the Indian is mentally and even physically inferior..." The Maliseet people have consistently and prudently requested normal relations with the municipality and the State despite the ill feelings as represented both in this 1980 report and in Mr. Clark's brief. It is unfortunate to realize that the local people of the State in which Maliseets are found are malicious, threatening, and still, too often, our "deadliest enemies", and it is exactly these "exigent" circumstances upon which the Justices can safely find an exception to the rule that our Opponent's Constitutional requirement must be strictly construed.

**EQUALLY RELEVANT BASIS FOR A CONSTITUTIONAL AND JURISDICTIONAL
EXCEPTION TO THE STRICT APPLICATION OF OPPOSITION CITED
CONSTITUTIONAL PROVISIONS**

In further response to the additional issues raised by the two additional Opposing briefs, there is, however, another, equally relevant, basis for a Constitutional and jurisdictional exception to the strict application of their cited Constitutional provisions, however.

It is respectfully submitted that it is equally required of the Justices that full consideration and application of Article 10, Section 5, subsection 1 - 5 of that same Constitution in determining these issues; sections, which recognizes the Maliseet Tribe (previously the St. John River Indians) as a sovereign, governing People with separate political and legal jurisdiction by virtue of the 19 July, 1776 Treaty of Alliance and Friendship entered into between the Maliseet and both the State of Massachusetts Bay and all the other United States of America unless modified by some mutual agreement, which is yet to occur.

This Treaty relationship and the Treaty's governing provisions and Articles are a further basis for a finding by the Justices that there exists circumstances justifying an exemption from the previous Constitutional requirement and attempts by the State to exert gaming jurisdiction over the Maliseet People. The Maine Implementing Act of April 1980, which the State relies upon and which is the basis of the State's claim of jurisdiction over the Maliseet people and lands, by its own terms, is ineffective and void. It was never enacted. In fact, it was only "conditionally" enacted a full six months before Congress would pass its own, October 1980, federal Maine Indian Claims Settlement Act. The Section 31, "Effective date" provisions of the 1980 Maine Implementing Act (MIA) required that Congress ratify and approve the Act "without modification" *before it can become effective*. However, with the enactment of the 1980 Maine Indian Claims Settlement Act (MICSA), 25 U.S.C. 1721, *Congress substantially modified the MIA*, and in accordance with the terms of the Act and Maine law, the Maine Implementing Act "shall not be effective". Moreover, Congressional ratification and approval of the MIA cannot make this Act effective under State Constitutional law or federal Constitutional law due to the well adjudicated and inherent separation of powers doctrine.

A plain reading of MIA confirms that it was clearly modified by Congress by comparing the language and requirements of both MICSA and MIA, which clearly shows how the former repeatedly and significantly modified the latter. The State MIA does not acknowledge any recognition or inherent tribal sovereignty or authority for the Maliseet, while the federal MICSA provides federal recognition of the Maliseet. The State MIA does not allow the Tribe the right to organize a government for the benefit of the Maliseet people, while the federal MICSA modified MIA to allow the Maliseet to form a government for the "common welfare" of Maliseet people (25 U.S.C. 1726). Furthermore, the federal MICSA required the State to amend MIA to provide for "restrictions against alienation or taxation of Maliseet trust lands and natural resources..."(25 U.S.C. 1724), which it never did and no one has been able to challenge these legal facts.

Clearly, Maine's legislature fully intended that the State would have the opportunity to pass a revised State MIA through renegotiations with the Tribes, or to proceed with litigation if Congress failed to fulfill any of the "Effect Date" contingencies placed in Section 31 of the State's, 1980 Maine Implementing Act, which, again, did not occur and has yet to occur.

The intent of the MIA was to extinguish all of the treaty-based and inherent Tribal jurisdiction and authority from the Maliseet. It never has or will until it is enacted by the State. Unfortunately, when Congress modified the Maine MIA to require the State recognize Maliseet federal recognition, our immunity from taxation, financial encumbrances or alienation without the consent of the United States as a result of the newly created, federal “trust” relationship in MICSA, and the other special rights that accompany such a relationship, it killed the State MIA’s conditional enactment, much like the proverbial “poison pill”.

In voting to include Section 31 in the Maine Implementing Act, State Senator Michael Carpenter stated the prevailing, general attitude held by too many non-tribal people in Aroostook County and the Maine Legislature when he said in the local, weekly, newspaper report entitle, “Sen. Mike Carpenter from Augusta the week following his vote that, “...I have never felt any great amount of ‘guilt’ over what happened (to Indians) long ago.”

That vote was followed two years later by the State’s 1982 amendments to the Maine Implementing Act, which were, interestingly, also sponsored by then, State Senator, Michael Carpenter. Unfortunately, these were similarly erected on the proverbial “house of cards,” which legally collapses when the fact of Congress’ previous modifications to the MIA are properly considered and applied. Furthermore, and unbelievably, neither of the two MIA amendments were ever ratified by Congress as required by the very language of Carpenter’s amendments themselves, nor were his amendments ever reviewed by or consented to by the Tribe as required by 25 U.S.C. 1725(e)(2) under the federal MICSA. Therefore, present-day State attempts by any branch of state government to legislate, litigate or execute the enforcement of MIA-based jurisdiction, including gaming jurisdiction, over Maliseets are ineffective, and Senator Carpenter, as he was then and as he is now, knows it. This is true, because it is legally impossible to attempt to enforce or amend legislation that does not yet exist. The general finding in the federal MICSA that the “Houlton Band of Maliseet Indians and its lands is wholly subject to the laws of the state” does not, until the MIA is properly enacted, constitute a substantive assertion of jurisdiction over the Maliseet.

Yet, the State (the unified State) continues it’s attempts, albeit both wittingly and unwittingly, and in a present-day state of legislative and Constitutional confusion, to treat Maliseet Indians as

ordinary private citizens, and treat our tribal and trust lands as any other private property in the State of Maine, which is contrary to both the express terms of our “still honored” Treaty and federal MICSA requirements.

Interestingly, Maine has construed “Effective Date” provisions against the Tribes strictly, especially when the Penobscot Nation failed to meet the deadline prescribed by the Maine legislature by only two days. The then Maine Attorney General determined that “Effective date” provisions must be strictly adhered to in order for the Act to take effect. The Attorney General was clear in his September 1985 Opinion regarding the failure of the Penobscot Nation to fulfill an “Effective date” contingency provision. The Act required the Penobscot to submit a written certification of their agreement with the Act within 60 days of the adjournment of the Legislature or the Act would not take effect”. His opinion was that the Act, by its very terms, “shall not be effective”, and concludes that, “the only remedy for this problem is for the legislature to reenact the provisions of Chapter 69...”(See Op, Maine Atty. Gen. 85-16, September 9, 1985)

The situation being faced here by Maliseets is clearly analogous. The State of Maine is constitutionally overreaching and Congress’ ratification of a Tribe-State agreement cannot and does not validate an invalid underlying State act (See *Pueblo of Santa Ana v. Kelly* 104 F.3rd 1546 (10 Cir N.M. 1997) which held that a compact signed by the Governor, who lacked authority under state law to sign the compact “is void, in the same sense that any document executed without proper authority is void, namely it has no legal effect.”

When Congress ratified the MIA with the federal MICSA it was merely authorizing the State of Maine to reach an agreement with Indian Tribes concerning legal rights and jurisdiction, an otherwise unconstitutional act for the State. Ratification did not make an otherwise ineffective State law, effective. Therefore, in accordance with Maine law and by its very terms, the Maine Implementing Act “shall not be effective” and any amendments thereto are void and have no legal authority or effect over the Maliseet, or over the Penobscot, Passamaquoddy or Mi’kmaq. Therefore, in response to Opponent briefs, there currently exists no Constitutional basis for Maine’s assertion of jurisdiction over Maliseets regarding tribal gaming either under the provisions of valid Treaties referred to in the still hidden

sections of Article 10 of the Maine Constitution, which demonstrates exigent circumstances and an exception to the otherwise strict application of the relevant sections of the Maine Constitution.

I respectfully submit that this legal and legislative “exigent circumstance” has and will continue to cause and result in tribal hardship and legislative confusion unless the propounded question is answered. It is no remedy to ignore the clear and unambiguous statutory language of the MIA. The remedy is for the Tribes and other parties, including the United States and State of Maine, to renegotiate and reenact the Maine Implementing Act, which was the purpose of exactly that legislation I had proposed during the 128th Maine Legislature.

In response to the Opponent’s Brief, the application of the 1987 decision of the United States Supreme Court in *Cabazon* is also equally clear, unambiguous, valid, and binding upon the present-day State of Maine, including all branches of State Government, just as it is in all other 49 states. In that still valid, non-statutory, non-regulatory, common law ruling the U.S Supreme Court decided that when states only “regulate” gaming and do not “prohibit” it entirely, the Tribal and federal interests block state regulation of Tribal gaming in that state, and therefore, with the state licensing of two non-tribal casinos in Maine, the State’s gaming laws do not prohibit gaming entirely, they only regulate it. Maine’s gaming laws are almost identical to the California gaming laws found invalid by the Supreme Court against the Tribe in *Cabazon*.

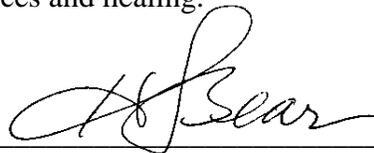
While the federal 1980 MISCAs are ready to accept the settlement of tribal land claims at some point, it does not prohibit the application of the 1987 ruling by the U.S. Supreme Court in *Cabazon*. MISCAs Section 1725(h) of MISCAs only precludes “the laws and regulations of the United States” which are generally applicable to Tribes. The phrase “federal “laws and regulations” as used by Congress refers to statutes promulgated by Congress, not the terms of overriding Treaties or U. S. Supreme Court decisions that may affect and over-ride those laws. (See <https://www.usa.gov/laws-and-regulations> and <https://www.usa.gov/how-laws-are-made>) Furthermore, this Maliseet gaming question is distinguishable from the 1996 *Passamaquoddy v. Maine* tribal gaming case, which failed. Even if the Indian Gaming Regulatory Act did not apply in Maine, the *Cabazon* decision of the U.S. Supreme Court still applies unless Congress says otherwise, which it has never done. Neither the MISCAs or MIA addresses the *Cabazon* decision and it’s application on behalf of the Maliseet in Maine.

While federal courts have, without considering the hidden sections of Maine’s Constitution, determined some laws apply to the Maliseet, the U.S. Supreme Court ruling in Cabazon does not require the Maliseet Tribe to be completely free of State authority for its rulings to apply. In Cabazon, the Court was precise that Tribal governments have legitimate economic needs, that Tribal self-determination and self-sufficiency are “compelling” or over-riding federal interests, and Gaming is a legitimate Tribal economic development strategy strongly supported and HUD funded by the federal government across the country. There has been no determination by any court that the Maliseet Tribe is not a governmental entity that no longer requires funds to administer essential tribal services and programs to care for its members. The Maliseet Tribe and Nation is sovereign. The first Treaty of Alliance with the United States was between equals and confirms this fact. We, therefore, retain sufficient sovereignty under the Cabazon ruling to establish that we have legitimate and compelling economic, social and health needs that outweigh Maine’s interest in regulating Maliseet tribal gaming on our tribal lands. We would have never signed the Treaty to defend the United State of America otherwise.

CONCLUSION

In response, the Justice’s should take into consideration the cited rulings of the Massachusetts Supreme Judicial Court. In each of these instances, the Commonwealth’s highest court considered the solemn occasions that came before them and answered the questions propounded in each instance. This provided clarity to the Massachusetts’ Legislature, and thus removed the body’s serious doubts. With the novel facts and issues presented, the exigent circumstances here, I respectfully submit, that the Question propounded complies with the *Opinion of the Justices*, 2017 ME 100, 22, 162 A.3d 188, that the circumstances supports the existence of a present, “solemn occasion” as required by Article VI, section 3 of the *Maine Constitution*, and that an answer will remove prevailing State and legislative doubt and provide a basis for improved relations, circumstances and healing.

Dated October 26, 2018



Henry John Bear, Pro se
Maliseet Tribal Representative
41 Elm Street
Houlton, Maine 04730
Tel: 207-694-4190



HOUSE OF REPRESENTATIVES
Henry John Bear
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October 26, 2018

Matthew Pollack, Executive Clerk
Supreme Judicial Court
205 Newbury Street, Room 139
Portland, Maine 04104

RE: In the Matter of Request for Opinion of the Justices
Relating to Questions Posed by the House
Docket No. OJ-18-1

Dear Clerk Pollack:

Enclosed are a series of documents and images that support my responsive brief. Please share these items with the justices, so that they can refer to them while reviewing my brief.

Sincerely,

A handwritten signature in cursive script that reads "H. Bear".

Rep. Henry John Bear
Represented Pro Se



TOWN OF HOULTON
21 WATER STREET
HOULTON, MAINE 04730

PHONE: 207-532-7111

FAX: 207-532-1304

April 27, 2017

Representative Henry John Bear
41 Elm Street
Houlton, Maine 04730

RE: Letter of Support for LD 1447, An Act to Recognize and Provide for the Right of the Houlton Band of Maliseet Indians To Operate a Casino on Houlton Band Trust Land Exempt from Certain Gaming Laws

Dear Representative Bear,

Thank you for the opportunity to offer our support for LD 1447, An Act to Recognize and Provide for the Right of the Houlton Band of Maliseet Indians To Operate a Casino on Houlton Band Trust Land Exempt from Certain Gaming Laws.

The Town Council continuously entertains ideas for economic development. The consensus is LD 1447 will create new job opportunities, provide tax relief to local businesses and residents, increase tourism to Northern Maine and provide revenues that will enable the town to maintain and upgrade our current infrastructure.

The Houlton Band of Maliseet Indians play a vital role in this community and Southern Aroostook County. The Town will continue to support the tribe's present and future endeavors.

Passage of LD 1447 will encourage new development and expansion of existing businesses on the U.S. Route 1 corridor and offer great economic opportunities to all.

Please consider this project as a driver for community and State revenues.

Respectfully,

Butch Asselin
Houlton Town Manager

George W. McCluskey
Chairman, Houlton Town Council

Cc Senator Michael Carpenter
Representative Roger Sherman

Office of 3rd Assessor, Cary Plantation

1444 US HWY I, CARY PLT, ME 04471 (207) 694-1937

April 23, 2017
Jeremy Hiltz
3rd Assessor
Cary Plantation
1444 US Hwy I
Cary PLT, ME 04330

Senator Mason, Representative Luchini and Honorable Members of the Joint Standing Committee on Veterans and Legal Affairs;

I am writing you today in support of LD1447, *"An Act to Recognize and Provide for the Right of the Houlton Band of Maliseet Indians to Operate a Casino on Houlton Band Trust Land Exempt from Certain Gaming Laws."*

I currently serve as the 3rd Assessor of Cary Plantation, which is approximately 13 miles south of Houlton in Aroostook County. As someone directly involved in the affairs of our community, I have listened to the struggles our residents face in finding quality jobs and work opportunities. As things have changed in Aroostook County, an increasing number of residents have been forced to leave their families and friends just to find work. Many of these individuals would have remained in their home towns if they had found closer opportunities. Others choose to remain in poverty or less than ideal work situations.

