



# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2418

H.P. 1712

House of Representatives, January 10, 2000

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### An Act Concerning Offensive Names.

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative SOCTOMAH of the Passamaquoddy Tribe.  
Cosponsored by Senator PARADIS of Aroostook and  
Representatives: BULL of Freeport, DAVIS of Falmouth, GERRY of Auburn, GOODWIN of  
Pembroke, LORING of the Penobscot Nation, SHOREY of Calais, TRUE of Fryeburg,  
TWOMEY of Biddeford.



## OFFICE OF POLICY AND LEGAL ANALYSIS

Date: 2/3/00 Public Hearing: 1/28/00

To: Joint Standing Committee on Judiciary

From: Peggy Reinsch, Legislative Analyst

LD 2418 An Act Concerning Offensive Names.

### SUMMARY

This bill expands the law prohibiting the use of offensive names to designate places to also prohibit the use of the word "squaw."

### TESTIMONY

#### Proponents

- Term used to degrade and dehumanize Native Women for many years
- Not an issue of political correctness, but about basic human decency and respect for one's fellow citizens
- Word used to attack Native people
- Never an aggressive act for a people to exercise their right to self-determination
- Prohibit in place names, can't prohibit use by businesses
- Has always been offensive
- The Year of the Native American Woman
- Not everyone offended – need to be sensitive to those who are offended
- Not a term of honor for the mountain
- Not an Indian word
- Perpetuates stereotypes
- Trauma caused from use of the "s word"
- We've been derailed looking at origin – Native history is oral, not what is written down – irrelevant
- Not removing the mountain itself – its beauty will always be there
- "Historical accounts" written by white scholars not acceptable
- Real issue is whether use of the word is disrespectful
- People who have been oppressed will internalize their hurt

#### Opponents

- Never heard anyone claim it is insulting
- Shouldn't distort history
- Explore Indian folklore and legends
- 12 of 18 places in immediate Greenville area – will greatly affect
- Names given by Native Americans themselves
- Nothing in usage of "squaw" in Greenville area is derogatory
- Important to image
- A number of Native Americans in area who aren't offended
- We want to maintain and revive the Native history
- Not universal agreement within Native Community that offensive
- Places named based on Native American legends – don't lose
- Hatred and bigotry are expressed in many words – treating only the symptoms

Committee: JUD

LA: MIR

LR # and item number: 346602

New Title?: no

Add Emergency?: no

Date: 2/15/00

File Name: G:\OPLALHS\COMMITTEE\JUD\AMEND\MTS\346602.doc (2/10/00 9:26 AM)

## COMMITTEE AMENDMENT "." TO LD 2418, An Act Concerning Offensive Names

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

**Sec. 1. 1 MRSA §1101, sub-§1** is repealed and the following enacted in its place:

**1. Offensive name.** "Offensive name" means a name of a place that includes:

A. The designation "nigger" as a separate word or as part of a word; or

B. The designation "squaw" or "squa" as a separate word.

**Sec. 2. 1 MRSA §1104** is amended to read:

### **§1104. Responsibility of municipal officers and county commissioners**

The municipal officers of the municipality or the county commissioners responsible for the unorganized territory, in which a place is found pursuant to Title 5, section 4632, to have an offensive name, shall have the following responsibilities:

**1. Reasonable actions.** They shall take whatever reasonable actions are required to complete a change in the offensive name. They shall hold at least one public hearing on selecting a new name; and

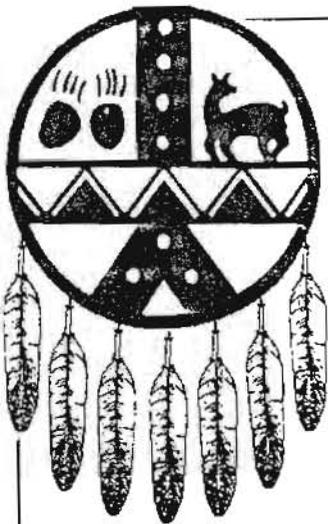
**2. Notification.** ~~They~~ Unless a court order is issued under Title 5, section 4632 specifying a different deadline, within 6 months of the determination that the place has an offensive name, they shall ~~notify~~ provide notice of the new name to the Commissioner of Conservation, the Secretary of the United States Department of the Interior and other public agencies, boards, committees or other groups responsible for changing names of places and for ensuring that such name changes appear on maps and other public documents .