I feel that LD1447 would open a new window of opportunity, not only for the Houlton Band of Maliseet Indians, but for all of Aroostook County. As you know, Houlton is a primary border crossing into New Brunswick, Canada. Every day, individuals from New Brunswick can be seen frequenting restaurants, retail stores and gas stations in Houlton. I know for certain that the proposed casino would bring in tremendous revenue for the community. The casino would only serve to boost all local business in Houlton.

Some have suggested that Maine can not sustain another gaming establishment. I couldn't disagree more with that statement in regards to the casino proposed by LD1447. Houlton's historic relationship with New Brunswick creates a unique environment unlike those in other parts of Maine. I see only positive steps forward for all people in the County and broader Maine by moving LD1447 forward.

I strongly urge all members of the Committee to support LD1447.

Thank You,

Jeremy Hiltz



TOWN OF HOULTON
21 WATER STREET
HOULTON, MAINE 04730

PHONE: 207-532-7111

FAX: 207-532-1304

February 11, 2014

The Honorable Brenda Commander
Chief, Houlton Band of Maliseet Indians
88 Bell Road
Littleton, Maine 04730

Dear Chief Commander:

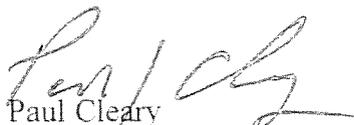
On behalf of the Houlton Town Council, we are pleased to offer this letter of support for the Band's efforts to establish a casino in Houlton. We understand this legislation is contained in LD 1298, An Act to Authorize the Houlton Band of Maliseet Indians to Operate a Casino in Aroostook County.

We fully support the Band's efforts to develop a steady and profitable revenue stream for all of its programs and services to the tribal membership. The casino is an appropriate enterprise to provide economic stability to the Band.

Locating a casino in Houlton is logical as it will likely capture a good amount of traffic from neighboring New Brunswick. Houlton is a major port of entry that processes over 700,000 vehicles per year. It is also the beginning point of Interstate 95.

The Town of Houlton will also receive benefits from the casino. Many who come to the casino will stay in the area's motels, eat at our restaurants, and shop in our stores. The Town will also share in some of the profits of the casino that will help relieve some pressure from property taxes.

This project is good for the Houlton Band of Maliseet Indians, good for the Town of Houlton, and good for the State of Maine. We recommend passage of LD 1298.


Paul Cleary
Chairman, Houlton Town Council


Eugene J. Conlogue
Town Manager



The Sheridan Corporation

PO Box 359 Fairfield, ME 04937

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December 15, 2016

Honorable Henry John Bear
State Representative – Houlton Band of the Maliseet Indians
41 Elm Street
Houlton, Maine
04730

RE: Proposed Maliseet Casino for Aroostook County

Dear Representative Bear:

The recent news that the Houlton Band of the Maliseet Indians intends to continue to press on with the goal of establishing a casino in the Houlton area is very good to hear. In the Maine Senate's failure to pass LD 1298, as amended, a clear opportunity that would have benefitted not only the People of the Maliseet Tribe, but also the community of Houlton, the County of Aroostook as well as the entire State of Maine was lost. I have tried to understand the arguments that were presented as opposition to the proposed casino, and find that I cannot for many reasons.

For certain members of the Maine Senate to justify their rejection of a well thought proposal that would bring many opportunities for economic growth, employment, and an improved standard of living for the deserving Aroostook County residents by citing the need to protect existing casinos' income streams or a need to delay a positive decision based upon the perception of the need for another study to develop another policy, do not successfully hide a thinly veiled objective of denying success to another region in order to improve political opportunities in their own districts.

It is a simple truth to say that the government's protection of the income streams of competing businesses is contrary to the concept of a free economy and stifles opportunity.

I sincerely hope that no members of the Maine Legislature stated that their opposition to this project was based upon their version of morality. Such an argument flies in the face of today's reality. Maine has licensed gambling facilities; a State sponsored lottery system, as well as race track betting operations. For a member of Maine's Legislature to object to a casino based upon his or her moral viewpoint is a demonstration of duplicity and clearly insincere.



Sheridan

Page 2.

The studies have shown that this casino venture would be a success. The Maine Legislature should act in favor of this proposed venture to allow for the beginning of an economic renaissance for the greater Houlton region before another opportunity is finally lost. The revenue streams from this operation and the many businesses it will spawn will also improve the chances of success for the current struggling area businesses and will result in the ability to enhance area educational facilities resulting in the retention of young people who will be trained in all aspects of business requirements. Those opportunities are not available now, but could be with the building of this project.

As a business owner and employer with over 35 years in a company that has 70 years of history of doing business in the State of Maine, I have, and my company has, witnessed the successes and failures of many attempts at business ventures. It is tough to do business in the State of Maine for many reasons. But one of the reasons for it to be tough to do business in Maine should not be because of government interference or manipulation.

Our company fully supports your efforts to bring a 21st Century opportunity to the residents of the State of Maine and especially for the Maliseet People and their neighboring communities.

Thank you for continuing your efforts.

Mitchell P. Sammons
Sr. Vice President and Principal



128th MAINE LEGISLATURE

LD 1447

LR 232(01)

An Act To Recognize and Provide for the Right of the Houlton Band of Maliseet Indians To Operate a Casino on Houlton Band Trust Land Exempt from Certain Gaming Laws

Preliminary Fiscal Impact Statement for Original Bill
Sponsor: Rep. Bear of Houlton Band of Maliseet Indians
Committee: Veterans and Legal Affairs
Fiscal Note Required: Yes

Preliminary Fiscal Impact Statement

Current biennium cost increase - General Fund
Current biennium cost increase - Other Special Revenue Funds
Current biennium revenue increase - General Fund
Current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

This legislation authorizes the Gambling Control Board to accept an application for a casino license from the Houlton Band of Maliseet Indians. Issuance of a license is not contingent upon approval by means of a referendum of the State or voters of Aroostook County. The facility would be taxed at the rate of 25% of net slot income and 15% of net table game income. Net slot machine and table game income retained by the Houlton Band of Maliseet Indians will be used by the tribal government for social and economic programs that support the Houlton Band of Maliseet Indians.

Presented below is an estimate of the potential revenues that may be generated from the new facility and the subsequent distribution of those revenues. This fiscal note assumes a total of 350 slot machines and 10 table games, generating annual revenue of \$797,889 for the State's General Fund and \$4,107,607 for various other funds. This fiscal statement assumes and incorporates a 3% reduction in revenue to Hollywood Casino. No impact on revenues generated by Oxford Casino is anticipated. The bill exempts the Houlton Band of Maliseet Indians from any license fees. These fees are usually used to support the operational costs of the Gambling Control Board (GCB). The GCB will require annual General Fund appropriations of \$629,702 starting in fiscal year 2018-19 for costs associated with 4 new inspector positions and two position upgrades and other related expenses.

	Annual Estimate
Summary of Casino Revenue	
Gross Slot Income (total value of money, tokens, credits and other value used to play a slot machine)	\$194,818,750
Player Payback - Slot Income	<u>\$174,752,419</u>
Net Slot Income	\$20,066,331
Operator Share of Net Slot Income - 75%	<u>\$15,049,748</u>
Share of Net Slot Income for Distribution - 25%	\$5,016,583
Net Table Game Income	\$3,584,300
Operator Share of Net Table Game Income - 85%	<u>\$3,046,655</u>
Share of Net Table Game Income for Distribution - 15%	\$537,645

	Annual Estimate
State Revenues by Fund	
General Fund	
General Fund revenue from new Houlton Casino (5% of net slot income)	\$1,003,317
General Fund 3% revenue reduction from Bangor Casino	(205,428)
Total General Fund	\$797,889
Other Special Revenue Funds	
University of Maine System Scholarship Fund	\$601,990
Maine Community College System	\$401,327
Penobscot Nation/Passamaquoddy Tribe/Aroostook Micmac	\$2,257,534
Town of Houlton	\$745,362
Aroostook County	\$401,327
Gambling Control Board - OSR	\$71,686
OTB Orgs, Charitable Gaming Operations, Veterans Organizations	\$71,686
Subtotal Other Special Revenue Funds Revenue	\$4,550,912
Other Special Revenue Funds 3% revenue reduction from Bangor Casino	(322,020)
Fund for a Healthy Maine 3% revenue reduction from Bangor Casino	(121,285)
Total Other Revenue	\$4,107,607
Total Revenue All Funds	\$4,905,496
Detail of Bangor Casino Revenue Reduction	
General Fund Administration (3% Reduction in Gross Slot Machine Revenue)	(132,732)
General Fund (Other) (3% Reduction in Net Slot Machine and Net Table Game Revenue)	(72,696)
Subtotal - General Fund	(205,428)
Fund for a Healthy Maine	(121,285)
Other Special Revenue Funds	
Harness Racing Commission	(254,699)
University of Maine Scholarship Fund	(23,286)
Maine Maritime Academy Scholarship Program	(971)
Maine Community College System Scholarships	(12,129)
Resident Municipalities	(17,502)
Gambling Control Board	(8,060)
Coordinated Veteran Assistance Fund	(5,373)
Subtotal - Other Special Revenue Funds	(322,020)
Other Revenue Total	(443,305)
Summary of Expenditure Impacts to the State	
General Fund	
-- Public Safety	\$629,702
Total Expenditures	\$629,702

Detail of Current Revenue Forecast - Distribution of Total Income

1st year

Gross Slot Income (Coin/Voucher In)	A	\$	194,818,750.00
Player's Share (Payback Value)	B	\$	174,752,418.75
Net Slot Machine Income (=A-B)		\$	20,066,331.25
Licensees' Share of Net Slot Machine Income	75%	\$	15,049,748.00
Net Table Game Income		\$	3,584,300.00
Licensee's Share of Net Table Game Income	85%	\$	3,046,655.00

Distribution of State Share of Net Slot Machine Income

25%

University of Maine System Scholarship Fund	3%	\$	601,990.00
Maine Community College System	2%	\$	401,327.00
Penobscot Nation/Passamaquoddy Tribe/Aroostook Micmac	10%	\$	2,006,633.00
General Fund (GCB Administrative Expenses ...)	5%	\$	1,003,317.00
Town of Houlton	3%	\$	601,990.00
Aroostook County	2%	\$	401,327.00

Distribution of State Share of Net Table Game Income

15%

Gambling Control Board - OSR	2%	\$	71,686.00
OTB Orgs, Charitable Gaming Operations, Veterans Organizations	2%	\$	71,686.00
Town of Houlton	4%	\$	143,372.00
Penobscot Nation/Passamaquoddy Tribe/Aroostook Micmac	7%	\$	250,901.00

Revenue Summary

General Fund			
General Fund (GCB Administrative Expenses ...)		\$	1,003,317.00
Licensing revenue			N/A
Subtotal - General Fund		\$	1,003,317.00
Other Special Revenue Funds			
Gambling Control Board		\$	71,686.00
University of Maine Scholarship Fund		\$	601,990.00
Maine Community College System		\$	401,327.00
Penobscot Nation/Passamaquoddy Tribe/Aroostook Micmac		\$	2,257,534.00
Town of Houlton		\$	745,362.00
Aroostook County		\$	401,327.00
OTB Orgs, Charitable Gaming Operations, Veterans Organizations		\$	71,686.00
Subtotal - Other Special Revenue Funds		\$	4,550,912.00

Details and Assumptions

Calculated Gross Slot Machine Income Per Month		# of Days	
Total Gross Slot Income - Fiscal Year			\$ 194,818,750.00
	July	31	\$ 16,546,250.00
	August	31	\$ 16,546,250.00
	September	30	\$ 16,012,500.00
	October	31	\$ 16,546,250.00
	November	30	\$ 16,012,500.00
	December	31	\$ 16,546,250.00
	January	31	\$ 16,546,250.00
	February	28	\$ 14,945,000.00
	March	31	\$ 16,546,250.00
	April	30	\$ 16,012,500.00
	May	31	\$ 16,546,250.00
	June	30	\$ 16,012,500.00

Player's Share of Slot Machine Income Per Month		# of Days	
Total Player's Share - Fiscal Year			\$ 174,752,418.75
	July	31	\$ 14,841,986.25
	August	31	\$ 14,841,986.25
	September	30	\$ 14,363,212.50

	October	31	\$	14,841,986.25
	November	30	\$	14,363,212.50
	December	31	\$	14,841,986.25
	January	31	\$	14,841,986.25
	February	28	\$	13,405,665.00
	March	31	\$	14,841,986.25
	April	30	\$	14,363,212.50
	May	31	\$	14,841,986.25
	June	30	\$	14,363,212.50

Calculated Net Table Income Per Month
Total Net Table Game Income - Fiscal Year

		# of Days	\$	3,584,300.00
July		31	\$	304,420.00
August		31	\$	304,420.00
September		30	\$	294,600.00
October		31	\$	304,420.00
November		30	\$	294,600.00
December		31	\$	304,420.00
January		31	\$	304,420.00
February		28	\$	274,960.00
March		31	\$	304,420.00
April		30	\$	294,600.00
May		31	\$	304,420.00
June		30	\$	294,600.00

Licensing and Application Revenues - Casino:

- Casino Operator - Initial Application Fee
- Casino Operator- Annual Renewal Fee
- Transfer of Operator Renewal Fee to host municipality
- Table Game Distributor - Initial Application Fee
- Table Game Distributor - Annual Renewal Fee
- Table Games - Initial Privilege Fee
- Table Games - Annual Privilege Fee
- Table Games - Initial Registration Fee
- Table Games -Annual Registration Fee
- Licensed Employees - All Fees
- Total License Fees**
- Licensee Background Check Cost Reimbursement

Number of Machines

July	350
August	350
September	350
October	350
November	350
December	350
January	350
February	350
March	350
April	350
May	350
June	350

Payback % Average for Month

July	89.70%
August	89.70%
September	89.70%
October	89.70%
November	89.70%
December	89.70%
January	89.70%

February	89.70%
March	89.70%
April	89.70%
May	89.70%
June	89.70%

**Average Total Slot Income Per Machine Per Day
Average for the Fiscal Year**

July	\$ 1,525.00
August	\$ 1,525.00
September	\$ 1,525.00
October	\$ 1,525.00
November	\$ 1,525.00
December	\$ 1,525.00
January	\$ 1,525.00
February	\$ 1,525.00
March	\$ 1,525.00
April	\$ 1,525.00
May	\$ 1,525.00
June	\$ 1,525.00

Number of Table Games

July	10
August	10
September	10
October	10
November	10
December	10
January	10
February	10
March	10
April	10
May	10
June	10

Table Game Win Per Day

July	\$ 982.00
August	\$ 982.00
September	\$ 982.00
October	\$ 982.00
November	\$ 982.00
December	\$ 982.00
January	\$ 982.00
February	\$ 982.00
March	\$ 982.00
April	\$ 982.00
May	\$ 982.00
June	\$ 982.00

**Revenue Forecasting Committee - December 2016 - Hollywood Casino
Bangor**

LD 1447

Detail of Current Revenue Forecast - Distribution of Total Income			@ - 3%	Difference
			2015-16	
Gross Slot Income (Coin/Voucher In)	A	\$442,439,319	\$	429,166,139
Player's Share (Payback Value)	B	\$397,586,740	\$	385,659,138
3% Distribution to City of Bangor (03*(A-B))		\$1,345,577	\$	1,305,210
General Fund - Administration (1% of Gross Slot Income)	C	\$4,424,393	\$	4,291,661
Net Slot Machine Income (=A-B-C)		\$40,428,186	\$	39,215,341
Licenseses' Share of Net Slot Machine Income	61.0%	\$24,661,193	\$	23,921,358
Licenseses' Share of Net Slot after 3% Distribution to Bangor		\$23,315,616	\$	22,616,148
Net Table Game Income		\$8,955,774	\$	8,687,101
Licensee's Share of Net Table Game Income	84.0%	\$7,522,850	\$	7,297,165
Distribution of State Share of Net Slot Machine Income				
			2015-16	
General Fund (other)	3 0%	\$1,212,846	\$	1,176,460
General Fund (After 48 months - November 2009)	1 0%	\$404,282	\$	392,153
Fund for a Healthy Maine (FHM)	10 0%	\$4,042,819	\$	3,921,534
University of Maine Scholarship Fund	1 92%	\$776,221	\$	752,935
Maine Maritime Academy Scholarship Program	0 08%	\$32,343	\$	31,372
Maine Community College System - Scholarship Funds	1 0%	\$404,282	\$	392,153
Resident Municipalities	1 0%	\$404,282	\$	392,153
Supplement Harness Racing Purses	10 0%	\$4,042,819	\$	3,921,534
Sire Stakes Fund	3 0%	\$1,212,846	\$	1,176,460
Fund to Encourage Racing at Maine's Commercial Tracks	4 0%	\$1,617,127	\$	1,568,614
Fund to Stabilize Off-Track Betting	1 0%	\$404,282	\$	392,153
Agricultural Fair Support Fund	3 0%	\$1,212,846	\$	1,176,460
GF Transfer to Gambling Addiction Prevention and Treatment Fund		(\$100,000)	\$	(100,000)
Gambling Addiction Prevention and Treatment Fund		\$100,000	\$	100,000
Distribution of State Share of Net Table Game Income				
			2015-16	
General Fund	9 0%	\$806,020	\$	781,839
Gambling Control Board	3 0%	\$268,673	\$	260,613
Municipality	2 0%	\$179,115	\$	173,742
Coordinated Veterans Assistance Fund	2 0%	\$179,115	\$	173,742
Revenue Summary				
			2015-16	
General Fund				
General Fund Administration (1% of gross slot income)		\$4,424,393	\$	4,291,661
General Fund (Other)		\$2,323,148	\$	2,250,452
Licensing revenue		\$0		\$0
Subtotal - General Fund		\$6,747,541	\$	6,542,113
Fund for a Healthy Maine		\$4,042,819	\$	3,921,534
Other Special Revenue Funds				
Harness Racing Commission		\$8,489,920	\$	8,235,221
HRC - Subtotal		\$8,489,920	\$	8,235,221
PUS- host municipalities		\$25,000	\$	25,000
University of Maine Scholarship Fund		\$776,221	\$	752,935
Maine Maritime Academy Scholarship Program		\$32,343	\$	31,372
Maine Community College System Scholarships		\$404,282	\$	392,153
Resident Municipalities		\$583,397	\$	565,895
Gambling Addiction Prevention and Treatment Fund		\$100,000	\$	100,000
Gambling Control Board		\$818,373	\$	810,313
Coordinated Veterans Assistance Fund		\$179,115	\$	173,742
Subtotal - Other Special Revenue Funds		\$11,408,651	\$	11,086,631
Details and Assumptions				
			3%	

Calculated Gross Slot Machine Income Per Month		# of days	2015-16	
Total Gross Slot Income - Fiscal Year			\$442,439,319	
July	31	\$45,549,389	\$1,366,481.67	\$ 429,166,139
August	31	\$38,343,543	\$1,150,306.29	\$ 44,182,907
September	30	\$35,752,219	\$1,072,566.57	\$ 37,193,237
October	31	\$43,024,682	\$1,290,740.46	\$ 34,679,652
November	30	\$31,336,484	\$940,094.52	\$ 41,733,942
December	31	\$36,203,654	\$1,086,109.62	\$ 30,396,389
January	31	\$31,927,321	\$957,819.63	\$ 35,117,544
February	28	\$32,335,535	\$970,066.05	\$ 30,969,501
March	31	\$41,634,441	\$1,249,033.23	\$ 31,365,469
April	30	\$32,585,361	\$977,560.83	\$ 40,385,408
May	31	\$41,692,125	\$1,250,763.75	\$ 31,607,800
June	30	\$32,054,565	\$961,636.95	\$ 40,441,361
Player's Share of Slot Machine Income Per Month				2015-16
Total Player's Share - Fiscal Year			\$397,586,740	\$ 385,659,138
July		\$40,937,186	\$1,228,115.58	\$ 39,709,070
August		\$34,420,777	\$1,032,623.32	\$ 33,388,154
September		\$32,081,723	\$962,451.70	\$ 31,119,272
October		\$38,762,530	\$1,162,875.90	\$ 37,599,654
November		\$28,140,475	\$844,214.26	\$ 27,296,261
December		\$32,534,578	\$976,037.34	\$ 31,558,541
January		\$28,764,786	\$862,943.59	\$ 27,901,843
February		\$29,062,499	\$871,874.96	\$ 28,190,624
March		\$37,308,544	\$1,119,256.31	\$ 36,189,287
April		\$29,289,007	\$878,670.20	\$ 28,410,336
May		\$37,503,078	\$1,125,092.34	\$ 36,377,986
June		\$28,781,557	\$863,446.71	\$ 27,918,110
Calculated Net Table Income Per Month		# of days	2015-16	
Total Net Table Game Income - Fiscal Year			\$8,955,774	\$ 6,687,101
July	31	\$921,392	\$27,641.75	\$ 893,750
August	31	\$726,046	\$21,781.38	\$ 704,265
September	30	\$770,663	\$23,119.88	\$ 747,543
October	31	\$747,490	\$22,424.70	\$ 725,065
November	30	\$567,430	\$17,022.89	\$ 550,407
December	31	\$904,837	\$27,145.10	\$ 877,691
January	31	\$566,346	\$16,990.37	\$ 549,355
February	28	\$731,093	\$21,932.79	\$ 709,160
March	31	\$761,019	\$22,830.57	\$ 738,188
April	30	\$619,109	\$18,573.27	\$ 600,536
May	31	\$939,765	\$28,192.94	\$ 911,572
June	30	\$700,587	\$21,017.61	\$ 679,569
Licensing and Application Revenues - Racino:		Fee	2015-16	
Slot Machine Operator- Initial Application Fee		\$200,000	\$0	
Slot Machine Operator- Annual Renewal Fee		\$75,000	\$0	
Transfer of Operator Renewal Fee to host municipality			\$0	
Slot Machine Distributor - Initial Application Fee		\$200,000	\$0	
Slot Machine Distributor - Annual Renewal Fee	5	\$75,000	\$375,000	
Slot Machines - Initial Registration Fee		\$100	\$0	
Slot Machines - Annual Renewal Fee	898	\$100	\$89,800	
Gambling Services Vendors	2	\$2,000	\$4,000	
Licensed Employees - All Fees	212	\$250/\$25	\$5,300	
Other Revenue deposited as Licensing Revenue			\$0	
Total License Fees			\$474,100	
Licensee Background Check Cost Reimbursement			\$12,000	
Licensing and Application Revenues - Casino:		Fee	2015-16	
Casino Operator - Initial Application Fee		\$25,000	\$0	
Casino Operator- Annual Renewal Fee		\$80,000	\$80,000	
Transfer of Operator Renewal Fee to host municipality			(\$25,000)	
Table Game Distributor - Initial Application Fee	3	\$5,000	\$0	
Table Game Distributor - Annual Renewal Fee		\$1,000	\$3,000	
Table Games - Initial Privilege Fee	16	\$100,000	\$0	
Table Games - Annual Privilege Fee		\$1,000	\$16,000	
Table Games - Initial Registration Fee		\$100	\$0	
Table Games - Annual Registration Fee		\$100	\$1,600	
Licensed Employees - All Fees		\$250/\$25	\$0	
Total License Fees			\$75,600	
Licensee Background Check Cost Reimbursement				

Number of Machines	2015-16
July	787
August	787
September	787
October	787
November	787
December	787
January	788
February	788
March	788
April	784
May	772
June	773
Payback % Average for Month	2015-16
July	89.87%
August	89.77%
September	89.73%
October	90.09%
November	89.80%
December	89.87%
January	90.09%
February	89.88%
March	89.61%
April	89.88%
May	89.95%
June	89.79%
Average Total Slot Income Per Machine Per Day	2015-16
Average for the Fiscal Year	\$1,521
July	\$1,653.64
August	\$1,740.04
September	\$1,622.45
October	\$1,561.98
November	\$1,422.06
December	\$1,314.68
January	\$1,447.95
February	\$1,466.00
March	\$1,509.97
April	\$1,484.39
May	\$1,542.21
June	\$1,480.99
Number of Table Games	2015-16
July	16
August	16
September	16
October	16
November	16
December	16
January	16
February	16
March	16
April	16
May	18
June	18
Table Game Win Per Day	2015-16
July	\$1,645.34
August	\$1,620.64
September	\$1,720.23
October	\$1,334.80
November	\$1,266.58
December	\$1,615.78
January	\$1,264.16
February	\$1,631.90
March	\$1,358.96
April	\$1,381.94
May	\$1,525.59
June	\$1,390.05

Notes:

White Sands Report, pg 31, "Given the lack of resident population in the northern market, any gaming operation would be largely dependant on traffic crossing the border from Quebec and New Brunswick", Pg 41 "4th license could potentially cannibalize Bangor although to much less significant degree" [in reference to 20% cannibalization of Oxford w/ addition of Southern ME facility] White Sands Report uses a "gravity model" which the customer distance to and interest in attractions at facility are the "mass" that draws patrons, the farther away patrons are the less likely they are to travel facilities Over 80% of current casinos in Maine draw their patrons from within the state, limited information is present indicating which counties or population centers patrons are drawn from, time is usually used as dominate indicator Building on this it is assumed that those traveling from New Brunswick are more likely to visit the newer & closer facility, although the degree of patrons choosing Aroostook vs Bangor will be tempered by the attractions present in each location The traffic sampling analsis in Pyramid Associates report indicated that in 2015, 3.3% of patrons at Hollywood Casino came from New Brunswick Roughly accounting for market growth, border crossing growth, and exchange rate, 3% is a median loss rate for the Hollywood Casino as a result of Northern Maine Casino White Sand Report and Pyramid Repot both indicated that additional casinos in state markets tend to redistribute in-state patrons vs drawing more out-of-state patrons

GF
OSR

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MAINE STATE LEGISLATURE

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1 (Governor's Bill)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 Legislative Document

No. 2076

7
8 S. P. 931 In Senate, March 18, 1982
Referred to the Committee on Judiciary. Sent down for concurrence. Ordered Sent Forthwith.

9 MAY M. ROSS, Secretary of the Senate
Presented by Senator Carpenter of Aroostook.
Cosponsor: Representative Ingraham of Houlton.

10
11 STATE OF MAINE
12

13 IN THE YEAR OF OUR LORD
14 NINETEEN HUNDRED AND EIGHTY-TWO
15

16 AN ACT to Amend the Maine Implementing
17 Act with Respect to the Houlton Band
18 of Maliseet Indians.
19

20 Be it enacted by the People of the State of Maine as follows:

21 Sec. 1. 30 MRSA §6203, sub-§2-A is enacted to read:

22 2-A. Houlton Band Trust Land. "Houlton Band Trust
23 Land" means land or natural resources acquired by the secretary
24 in trust for the Houlton Band of Maliseet Indians, in
25 compliance with the terms of this Act and the Maine Indian
26 Claims Settlement Act of 1980, United States Public Law
27 96-420, with moneys from the original \$900,000 congressional
28 appropriation and interest thereon deposited in the Land Acquisition
29 Fund established for the Houlton Band of Maliseet
30 Indians pursuant to United States Public Law 96-420, Section
31 5, United States Code, Title 25, Section 1724, or with proceeds
32 from a taking of Houlton Band Trust Land for public
33 uses pursuant to the laws of this State or the United
34 States.

1 Sec. 2. 30 MRSA §6205-A is enacted to read:

2 §6205-A. Acquisition of Houlton Band Trust Land

3 1. Approval. The State of Maine approves the acquisition,
4 by the secretary, of Houlton Band Trust Land within
5 the State of Maine provided as follows.

6 A. No land or natural resources acquired by the secretary
7 may have the status of Houlton Band Trust Land, or
8 be deemed to be land or natural resources held in trust
9 by the United States, until the secretary files with
10 the Maine Secretary of State a certified copy of the
11 deed, contract or other instrument of conveyance,
12 setting forth the location and boundaries of the land
13 or natural resources so acquired. Filing by mail shall
14 be complete upon mailing.

15 B. No land or natural resources may be acquired by the
16 secretary for the Houlton Band of Maliseet Indians
17 until the secretary files with the Maine Secretary of
18 State a certified copy of the instrument creating the
19 trust described in section 6208-A, together with a
20 letter stating that he holds not less than \$100,000 in
21 a trust account for the payment of Houlton Band of
22 Maliseet Indians' obligations, and a copy of the claim
23 filing procedures he has adopted.

24 C. No land or natural resources located within any
25 city, town, village or plantation may be acquired by
26 the secretary for the Houlton Band of Maliseet Indians
27 without the approval of the legislative body of the
28 city, town, village or plantation.

29 2. Takings for public uses. Houlton Band Trust Land
30 may be taken for public uses in accordance with the laws of
31 the State of Maine to the same extent as privately-owned
32 land. The proceeds from any such taking shall be deposited
33 in the Land Acquisition Fund. The United States shall be a
34 necessary party to any such condemnation proceeding. After
35 exhausting all state administrative remedies, the United
36 States shall have an absolute right to remove any action
37 commenced in the courts of this State to a United States'
38 court of competent jurisdiction.

39 3. Restraints on alienation. Any transfer of Houlton
40 Band Trust Land shall be void ab initio and without any
41 validity in law or equity, except:

42 A. Takings for public uses pursuant to the laws of
43 this State;

1 B. Takings for public uses pursuant to the laws of the
2 United States;

3 C. Transfers of individual use assignments from one
4 member of the Houlton Band of Maliseet Indians to
5 another band member;

6 D. Transfers authorized by United States Public Law
7 96-420, Section 5(g)(3), United States Code, Title 25,
8 Section 1724(g)(3); and

9 E. Transfers made pursuant to a special act of Con-
10 gress.

11 If the fee to the Houlton Band Trust Fund Land is lawfully
12 transferred to any person or entity, the land so transferred
13 shall cease to have the status of Houlton Band Trust Land.

14 Sec. 3. 30 MRSA §6206-A is enacted to read:

15 §6206-A. Powers of the Houlton Band of Maliseet Indians

16 The Houlton Band of Maliseet Indians shall not exercise
17 nor enjoy the powers, privileges and immunities of a municipi-
18 ality nor exercise civil or criminal jurisdiction within
19 their lands prior to the enactment of additional legislation
20 specifically authorizing the exercise of those governmental
21 powers.