## Summary

This amendment clarifies that use of “squaw” or “squa” as a separate word in the name of a place is offensive, and the name of that place must be changed.

The municipal officers, if the place is within a municipality, or the county commissioners, if the place is located in unorganized territory, must take reasonable steps to complete a change in the name. This amendment requires them to hold at least one public hearing on selecting a new name.

Current law provides for a court to order a name change within 90 days if there is no agreement reached between the Human Rights Commission and the municipal officers or the county commissioners, as applicable. This amendment requires the notification about the new name to take place within 6 months of the determination that a place name is offensive if there is no court order specifying a different deadline.



AROOSTOOK BAND OF MICMACS  
P.O. BOX 772  
PRESQUE ISLE, MAINE 04769  
(207) 764-1972

Aroostook Band of Micmacs

Recognition of the Year 2000 as the Year of the Native Women and Cessation of Use for  
the Offensive Term Squaw  
Resolution # 001-27-00-01

- Whereas: the Aroostook Band of Micmacs and are federally recognized Native American Community, and
- Whereas: we recognize our existence is based on the strength and well being of our Native Women, and
- Whereas: our culture and heritage acknowledges Native Women as the cohesive force that is the foundation of family relationships and community alliances, and
- Whereas: Native Women are the givers of life and their well-being including mentally, physically, emotionally and spiritually determine the direction of the next seven generations,
- We Therefore: resolve to declare the Year 2000 as the Year of the Native Women and we request the State of Maine and the Federal government to recognize our declaration, and to

Respect our Native Women by banning the use of demoralizing, dehumanizing terms, which for hundreds of years has been used to subjugate and dismantle the fibers of a healthy Native family and society.

APPROVED

William W. Phillips  
William W. Phillips  
Tribal Chief

Fred Getchell  
Fred Getchell  
Treasurer

Dora Dow  
Dora Dow  
Council Member

Mary Sandgrass  
Mary Sandgrass  
Council Member

Tony Murphy  
Tony Murphy  
Council Member

Steve Phillips  
Steve Phillips  
Vice-Chief

absent  
Roberta Murray  
Secretary

Fred Peter-Paul  
Fred Peter-Paul  
Council Member

Vickie Letterman  
Vickie Letterman  
Council Member

absent  
Georgie Smart  
Council Member

Blanche Jewal  
Blanche Jewal  
Council Member





**RECOGNITION OF THE  
YEAR 2000 AS THE  
YEAR OF THE NATIVE WOMEN AND THE  
REMOVAL OF THE OFFENSIVE TERM SQUAW  
RESOLUTION # 1-19-2000**

- WHEREAS,** the Passamaquoddy Tribe a federally recognized Tribe in the State of Maine with a membership population of 3300 people; **and**
- WHEREAS,** we recognize our existence is based on strength and well-being of our Native Women; **and**
- WHEREAS,** our culture and heritage acknowledges Native Women as the cohesive force that is the foundation of family relationships and community alliances, **and**
- WHEREAS,** Native Women are the givers of life and their well-being including mentally, physically, emotionally and spiritually determine the direction of the next seven generations, **and**
- THEREFORE,** we the Passamaquoddy Tribe, declare the Year 2000 as the Year of the Native Women and request the State of Maine and the Federal Government to recognize our declaration; **and**

Respect our Native Women and stop the use of demoralizing, dehumanizing terms, which for hundreds of years has been used to subjugate and dismantle the fibers of a healthy Native family and society.