22 Sec. 4. 30 MRSA §6208, sub-§2, as enacted by PL 1979,
23 c. 732, §§1 and 31, is amended by adding after the first
24 sentence a new sentence to read:

25 The Houlton Band of Maliseet Indians shall make payments in
26 lieu of taxes on Houlton Band Trust Land in an amount equal
27 to that which would otherwise be imposed by a municipality,
28 county, district, the State or other taxing authority on
29 that land or natural resource.

30 Sec. 5. 30 MRSA §6208, sub-§2, as enacted by PL 1979,
31 c. 732, §§1 and 31, is amended by adding at the end a new
32 sentence to read:

33 The Houlton Band of Maliseet Indians shall not be deemed to
34 own or use any property for governmental purposes.

35 Sec. 6. 30 MRSA §6208, sub-§3, as enacted by PL 1979,
36 c. 732, §§1 and 31, is amended by adding at the end a new
37 sentence to read:

1 The Houlton Band of Maliseet Indians shall not be deemed to
2 be a governmental entity or to have the powers of a municipi-
3 pality.

4 Sec. 7. 30 MRSA §6208-A is enacted to read:

5 §6208-A. Houlton Band Tax Fund

6 1. Fund. The satisfaction of obligations, described
7 in section 6208, owed to a governmental entity by the
8 Houlton Band of Maliseet Indians shall be assured by a trust
9 fund to be known as the Houlton Band Tax Fund. The secre-
10 tary shall administer the fund in accordance with reasonable
11 and prudent trust management standards. The initial prin-
12 cipal of the fund shall be not less than \$100,000. The
13 principal shall be formed with moneys transferred from the
14 Land Acquisition Fund established for the Houlton Band of
15 Maliseet Indians pursuant to United States Public Law
16 96-420, Section 5, United States Code, Title 25, Section
17 1724. Any interest earned by the Houlton Band Tax Fund
18 shall be added to the principal as it accrues and that
19 interest shall be exempt from taxation. The secretary shall
20 maintain a permanent reserve of \$25,000 at all times and
21 that reserve shall not be made available for the payment of
22 claims. The interest earned by the reserved funds shall
23 also be added to the principal available for the payment of
24 obligations.

25 2. Claims. The secretary shall pay from the fund all
26 valid claims for taxes, payments in lieu of property taxes
27 and fees, together with any interest and penalties thereon,
28 for which the Houlton Band of Maliseet Indians is liable
29 pursuant to section 6208, provided that such obligation is
30 final and not subject to further direct administrative or
31 judicial review under the laws of the State of Maine. No
32 payment of a valid claim may be satisfied with moneys from
33 the fund unless the secretary finds, as a result of his own
34 inquiry, that no other source of funds controlled by the
35 secretary is available to satisfy the obligation. The
36 secretary shall adopt written procedures, consistent with
37 this section, governing the filing and payment of claims
38 after consultation with the Maine Commissioner of Finance
39 and Administration and the Houlton Band of Maliseet Indians.

40 3. Distributions. If the unencumbered principal
41 available for the payment of claims exceeds the sum of
42 \$100,000, the secretary shall, except for good cause shown,
43 provide for the transfer of such excess principal to the
44 Houlton Band of Maliseet Indians. The secretary shall give
45 30 days' written notice to the Commissioner of Finance and

1 Administration of a proposed transfer of excess principal to
2 the Houlton Band of Maliseet Indians. Any distribution of
3 excess principal to the Houlton Band of Maliseet Indians
4 shall be exempt from taxation.

5 4. Other remedies. The existence of the Houlton Band
6 Tax Fund as a source for the payment of Houlton Band of
7 Maliseet Indians' obligations shall not abrogate any other
8 remedy available to a governmental entity for the collection
9 of taxes, payments in lieu of taxes and fees, together with
10 any interest or penalty thereon.

11 **Sec. 8. Effective date.** This Act shall be effective
12 only upon enactment of legislation by the United States:

13 1. Ratifying and approving this Act without modifi-
14 cation;

15 2. Amending United States Public Law 96-420, Section
16 6(e)(1), United States Code, Title 25, Section 1725(e)(1),
17 in order to provide the consent of the United States to the
18 amendment of the Maine Implementing Act with respect to the
19 Houlton Band of Maliseet Indians, provided that the amend-
20 ment of the Maine Implementing Act is made with the agree-
21 ment of the Houlton Band of Maliseet Indians; and

22 3. Amending United States Public Law 96-420, Section
23 5(d), United States Code, Title 25, Section 1724(d), in
24 order to provide the consent of the United States to the
25 transfer of funds from the Land Acquisition Fund established
26 for the Houlton Band of Maliseet Indians to the Houlton Band
27 Tax Fund described in this Act and also to provide for a
28 reversionary interest of the Penobscot Nation and the
29 Passamaquoddy Tribe in the funds so transferred in the event
30 the Houlton Band of Maliseet Indians should terminate its
31 interest in the Houlton Band Trust Fund.

32 In no event shall this Act become effective until 90
33 days after the adjournment of the Legislature, as required
34 by the Constitution of Maine, Article IV, Part 3, section
35 16.

36 STATEMENT OF FACT

37 The Maine Indian Claims Settlement Act of 1980, Public
38 Law 96-420, enacted by Congress created a \$900,000 Land Ac-
39 quisition Fund for the Houlton Band of Maliseet Indians.
40 Under the provisions of that federal act, the Secretary of
41 the Interior of the United States cannot use fund moneys to

1 acquire land for the Houlton Band of Maliseet Indians until
2 the State enacts appropriate legislation approving such land
3 acquisitions. This bill is intended to satisfy that re-
4 quirement. The bill is the product of negotiations between
5 the State and the Houlton Band of Maliseet Indians.

6 Under the provisions of this Act, the lands acquired by
7 the secretary for the Houlton Band of Maliseet Indians, to
8 be called Houlton Band Trust Land, will be subject to the
9 general laws of the State with certain limited exceptions;
10 they will be subject to payments in lieu of property taxes
11 and they will be subject to certain special restraints on
12 alienation. This Act provides for the creation of a special
13 trust fund of \$100,000 to assure the satisfaction of tax
14 obligations owed to Maine governmental entities.

15 This Act is effective only upon enactment of legis-
16 lation by the United States ratifying and approving this Act
17 without modification, providing for the transfer of moneys
18 from the Land Acquisition Fund to the Houlton Band Tax Fund
19 and authorizing the Legislature to modify the Maine Imple-
20 menting Act as it relates to the Houlton Band of Maliseet
21 Indians, with the consent of the band.

22 Section 1 defines the term "Houlton Band Trust Land."
23 Houlton Band Trust Land may be acquired only by the Secre-
24 tary of the Interior of the United States. It must be pur-
25 chased with moneys from the Land Acquisition Fund estab-
26 lished by Congress for the Houlton Band of Maliseet Indians.
27 The secretary must comply with the conditions set forth in
28 the Maine Revised Statutes, Title 30, section 6205-A, when
29 he acquires such land.

30 Section 2 states that the Secretary of the Interior of
31 the United States may not purchase trust land for the
32 Houlton Band of Maliseet Indians until he creates a special
33 tax fund, described in the Maine Revised Statutes, Title 30,
34 section 6208-A, and files with the Maine Secretary of State
35 a copy of the tax fund trust document, a copy of the claim
36 filing procedures and a statement certifying that the tax
37 fund, containing at least \$100,000, is available for pay-
38 ment. This section requires the Secretary of the Interior
39 of the United States to notify the Maine Secretary of State
40 when he purchases Houlton Band Trust Land. The secretary
41 may not purchase land located within the confines of a
42 municipality without the approval of the municipality.

43 Section 6205-A, subsection 2, provides that Houlton
44 Band Trust Land may be taken for public uses under the laws
45 of this State. The United States is a necessary party to

1 such condemnation proceedings. The compensation paid in
2 connection with a condemnation of Houlton Band Trust Land
3 must be deposited in the Land Acquisition Fund to be used
4 for the purchase of additional Houlton Band Trust Land.

5 Section 6205-A, subsection 3, prohibits the alienation
6 of Houlton Band Trust Land, except as provided in paragraphs
7 A to E. When the fee to Houlton Band Trust Land is properly
8 transferred, it loses its special trust status.

9 Section 3 states that the Houlton Band of Maliseet
10 Indians may not exercise municipal powers or civil and crim-
11 inal jurisdiction until such time as the Legislature enacts
12 new legislation authorizing the exercise of such powers.

13 Sections 4 and 5 state that the Houlton Band Trust
14 Land, like Penobscot and Passamaquoddy Indian Territory, is
15 subject to payments in lieu of property taxes. The Houlton
16 Band of Maliseet Indians is not deemed to own or use prop-
17 erty for governmental purposes.

18 Section 6 states that the Houlton Band of Maliseet
19 Indians is liable for the payment of all taxes and fees
20 other than, as explained previously, for property taxes on
21 Houlton Band Trust Land. The Houlton Band of Maliseet
22 Indians is not deemed to be a governmental entity or to have
23 the powers of a municipality.

24 Section 7 states that the Secretary of the Interior of
25 the United States may not purchase land for the Houlton Band
26 of Maliseet Indians until he establishes a special tax fund.
27 The fund will contain at least \$100,000 and will be avail-
28 able for the payment of taxes, payments in lieu of property
29 taxes and fees owed to Maine governmental entities by the
30 Houlton Band of Maliseet Indians. No private obligations
31 may be satisfied with fund moneys. The unencumbered portion
32 of the tax fund in excess of \$100,000 may be transferred to
33 the Houlton Band of Maliseet Indians.

34

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Sen. Mike Carpenter from Augusta

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As usual the Legislature's last few days were filled with many difficult decisions. Last Thursday we finally adjourned this session faced with the prospect of several special sessions over the summer.

As you probably know the Legislature did finally enact Agriculture Commissioner Smith's re-organization bill which will allocate more of the State's funds to this field in an attempt to pump some new blood into the agricultural community.

I would like to publicly thank all those who worked for this important bill, especially Senate President Joe Sewall. Sen. Sewall's efforts in the waning hours of the Legislature undoubtedly saved the day for us.

Last week's vote on the Indian Land Claims settlement was a very difficult one for me. My gut reaction has been to fight the issue in the courts as I have never felt any great amount of "guilt" over what happened long ago. However, after a great deal of research and thought I did vote for the negotiated settlement and I would like to tell you why.

The only alternative available to the State at this point is a court battle and the ramifications of that avenue are not very attractive at all. We have at our disposal (both hired and elected) some of the best legal talent in the nation and the best odds they have given us for winning a court fight is 60-40.

Given the scope of the claim, I would be willing to risk those odds if there was to be no damage to the State of its people during the ensuing years.

few things that didn't get funded.

1) Highway budget - The Senate ultimately decided against having a budget for the coming year. I voted for the budget as I do not think it is the responsible thing to do to let the highway programs collapse and throw as many as 450 people out of work. I fully expect Governor Brennan to call us back into special session soon to try again.

2) LD 1784 (cost of living increase for retired State workers) - on a 15-14 vote in the Senate this bill failed due to insufficient money. I voted for the bill as I was willing to kill some other worthwhile programs in order to fund this needed increase. I have received a commitment from some key people to try to find some money in this area before the year is over.

3) LD 1826 (a bill to exempt savings interest from the State income tax) - This bill was overwhelmingly endorsed by the whole Legislature but died

for lack of funding. Given our shortage of available money there just was no way to target the \$3.2 million for this bill but I expect it will become a reality in the near future. Many people wrote cards to me on this one but due to a stenographic shortage I was unable to answer all. Please feel free to call me for further clarification.

I would end this column with some long overdue congratulations. A few days ago the potato farming community rose up in protest over four years of bankrupting prices. While I do not agree with civil disobedience I supported the farmers in their goals and was proud to stand with them in their negotiations with Washington.

Hopefully something meaningful will result from this display of desperation. I only hope that the farmers will continue to stand together and begin to correct many of the internal problems of the industry.

Have a good week!

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From

15 Year

Presenting members of the Houlton in entitled "As Bent." Part Mary Hogan, Joyce Lowrey, Barbara Kirli, Susan Palmer, and Sharon H.

Asa H. Roac elected Pre Aroostook Bar Mr. and M Barnes were 1 40th weddin party.

Honor part High School for were: Valedic Nightingale; Elizabeth A. Honor, Paul Second Honor Nason.

25 Year

Garfield Ro: the 1955 Ma Campaign Aroostook, a certificates o were present Pioneer Times, David Buchana Club.

Roberta Guy in the Speakin the Littleton S Mrs. Lay Manager in the Galatoo S Indu



Family Living

The Significance of Birth Order

by Dorinda Carton
AMHC - Community Support-Worker

You may note the differences between yourself and your siblings or between your own being the sole recipient of love and attention first borns often lead toward over-achievement, especially in intellectual pursuits. Only children too, are likely to be achievement oriented. Bu



University of
Massachusetts
Dartmouth

Dr. Clyde W. Barrow, Director
Center for Policy Analysis
University of Massachusetts Dartmouth
North Dartmouth, MA 02747-2300
Tel.: (508) 999-9265
Fax: (508) 999-8374
cbarrow@umassd.edu

August 20, 2013

Rep. Henry Bear
Maine House of Representatives
41 Elm Street
Houlton, ME 04730

Dear Representative Bear:

I am writing in response to your recent inquiry about the prospects for a Maliseet casino located in Houlton, Maine. I was intrigued by your inquiry, because I have visited East Grand Lake as a fisherman on many occasions, and I typically make at least one visit to Houlton each trip to resupply and have dinner. Consequently, I have some personal familiarity with the area.

What intrigued me about your inquiry was that the very first time I visited Houlton, one of my first thoughts was "what a great location for a casino in Maine!" The location has many potential advantages:

1. It is located a significant distance from the state's two existing casinos and, consequently, it would not be in direct competition with them. Therefore, it presents an opportunity to actually grow the Maine gaming market, rather than dilute and redistribute it among competing facilities.
2. It is located at the center of a population center (est. 250,000) sufficient to support a moderate sized casino.
3. It is a port of entry on the Canadian border with significant potential to capture Canadian residents as a sizeable component of its customer base.
4. It is a port of entry at the end of Interstate 95, which generates a considerable volume of commercial truck traffic and, therefore, it has the potential to capture additional out-of-state visitors as is done by many Tribal casinos in the western states located adjacent to Interstate highways.
5. It is already a tourist destination for hunting, fishing, camping, and boating so there is at least a limited potential to capture some of these

visitors, who may want to take an occasional break from outdoor activities, particularly when traveling to Houlton.

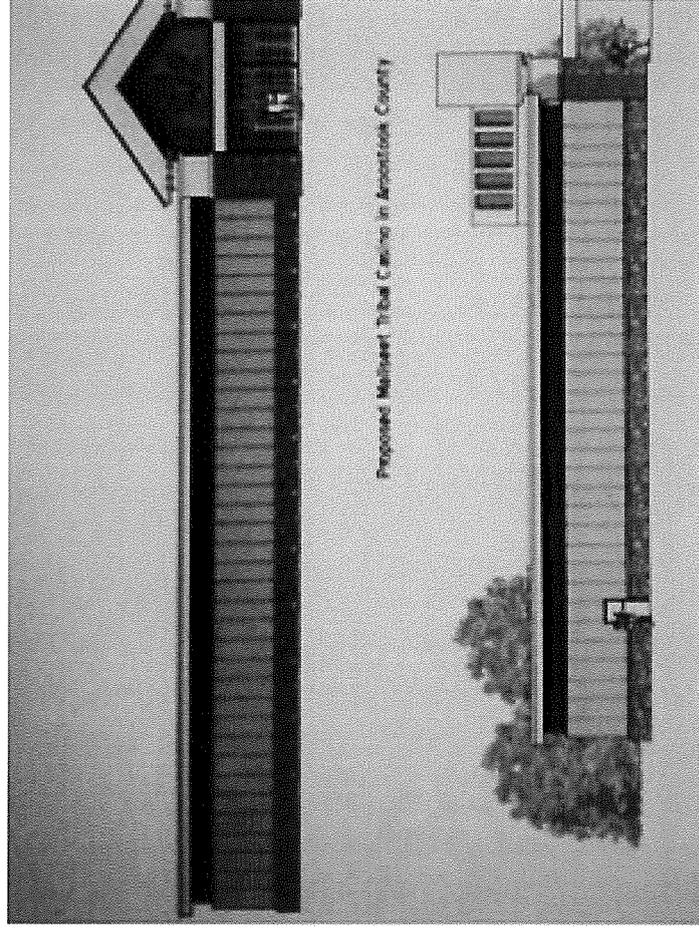
Obviously, it is not possible to offer an estimate of a Houlton casino's potential revenues without the requisite analysis, but you have made what seems to be a promising proposal. I would be interested in following up on our conversation with yourself or others in the future if you so desire.

Sincerely,

A handwritten signature in cursive script that reads "Clyde W. Barrow".

Dr. Clyde W. Barrow
Director, Center for Policy Analysis

Proposed Aroostook Gateway Casino





HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400

TTY: (207) 287-4469

Ricky D. Long

756 Island Falls Road
Sherman, ME 04776

Residence: (207) 365-4704

Cell Phone: (207) 267-1828

Ricky.Long@legislature.maine.gov

Brenda Commander, Tribal Chief
Houlton Band of Maliseet Indians
88 Bell Rd
Littleton, ME 04730

February 23, 2016

To Whom It May Concern:

I am writing to express my support for Henry John Bear to be reappointed as the Tribal Representative for the Houlton Band of Maliseet Indians. I have had the privilege and opportunity to serve with Mr. Bear during the last two Legislative sessions. Having served with many different people from across the great State of Maine, I must say I have the upmost respect for Mr. Bear. He is an exceptional communicator and a true professional. The folks he represents in Aroostook County would be lucky to have him as a Representative for another term.

For these reasons, it is my recommendation that Mr. Bear be reappointed as Tribal Representative to the Maine State Legislature.

Thank you for your time. If you have any questions, please do not hesitate to contact me.

Best,

A handwritten signature in black ink that reads "Rick Long".

Rick Long

State Representative

District 145 Bridgewater, Crystal, Dyer Brook, Hammond, Hersey, Island Falls, Linneus, Littleton, Ludlow, Merrill, Monticello, Mount Chase, New Limerick, Oakfield, Sherman, Smyrna, Stacyville and Moro Plantation, plus the unorganized territory of Central Aroostook (including E Township)

Printed on recycled paper

Bear earns 'Legislator of the Year' award

By Joseph Cyr
Staff Writer

HOULTON — For two terms in the Maine House of Representatives, Henry John Bear has tried to bring a better understanding of issues facing Native American people in the state to his fellow legislators.

Now, his efforts have been recognized by the Maine American Legion. A resident of Houlton, Bear was selected by the American Legion as one of the group's "Legislators of the Year" at its annual state convention Saturday, June 18 in Bangor. The presentation was made by Ronald Rainfrette, state commander of the American Legion.

Rep. Bear was presented an engraved, glass plaque and certificate in recognition and sincere appreciation for his support of the four pillars of the American Legion; Americanism, Children and Youth, National Security, and Veteran Affairs and Rehabilitation.

"[It is] humbling and a great honor to say the least," Bear said of the accolade. "Many thanks to all who helped us earn this recognition, especially our veterans."

Bear, a member of the Houlton and Tobique Bands of Maliseets, became the first elected

(Please see Page 10)

Bear earns

(Continued from Page 1)

tribal member to the Maine House of Representatives in January, 2013. At that time, he was one of three tribal reps elected to the House as a non-voting member, joining representatives from Penobscot Nation and Passamaquoddy tribes.

For the past four years in Augusta, Bear has worked as a member of the Veterans and Legal Affairs committees to identify needs for veterans, both tribal and non-tribal, throughout the state during the 126th and 127th Legislatures.

Although he could not cast votes, Bear was able to introduce bills and legislation for consideration on the House

floor. He was responsible for seeing Legislation approved which renamed the "B" Stream in Houlton as the Captain Ambrose Bear Stream. Ambrose Bear was a Maliseet chief in 1777, and historical records show he served under Col. Jonathan Eddy, an officer in George Washington's Continental Army.

He has also been a staunch supporter of bringing a gaming facility/casino for the Houlton Band of Maliseets on an undeveloped parcel of land on the North Road in Houlton.

Bear joined the United States Coast Guard at the age of 17 during the Vietnam War and served honorably for 15 years as a telecommunications system manager and

cryptographer.

"I spent quite a bit of time in military service," Bear said.

His service included more than 1,000 days of sea duty aboard three large ships, including a polar icebreaker. As a military recruiter and enlisting officer for three years, Bear represented the U.S. Government in determining the suitability, via a complex application, testing and medical examination process, of hundreds of applicants for Coast Guard service with authority to administer oaths of allegiance and issue assignment orders to new enlistees.

He also served as a Maine Rural Partners board member, which is Maine's Rural Development Council. Bear is also trained by the U.S. Department of Environmental Protection as a "Tribal Climate Change Adaptation Planner."

He is a past general manager of both a tribally-operated,

Maliseet Forest Service and a Maliseet owned, commercial fishing company, Negoot-gook Fisheries, which applies traditional conservation and harvesting methods consistent with Tribal values and strict, international principles of sustainable economic development.

Bear is a 1987 graduate of the University of Maine at Presque Isle and obtained his law degree from nearby University of New Brunswick, Canada where he passed his bar exam in 1995. He is also the director of the Aroostook Treaty Education Center (ATEC) which he established on Thanksgiving Day 2013 in Houlton to, in part, ensure implementation of LD 291, "An Act to Teach Maine Indian History in Public Schools", which was enacted in 2001.



THE COMMANDANT OF THE UNITED STATES COAST GUARD
WASHINGTON 20593

14 February 1985

From: Commandant
To: RMI Henry J. BEAR 005 62 5021, USCG
Subj: Letter of Commendation

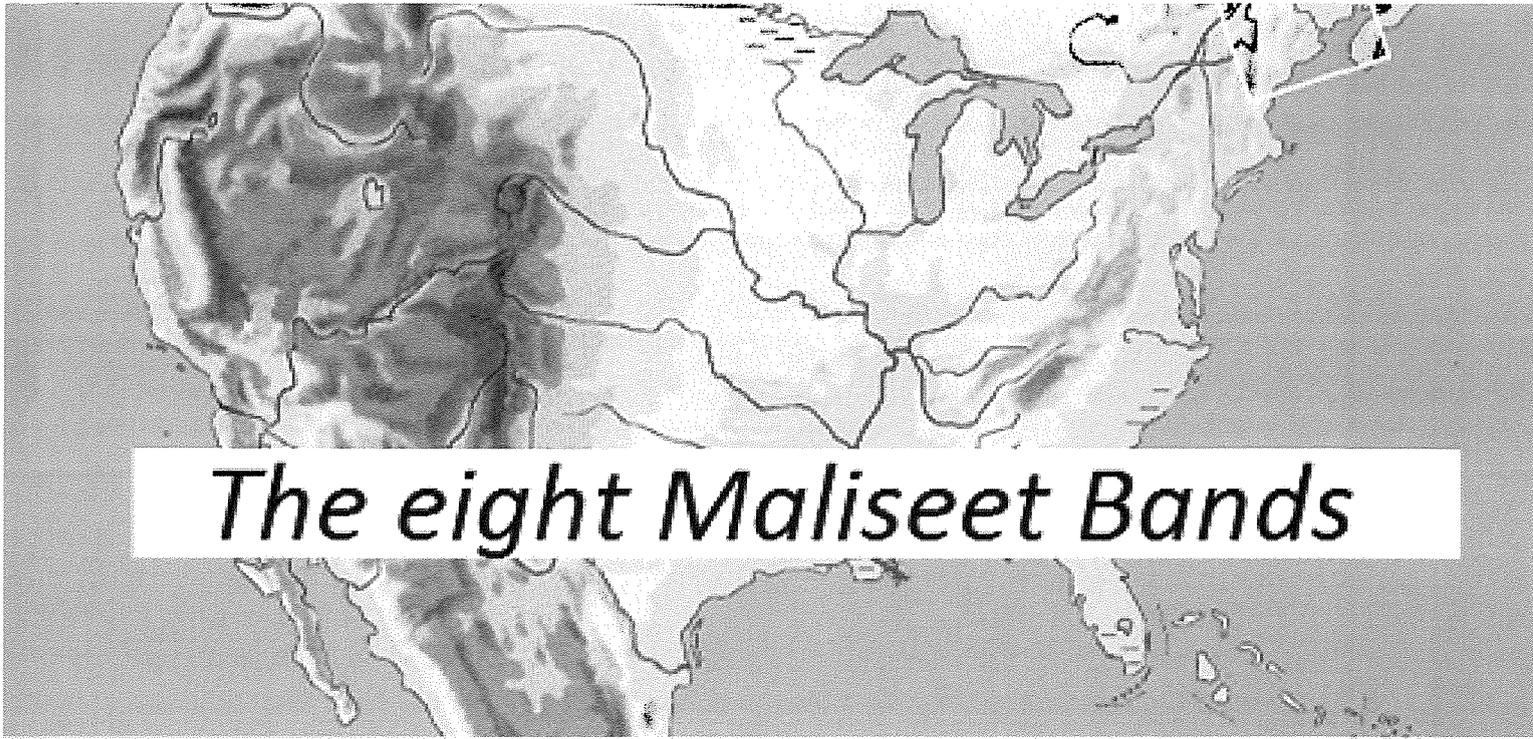
1. I note with pride and am pleased to commend you for your performance of duty while assigned to U.S. Coast Guard Group Southwest Harbor, Maine. At approximately 1127 on 26 September 1984, the Group was notified that a sailing vessel had capsized in East Penobscot Bay with several persons in the water. As the Assistant Group Duty Officer you realized it would take over an hour before Coast Guard or Navy resources would arrive within the area of the capsizing and initiated the Urgent Marine Information Broadcast, alerting and requesting the assistance of the boating public and civilian rescue agencies. Because of the remote area where the capsizing occurred, communication and coordination problems were encountered. Under stressful conditions, you effectively coordinated communications with the reporting source, the First District Operations Center, and several assisting rescue resources. You demonstrated superior initiative and skill which contributed to the successful rescue of all 23 people in the water, with no loss of life.

2. You are commended for your outstanding performance of duty. By your meritorious service you have upheld the highest traditions of the United States Coast Guard.

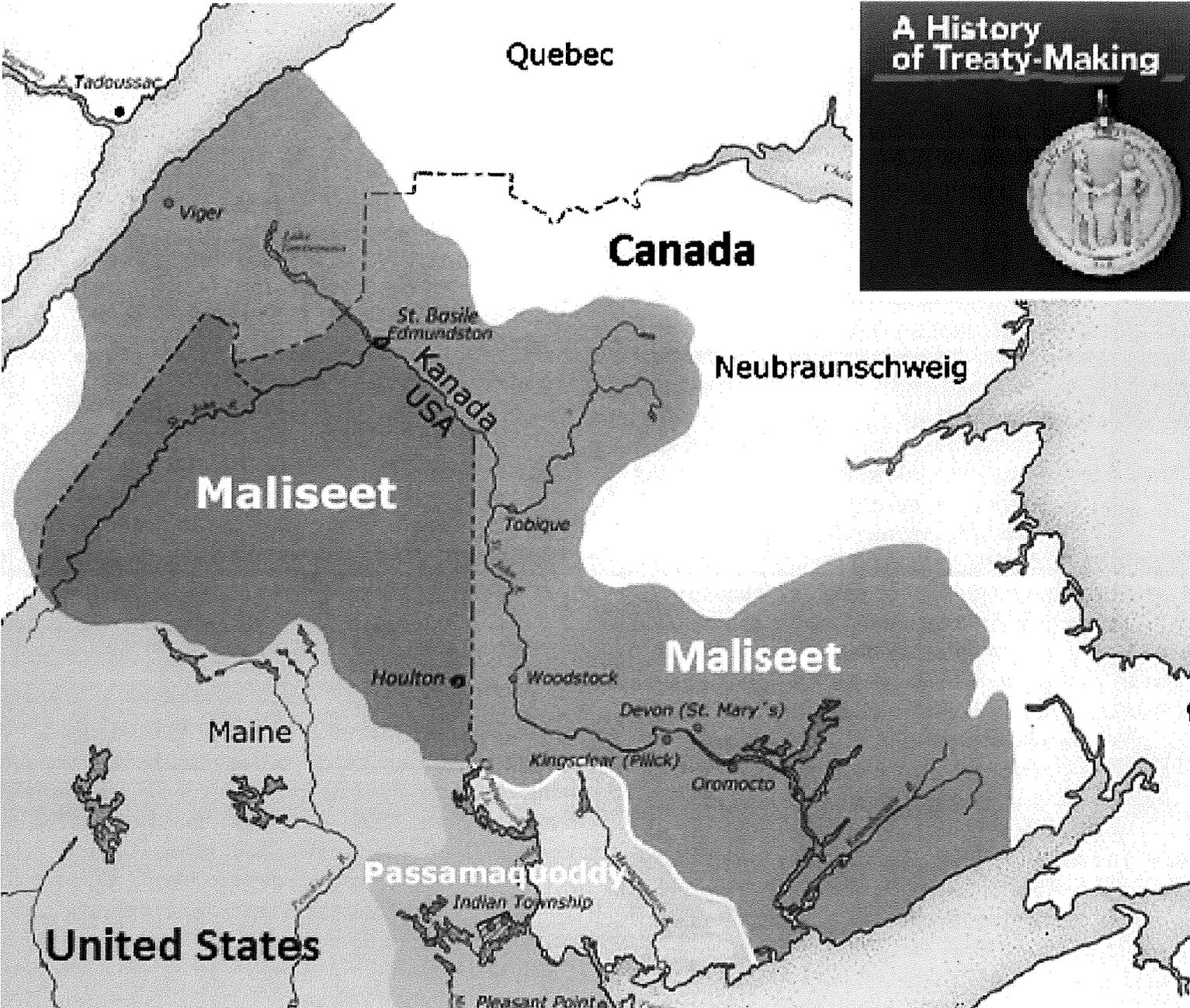
3. You are hereby authorized to wear the Commandant's Letter of Commendation Ribbon Bar with Operational Distinguishing Device.

A handwritten signature in cursive script that reads "R. A. Bauman".

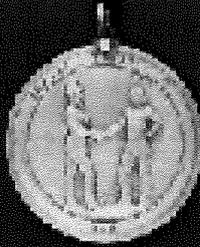
R. A. BAUMAN
Rear Admiral, U.S. Coast Guard
Commander, First Coast Guard District
By direction of the Commandant



The eight Maliseet Bands



A History of Treaty-Making



United States

Quebec

Canada

Neubraunschweig

Maliseet

Maliseet

Maine

Passamaquoddy

Indian Township

Pleasant Point

Tadoussac

Viger

**St. Basile
Edmundston**

**Kanada
USA**

Tabique

Houlton

Woodstock

Devon (St. Mary's)

Kingsclear (Flick)

Gromocto

Bear to serve on Legislature's Veterans and Legal Affairs Committee

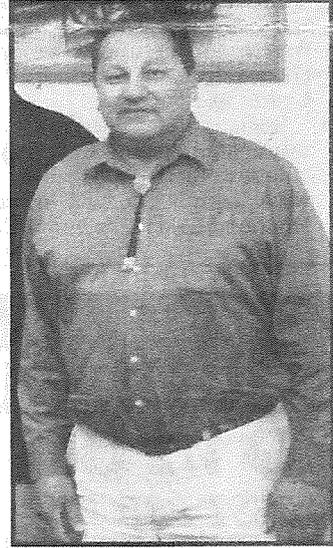
HOULTON — Maliseet Tribal Representative Henry J. Bear of Houlton has been appointed by the Speaker of the House, Mark Eves, to serve on the Legislature's Veterans and Legal Affairs Committee, giving him an influential voice in a range of areas, from veterans' programs to campaign practices and financing. Rep. Bear will begin serving on this Joint Standing Committee of the 127th Maine Legislature starting in January 2015.

The Veterans and Legal Affairs Committee has jurisdiction over liquor laws, the Maine State Lottery, games of chance, casino licensing and operations, harness racing, and off-track betting. It also oversees election laws; campaign practices; campaign financing and the Maine Clean Election Act; voter registration; and Maine casino voter initiatives and referenda.

Additionally, it exercises oversight of veterans' programs;

Department of Defense, Veterans and Emergency Management Services; Bureau of Alcoholic Beverages and Lottery Operations; and the Maine National Guard.

"Having descended from a long line of Maliseet Tribal Veterans these issues are a priority of mine, and I am excited to begin work on a committee that deals with policy affecting all veterans, both State and Tribal," said Rep. Bear of his appointment. "All Mainers who have served this country deserve recognition and the best possible treatment from this state for their military service. As Penobscot Indian Nation Representative, Wayne Mitchell did as a Member of this same Committee in the last session, I too will be equally committed to ensuring veterans concerns and gaming development opportunities are properly addressed and fairly dealt with, respectively, in the 127th Maine Legislature."

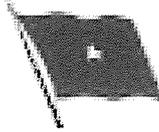


Henry Bear

Henry Bear - Biography

Position	<p>Senior Partner "Bear Law Office" Tobique Indian Reserve, NB Specialising in Criminal, Constitutional, and Aboriginal Law</p> <p>(1995-present) Legal Counsel "Union of New Brunswick Indians" Fredericton, NB</p> <p>(1995-present) Atlantic Technical Representative National Chief's Committee on Land Claims "Assembly of First Nations", Ottawa, ON</p>
Education	<p>Arts Degree (1987) University of Maine</p> <p>Law Degree (1993) University of New Brunswick</p>
Career	<p>(1994-95) "Department of Public Prosecutions", New Brunswick Department of Justice</p> <p>(1995-99) Senior Policy Analyst/Legal Advisor "Atlantic Policy Congress of First Nation Chiefs" Amherst, Nova Scotia</p> <p>(1998-present) Director, Board of Directors of the Indigenous Bar Association (I.B.A.) Ottawa, ON</p> <p>(1995-present) Member in good standing with the Canadian Bar Association and the New Brunswick Law Society</p>

Maliseet lawyer Hank Bear is actively involved in local and regional First Nation organizations, and was legal counsel on behalf of the Union of New Brunswick Indians, the intervenor who provided the aboriginal perspective in the recent Marshall treaty rights case. He is presently one of two defence counsel in a very important aboriginal title case in New Brunswick regarding aboriginal logging rights of the Maliseet, Mi'kmaq and Passamaquoddy peoples. This case has implications even beyond the Marshall ruling, because it will determine who really owns the land. Hank is a member of a team of Aboriginal and non-Aboriginal lawyers in the Atlantic region who are successfully asserting his people's treaty and aboriginal rights.



April 14, 2016

*The Honorable Henry J. Bear
41 Elm Street
Houlton, Maine 04730*

Dear Representative Bear:

Thank you for your role in passing LD 1612, "An Act to Improve the Delivery of Services and Benefits to Maine's Veterans and Provide Tuition Assistance to Members of the Maine National Guard" and working so diligently to get it signed into law.

Tuition assistance for our Airmen and Soldiers is an incredibly important tool in our recruiting and retention efforts. Educating and keeping these talented members in Maine is important for our future.

Further the resources to implement findings of the Commission to Strengthen and Align the Services Provided to Maine's Veterans, sends a strong message to all those who may serve, are serving, and have served their Nation and State of Maine.

Your unwavering support of our veterans reflects great credit upon the Joint Standing Committee on Veterans and Legal Affairs, the 127th Maine Legislature, and the State of Maine.

Sincerely,

*Douglas A. Farnham
Brigadier General, Maine
National Guard
The Adjutant General*

O HOULTON REGION PINION

HOULTON PIONEER TIMES

AUGUST 31, 2016

Henry John Bear better than typical candidate

To the editor:

Local elections are often the simplest way to make an impact in our area.

I currently serve as 3rd Assessor for Cary Plantation and will be supporting Henry John Bear for Maine House District 144.

District 144 comprises Amity, Bancroft, Haynesville, Hodgdon, Houlton, Orient, Weston and Plantations of Cary, Glenwood, Macwahoc and Reed, plus the unorganized territory of South Aroostook.

Henry opened his home to me for an hour and a half, as we discussed issues important to my town and our state. He has a clear understanding of the challenges we face. More importantly, has the intellect and ideas necessary to bring solutions.

The best candidate for the job is not always the typical candidate.

Henry John Bear is the best candidate. Vote Bear for House District 144 this November!

Jeremy Hiltz
Cary Plantation

The American Legion



2016

LEGISLATOR OF THE YEAR 127th Maine's Legislative Session

This certificate of appreciation is gratefully presented to:

*Representative Henry J. Bear
Houlton Band of Maliseet Indians*

June 18, 2016

*In recognition and sincere appreciation for
Supporting the Four Pillars of
The American Legion
Americanism, Children & Youth, National Security,
Veteran Affairs & Rehabilitation*

Handwritten signature of Ronald Rainfrette in cursive script.

RONALD RAINFRETTE
STATE COMMANDER

ATTEST:

Handwritten signature of Paul L'Heureux in cursive script.

PAUL L'HEUREUX
STATE ADJUTANT



Susan Collins

January 21, 2009

Mr. Henry Bear
41 Elm Street
Houlton, ME 04730

Dear Mr. Bear:

Thank you for providing me with a copy of the Watertown Treaty of 1776 during your recent trip to Washington, D.C. for President Obama's swearing-in ceremony. I was pleased to be able to offer you tickets to the event, and I hope that both you and Violet enjoyed the inauguration.

Again, thank you for the copy of our nation's first foreign treaty, and please do not hesitate to contact me if I can be of future assistance.

Sincerely,

Susan M. Collins
United States Senator

SMC: jml

*United States Senate
Washington, DC 20510*

MACHIAS HISTORICAL SOCIETY

P.O. Box 754

Machias, Maine 04654

September 22, 2016

Rep. Henry J. Bear
41 Elm Street
Houlton, ME 04730

Dear Representative Bear:

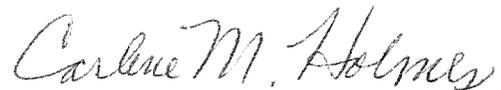
I wanted to let you know how delighted I was that you attended and spoke at this year's Remembrance Ceremony. As you know, this ceremony has been hosted by the Daughters of the American Revolution and the Machias Historical Society for several years. What made it special this year was your being there. What more appropriate way to remember the Native Americans than to have one of their representatives present! Thank you.

I liked hearing you tell your people's story...how the British came to Machias with orders to destroy the "hotbed of rebels at Machias." How Col. John Allan, in accordance with the recently concluded 1776 Watertown Treaty, urged Maliseet Chief Ambrose Bear, the Maliseets, Passamaquoddy, and Penobscot tribes to leave their country in the St. John River Valley in more than 120 canoes to join him and other patriots in defending Machias. How after three days of skirmishes, Chief Francis Joseph Neptune made the long shot that killed the British officer. How the Natives led the Patriots in whooping and hollering in the valley thus magnifying the apparent number of defenders and how the British retreated never to return the rest of the Revolution. And, how most likely Machias, the most northeastern United States' stronghold, would have been destroyed without the Native Americans. What a story! We might otherwise have been part of Great Britain's Canada... or worse.

It is a story that needs telling – a story of cooperation and peoples working together for a better life. A story to be proud of.

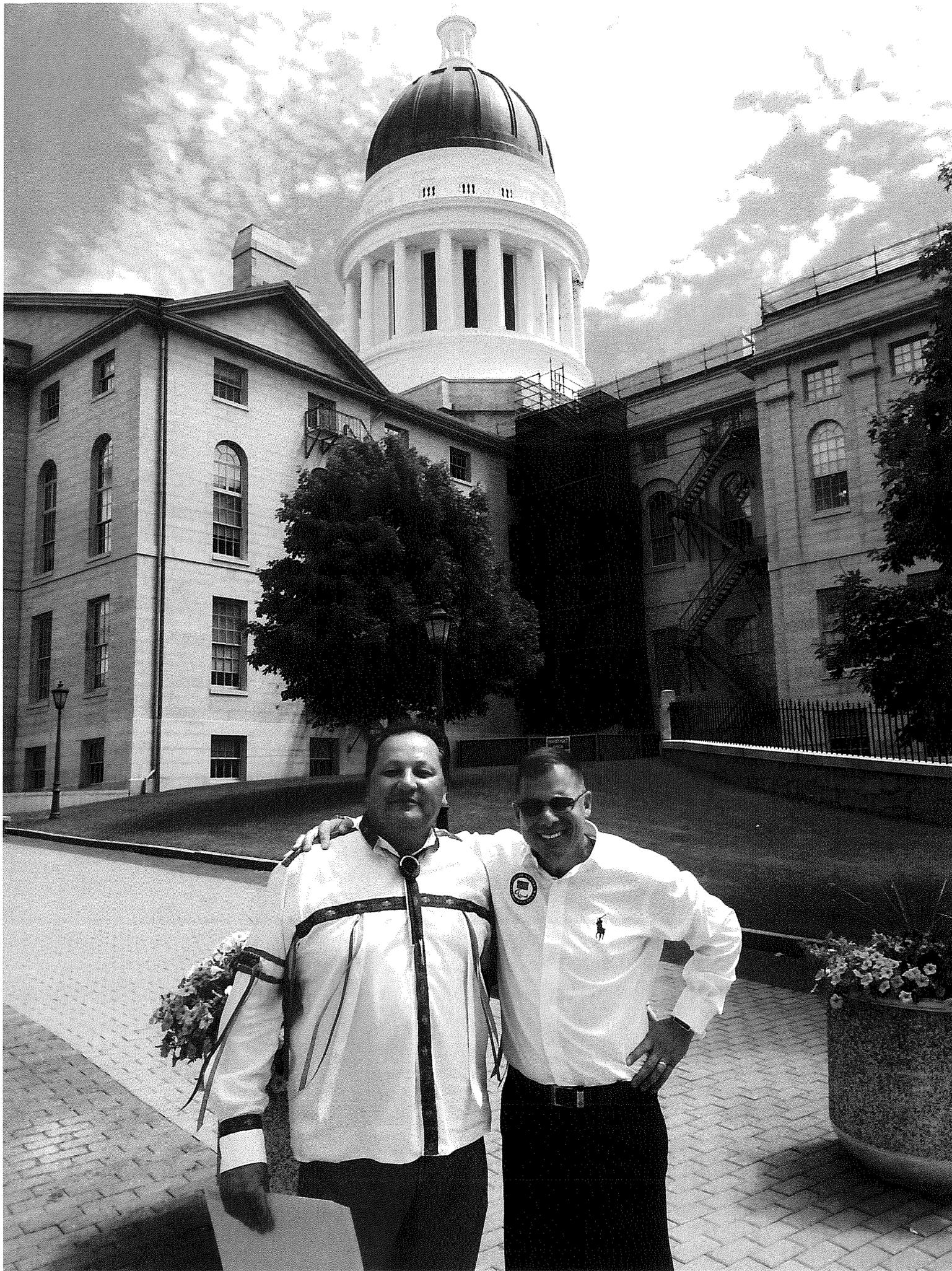
As chair of the annual Margareta Days Festival I would like to invite you and as many Native Americans to attend next year's festival on June 10, 2017. I look forward to working with you to see how to best show our appreciation to the Native Americans for their contribution to the American Revolution Downeast. We humbly thank you.

Yours very truly,



Carlene M. Holmes

Vice President, Machias Historical Society
Chair, Margareta Days Festival



Background

Henry John Bear never had it easy, but now he's grown into just the person we need to be our first elected Tribal Representative in Augusta. Henry is a descendant of Ambrose Bear, the Maliseet Chief who concluded a treaty in 1776 with the United States, its first foreign treaty, to protect our land and the United States

from British invasion. Pride in his people and patriotism are therefore woven tightly into the fabric of Henry's character.



As a child, Henry was taken to live in four Maine foster homes after alcohol caused a family break-up. Afterwards he set out to make a new life for himself.

At the age of 17 he joined the Armed Forces where he was successful. He earned a university degree in Maine and a law degree in New Brunswick. His life changed for the better when he married, raised a family and returned to settle among his fellow Maliseet tribal members in the Wulustug territory.

Now he humbly asks to be your Tribal Representative. Henry's ready to help set a course of respect for a people who deserve nothing less. Vote for Henry John Bear on December 22nd.

ACTION

SHAKES LOUDER THAN WORDS
"I've fought hard for our rights and will continue the fight to protect them."



Henry John Bear: Here to Listen, Ready to Represent All Maliseets

41 Elm St., Houlton ME 04730
Phone: 532-8368

Paid for by the
Henry Bear for Maliseet State Representative

*Henry John Bear:
Here to Listen,
Ready to Represent
All Maliseets*



Working with and listening to you is where Henry starts, and this is never an afterthought. The Band needs unity now more than ever. He's as tired of internal feuding as you are! Maliseets can now vote for the their own Tribal Representative. Henry Bear will stand-up for all of us as one.

**Vote Henry John Bear on
Saturday Dec. 22nd**

A Letter from Henry

Dear Brothers and Sisters:

You have a chance to make history on **Saturday, December 22nd!** For the first time, members of the Houlton Band of Maliseet will elect their Representative to the Maine Legislature in Augusta.

The job is an important one because its primary role is to communicate information and ideas between the Maliseets and the Legislature. That means working closely with Band leaders and our many extended families both on and off the reservation. The job of Maliseet Tribal Representative also is a face we put forward to show the rest of the world that we are a proud and independent people.

Won't you help me serve in that role? I humbly ask your support by voting for me on December 22nd. I see a continuing bright future for all our people in the years ahead!

Sincerely,

Henry John Bear

Henry John Bear

Candidate for Maliseet Tribal Representative



Bear on the Issues: Action Speaks Louder than Words

While our economic future is his top priority, Henry also sees some big issues that also need to be addressed as our first elected Representative.

Tribal Unity

"The person who represents us in Augusta needs to communicate both at home and in the Capitol. That requires listening closely to our leaders and all of our people. It also means being a strong voice for progress so that political parties don't ever take us for granted."

Respecting elders

"Our culture demands this, but too often "modern" values that have never been part of our tribe harm the way our elders are treated. We must recognize that elders provide our education, training, and future by honoring them on a daily basis today."

A Proven Fighter, A Solid Representative

Henry knows his way around the halls of power. Just look at this list of some of his work over the past years

Henry Bear is just the one we need representing us at this critical time!



Henry Bear, advocating for Tribal Gaming

Here's a partial list of Henry's accomplishments on behalf of our community and people:

- President of the Central Maine Indian Association (CMAI) representing and advocating for off-reservation Maliseets.
- President of New Hampshire Indian Council (NHIC) at age 23. Representing and advocating for off-reservation Maliseets on a regional basis.
- Protected Maliseets faced with Housing and Child Welfare issues locally, and continues to protect them whenever called upon.

Vote Henry John Bear on
Saturday, December 22nd
The Maliseet Tribal Representative

The Bear Family ~ 20th Anniversary party

**ELECTION OF HBMI TRIBAL REPRESENTATIVE
OCTOBER 29, 2016**

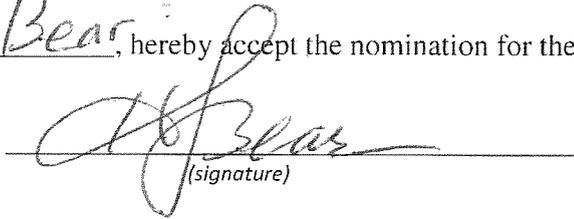
Sec. 502-E. Nomination petition for Tribal Representative.

To be valid, a nominating petition for Tribal Representative must be signed by Fifteen (15) qualified voters who are not themselves a candidate. A qualified voter may sign more than one petition.

Sec. 205. Terms of Office. 2 Year Term.

(F) Candidates to accept nomination. All nominating petitions shall be signed by the candidates, stating in substance, as follows:

I Henry John Bear, hereby accept the nomination for the
(printed name)
office of Tribal Representative.


(signature)

Print Name	Date	Signed Name
1 Fred Tomah	Sep 2, 2016	
2 Elizabeth B. Kinney	9/11/16	
3 Heidi Caron	sep 10, 2016	Heidi Caron
4 Misty Polchies	9/10/2016	Misty Polchies
5 Karen Lewis	9/10/2016	Karen Lewis
6 Diana Boutot	9/10/2016	Diana Boutot
7 Catherine St John	9/10/16	Cathy St John
8 Gerald Hamoyes	9/10/16	Gerald Hamoyes
9 Christopher William	9-10-16	Christopher William Moraw
10 Helen Taylor	9-10-16	Helen Taylor
11 Tammy Brackett	9-10-16	Tammy Brackett
12 Mike [unclear]	9-10-16	Mike [unclear]
13 Carl Folsom	9-10-16	Carol Folsom
14 Marie Perchies	9-10-16	Marie Perchies
15 Linda	9-10-16	Linda Raymond

- | | | | |
|-----|------------------------|---------|--------------------|
| 16. | Jiane Lewis | 9-10-16 | Diane Lewis |
| 17. | Kimberly Lewis | 9-10-16 | Kim Lewis |
| 18. | Christine Hardy | 9-10-16 | Christine Hardy |
| 19. | Dolores Macdonald | 9-10-16 | Concepcion |
| 20. | Zeke Crofton-Macdonald | 9-10-16 | [Signature] |
| 21. | Michael Sarchie | 9-10-16 | MICHAEL SARCHIE |
| 22. | Gail M. Sarchie | 9-10-16 | |
| 23. | Richard C Tompkins | 9-10-16 | Richard C Tompkins |
| 24. | William Tompkins | 9-10-16 | [Signature] |
| 25. | Brittney Hanning | 9-10-16 | Brittney Hanning |
| 26. | Leonard Slat | 9-10-16 | Leonard Slat |
| 27. | Bill Tompkins | 9/10/16 | Bill Tompkins |
| 28. | Bruno Compend | 9/12/16 | Bruno Compend |
| 29. | | | |
| 30. | | | |

2 September 1980

TO WHOM IT MAY CONCERN:

I have known Hank Bear for two years. Since I am a Coast Guard reservist and a municipal official I have had frequent contact with Mr. Bear both in his capacity as a representative of his service and in his off duty community activities.

As the executive officer of the main regional recruiting station for New Hampshire and part of Maine, he has demonstrated a maturity, competence and administrative skill beyond that which would be expected from someone of his years. When on duty his appearance is always military and commands respect. During a difficult period in its history, Petty Officer Bear became the interim President of the New Hampshire Indian Council. He led the successful effort to re-organize its administration, hold elections and broaden its base of support and membership. Hank, on his own time, has also assisted several municipalities in sponsoring patriotic celebrations.

I do not hesitate to recommend Hank Bear for any position for which he might apply. He has drive, enthusiasm and initiative to succeed in any area to which he might apply himself.



John F. Upton



HOUSE OF REPRESENTATIVES

2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002
(207) 287-1400
TTY: (207) 287-4469

David Slagger
Houlton Band of
Maliseet Indians

156 Clark Road
Kenduskeag, ME 04450
Residence: (207) 884-2054
Cell: (207) 991-1616
State House E-Mail:
RepDavid.Slagger@legislature.maine.gov

November 28, 2016

Dear Fellow Maliseet Tribal Community Members:

I am writing this letter of support for Henry Bear as the next tribal leader of the Houlton Band of Maliseet's. I have witnessed Henry engaged and earn the respect of many people associated with the Maine legislature and have seen him grow in his leadership role representing the Maliseet's. Henry, in my opinion, represents unity and I believe he will bring that kind of unity for ALL Maliseet people in his role as Tribal Chief.

Henry believes in transparency, can accept his own shortcomings, makes peace and can find resolutions instead of passing them off. He truly has the qualities as a leader, being humble and doing what's best for the people and not himself personally. I have seen Henry embrace ALL Maliseet people and he understands that inclusion is better than exclusion, a voice for ALL Maliseet's.

Henry will make a great tribal leader, because he knows how to create economic opportunities for ALL Maliseet's, and will help build upon our cultural beliefs, including language which is a huge part of who we are. I urge all tribal members to give your support to a man that will truly lead and be a voice for ALL Maliseet people.

A handwritten signature in black ink that reads "David Tepit Slagger".

In Brotherhood and Respect

David Tepit Slagger

Former Maliseet Tribal Representative



HOUSE OF REPRESENTATIVES
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

(207) 287-1400
TTY: (207) 287-4469

Henry John Bear
Band of Maliseet Indians

41 Elm Street
Houlton, ME 04730
Cell Phone: (207) 766-4196
Email: h.jbear@maliseetindians.gov

**Testimony of Representative Henry Bear Presenting LD 245
"An Act To Rename B Stream in Houlton as Captain Ambrose Bear Stream"**

March 9, 2015

Sen. Willette, Rep. Martin and esteemed members of the Joint Standing Committee on State and Local Government, I am Maliseet Tribal Rep. Henry Bear and I am pleased to present LD 245 "An Act To Rename B Stream in Houlton as Captain Ambrose Bear Stream."

Captain Ambrose Bear served as the Commanding Officer of the Indian Detachment in the service of the United States Continental Army, and did so with valor, humanity and restraint. He played a leading role in two major military battles. First against the British at Fort Cumberland near Halifax, Nova Scotia in 1776 and against the British at Michilias, a battle credited with saving the entire coastal region of the Maine district for the United States of America.

To honor Captain Ambrose Bear I propose naming a stream which is currently "unnamed" to Captain Ambrose Bear Stream. The stream is in a location where Captain Ambrose Bear and the Maliseet People have historically resided and where the Maliseet People still reside to this day. Maliseet Chief Ambrose Bear also represented all the Eastern Indians in negotiations of the 1776 Treaty at Watertown, Massachusetts. The Treaty of Watertown was the first "foreign treaty" entered into by the United States of America with any Nation and would be the only Treaty of Alliance and Friendship with Indians - as between equal sovereigns and Nations.

The Treaty terms included provisions that each would respect the other's jurisdiction and provide for trade, and the Maliseets would provide "600 strong men" to General George Washington by way of Michilias where a trading post was to be established. In response, Chief Bear arrived at Michilias with more than 400 Maliseets in over 100 canoes in time to thwart the already mentioned British attack.

Captain Ambrose Bear, whose full name according to historical and contemporary records is actually Ambrose "St. Aubin" or "Tomah" Bear, is one of many forgotten Wabanaki Indian War veterans from Maine. By naming the proposed stream Captain Ambrose Bear Stream or, more accurately, Captain Ambrose Tomah Bear Stream, we would be honoring a great man, veteran and Wabanaki leader.

I hope you will vote "ought to pass" on LD 245. I'm happy to answer any questions.

District: Houlton Band of Maliseet Indians

Printed on recycled paper



UNITED STATES BOARD ON GEOGRAPHIC NAMES

In reply please use this address:
U. S. Geological Survey
523 National Center
Reston, Virginia 20192-0523

December 18, 2015

Mr. Henry John Bear
41 Elm Street
Houlton, Maine 04730

Dear Mr. Bear:

We are pleased to inform you that the U.S. Board on Geographic Names, at its December 1 2015 meeting, approved the proposal to change the name of B Stream in Aroostook County to Captain Ambrose Bear Stream.

The name has been changed in the Geographic Names Information System, the nation's official geographic names repository, which is available and searchable online at <http://geonames.usgs.gov>. The new entry reads as follows:

Captain Ambrose Bear Stream: stream; 1.6 mi. long; heads in the Town of Hammond 1.3 mi. S of Bull Ridge, 1.6 mi. NW of B Ridge at 46°12'59"N, 68°02'12"W; flows generally SE through the Town of Littleton into the Town of Houlton where it enters the Meduxnekeag River; the name honors Captain Ambrose Bear, a Maliseet Indian chief who fought in the Revolutionary War, Aroostook County, Maine; 46°07'43"N, 67°50'51"W; USGS map - Houlton North 1:24,000 (mouth); Not: B Stream.

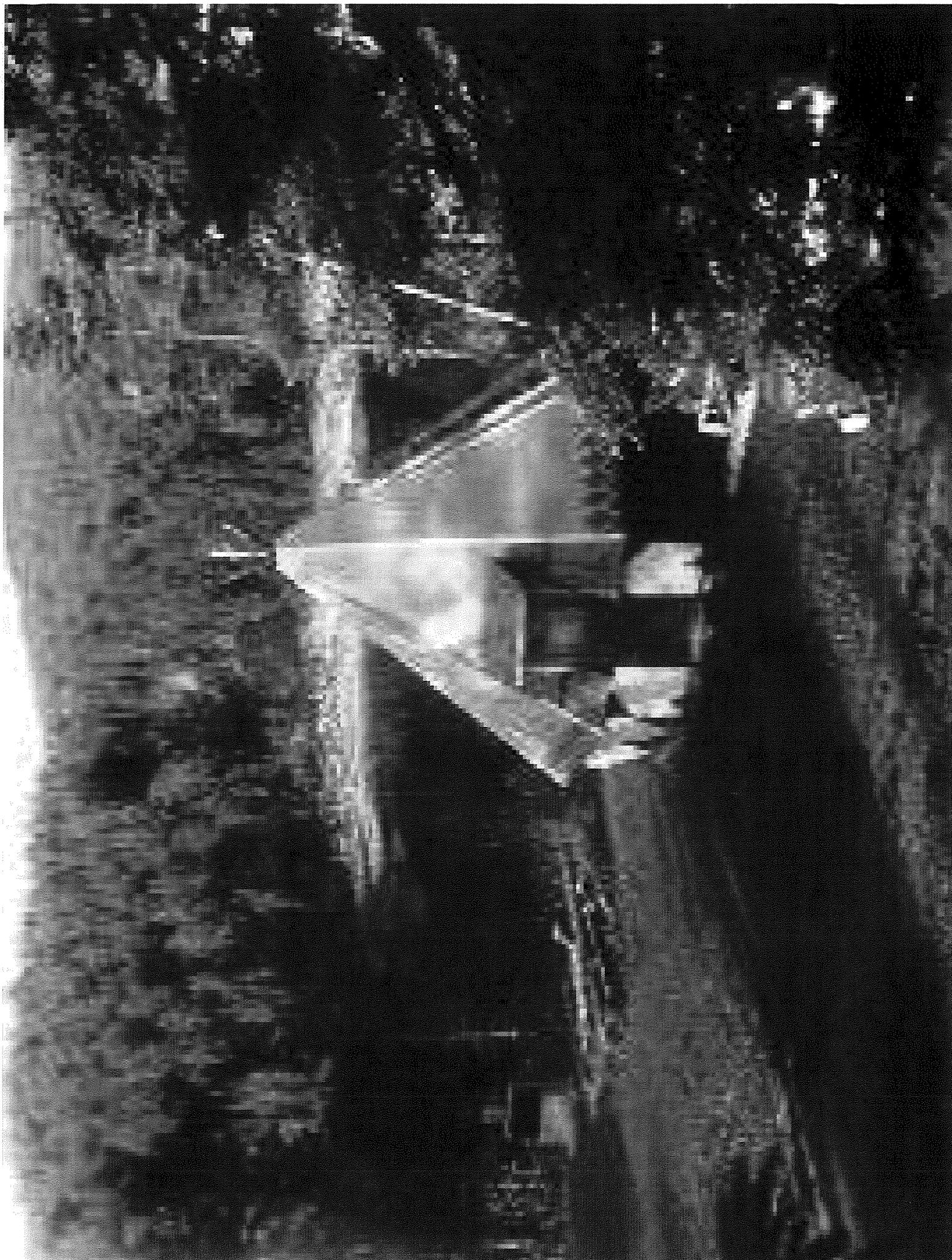
Sincerely yours,

Lou Yost
Lou Yost
Executive Secretary

U.S. Board on Geographic Names







THE
MUSEUM
OF
ARTS
AND
SCIENCE
OF
CAMBRIDGE

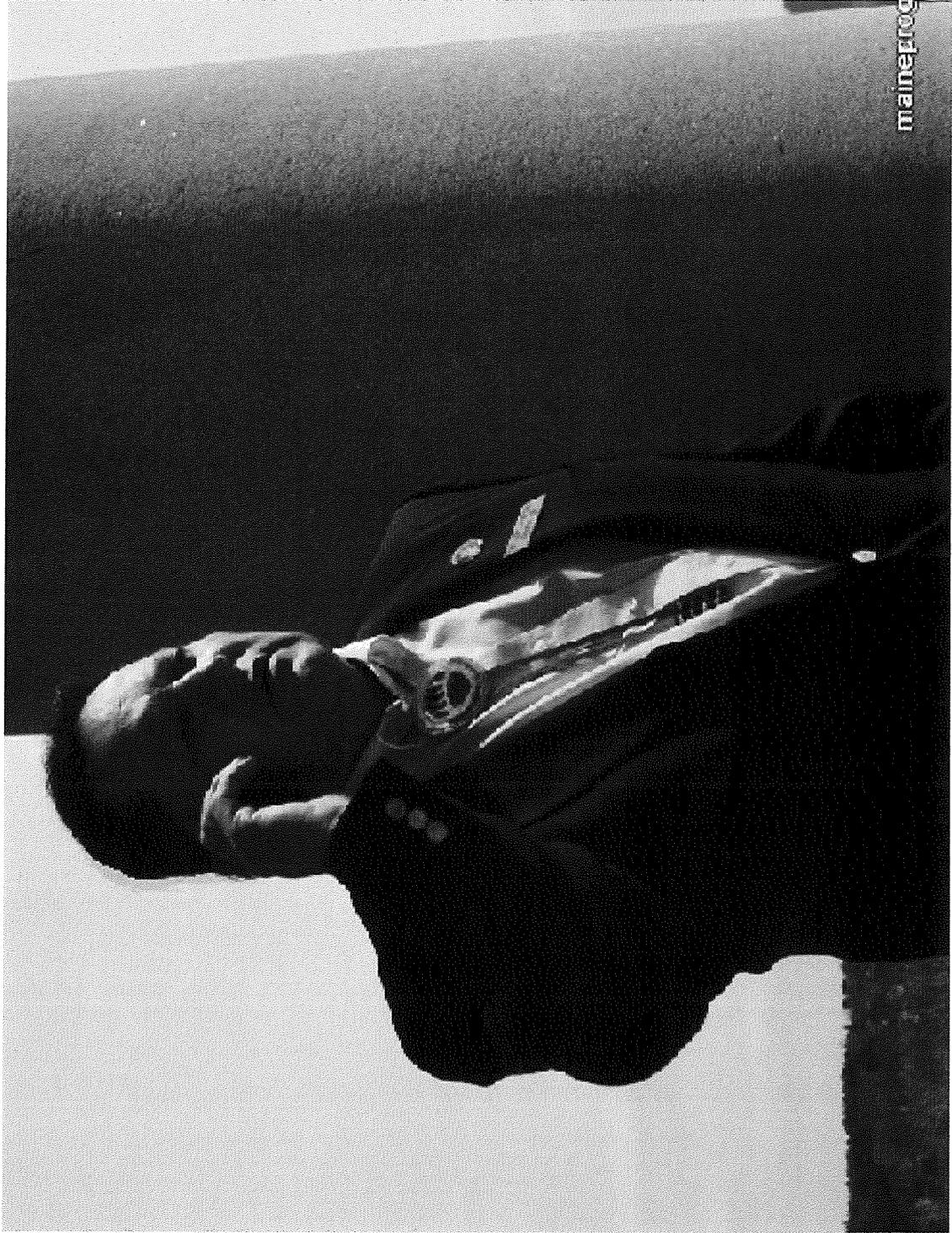
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for

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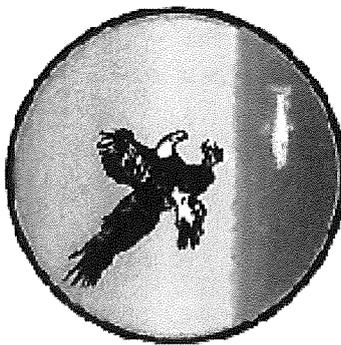
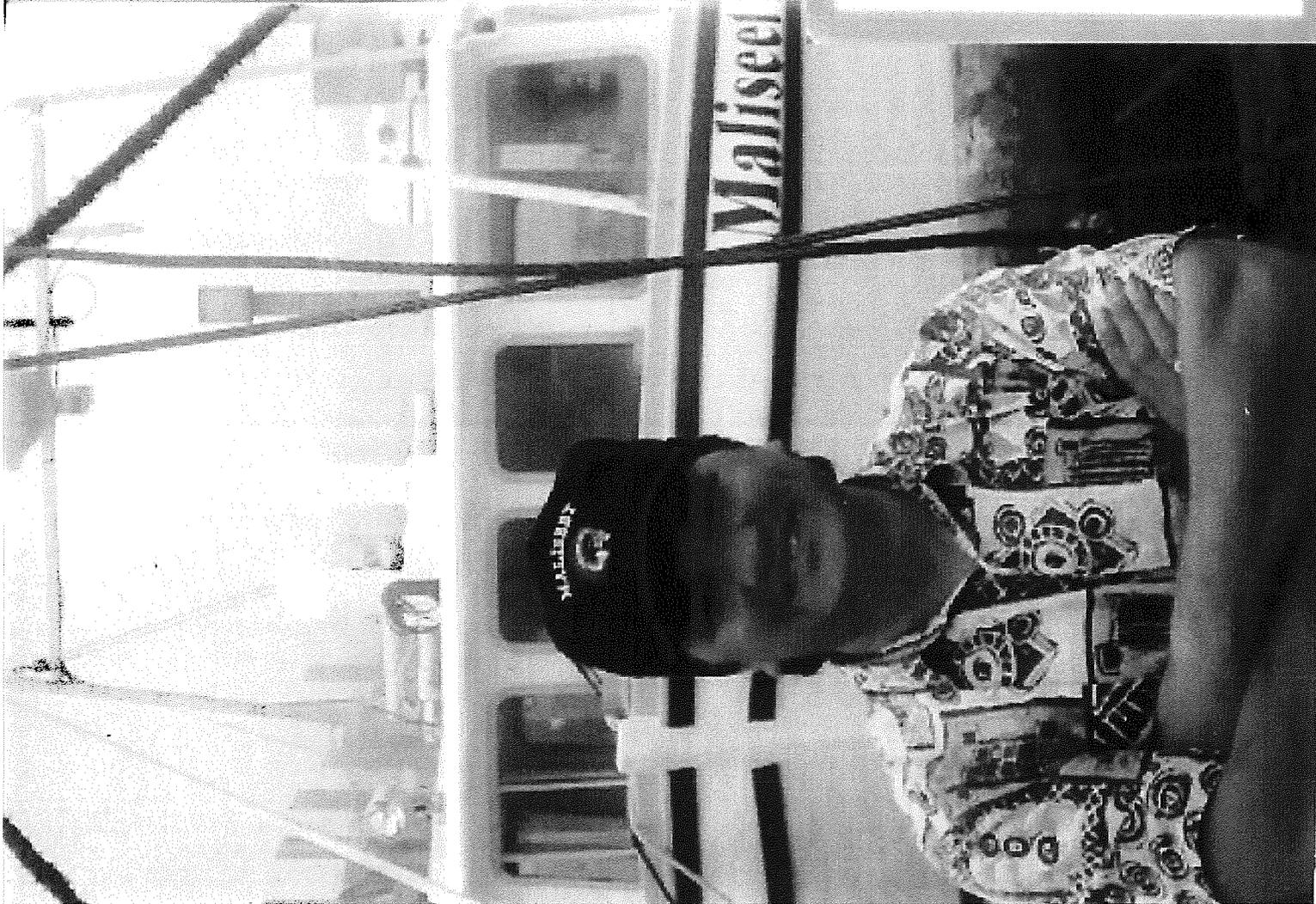


Third Term
s Your
al Representative

VOTE



mainePRO

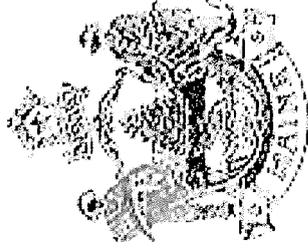


**Negoot-gook Fisheries
Maliseet Nation at Tobique**

61 Brownville Rd.
Grand Manan, N.B.
Canada, E4G 5G1

Henry "Hank" Bear
General Manager

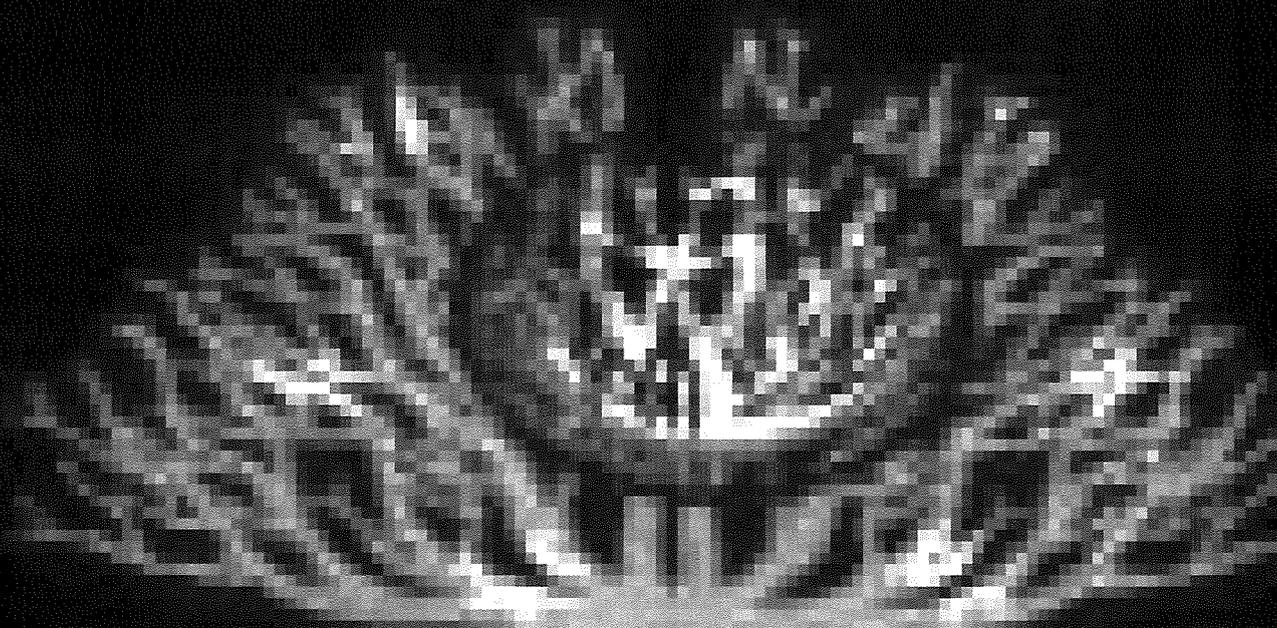
Office (506) 662-9111
Fax (506) 662-3712



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E-P

HENRY JOHN I
STATE REPRESENTATIVE
HOULTON BAND OF MAINE

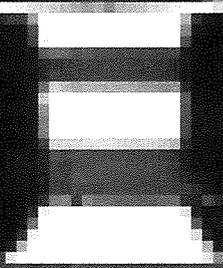
41 ELM STREET
HOULTON, ME 04730
HOUSE
AUG

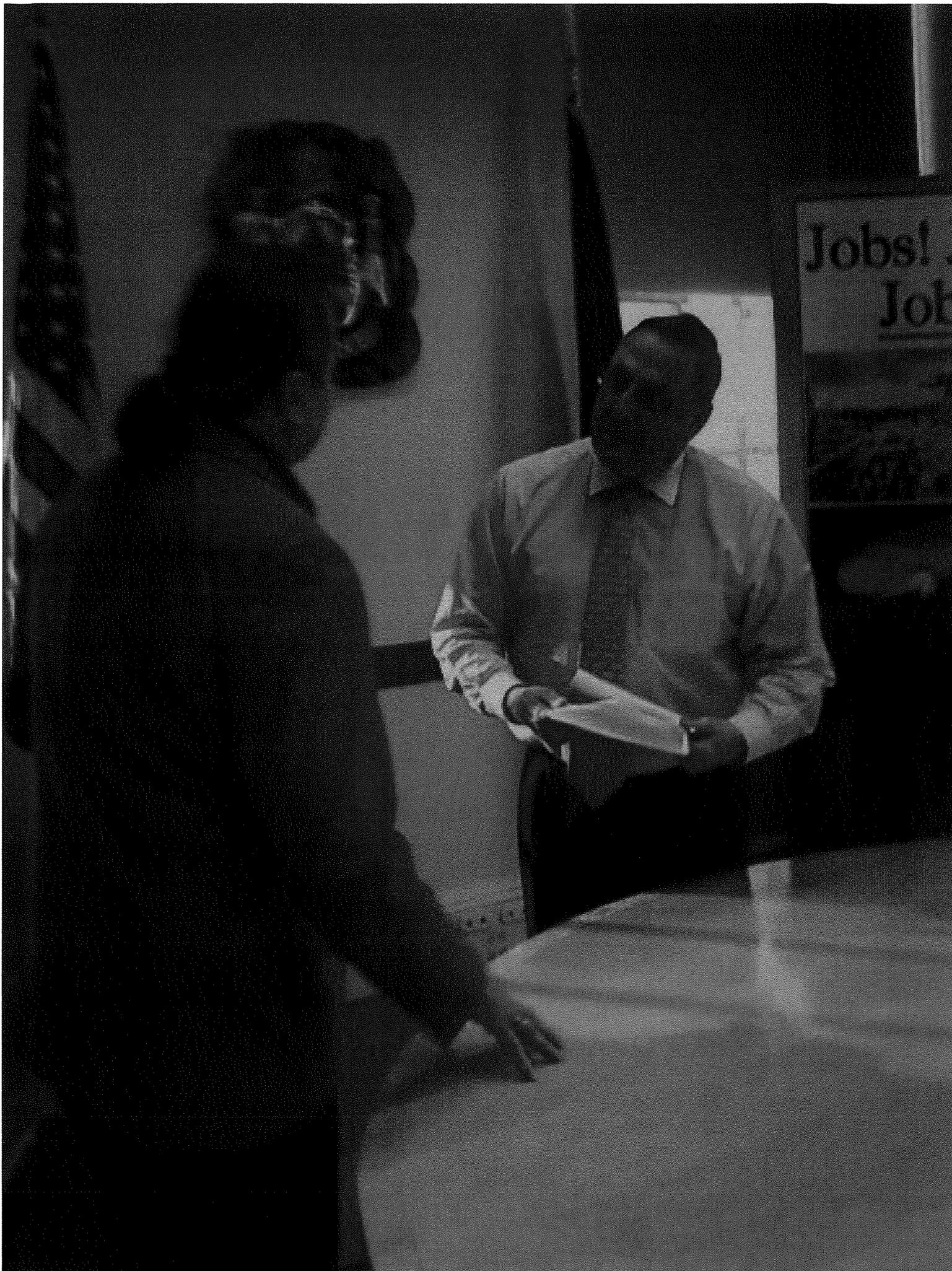


WALDEEMER'S

HILL

AMERICAN





Helping Tribes