**CERTIFICATION**

I, the undersigned Clerk of the Joint Tribal Council of the Passamaquoddy Tribe, do hereby certify that a meeting of the Joint Tribal Council of the Passamaquoddy Tribe was held at the Pleasant Point Passamaquoddy Reservation, Perry, Maine on January 19, 2000, and do further certify that a quorum was present of the Joint Tribal Council of the Passamaquoddy Tribe and that the foregoing Resolution was circulated in writing to all members present and that the foregoing Resolution was duly moved, seconded and adopted by the affirmative vote of 11 members, who at the time of the vote constituted a majority of the 11 members of the Joint Tribal Council then present and voting.

ATTEST:

*Mary J. Lola-Nicholas*  
Mary J. Lola-Nicholas/Joint Council Clerk

*January 20, 2000*  
Date

Office of the Chief and Council  
Richard H. Hamilton  
Chief

Ann I. Pardilla  
Sub-Chief

Donna M. Loring  
Representative



Community Building  
Indian Island, Maine 04468  
(207) 827-7776

FAX (207) 827-6042

**Recognition of the Year 2000  
As the  
Year of the Native Women  
And the  
Removal of the Offensive Term Squaw  
Resolution # 01-11-00-05**

Whereas; the Penobscot Tribe a federally recognized Tribe in the State of Maine with a membership of 2129 people, and

Whereas; we recognize our existence is based on the strength and well being of our Native Women and

Whereas; our culture and heritage acknowledges Native Women as the Cohesive force that is the foundation of family relationships and community alliances, and

Whereas; Native Women are the givers of life and their well-being including mentally, physically, emotionally and spiritually determine the direction of the next seven generations, and

**THEREFORE BE IT RESOLVED**, that we the Penobscot Tribe, declare the year 2000 as the Year of the Native Women and we request of the State of Maine and the Federal government to recognize our declaration, and;

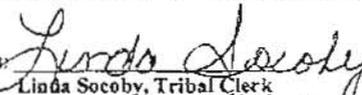
Respect our Native Women and stop the use of demoralizing, dehumanizing terms, which for hundreds of years has been used to subjugate and dismantle the fibers of a healthy Native family and society.

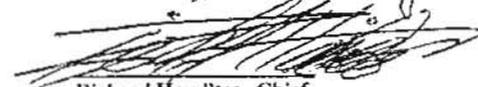
**Certification**

I, the undersigned as Clerk of the Tribal Council of the Penobscot Indian Nation do hereby certify that the Tribal Council of the Penobscot Indian Nation is composed of (12) members, of whom 8 were present at a meeting held at Indian Island on the 11th day of January 2000, held in accordance with the schedule of Regular meetings of the Council of which all Council members received notice more than twenty - four hours in advance, and at which the Chief was present and presided, and that Certification I, the undersigned as Clerk of the Tribal Council of the Penobscot Indian Nation do hereby certify that the Tribal Council of the Penobscot Indian the foregoing Resolution was duly adopted by the affirmative vote of 8 Council members

Dated: 1-13-00

Attest:

  
Linda Socoby, Tribal Clerk

  
Richard Hamilton, Chief  
Penobscot Indian Nation

flint, rises out a plateau of denominated by Near the mid Island and the Mooshead as to the caps are but the water alone game as for the GREENVILLE point of the southern UNORGANE with a hotel Township and lumbering is hunters and is

Big Squaw long ago quarreled with time reached two antlers of the neighbors Resentment grew more waters of the Squaw Mountain Arriving at the side it his exposure to his kinsmen by her fire and obeyed her the name is

At 98.7 m. of runs and (submo. Seboby waters. UNORGANE entered at 100 mirroring the excellent fishing western shore MISERY CO. and less than



Maquasse  
from the  
Legend of Squaw Mountain

IF

Squaw Mtn. Th.  
Legend of

Squaw Mountain (alt. 3267), the chief landmark of the township, rises  
southern antler of Moosehead. There is an Indian legend that long ago  
a great warrior of such bad disposition that he constantly quarreled  
with the  
low tribesmen and eventually left them to sulk, intine reached the  
at now bears his name, rising between the two antlers of the lake.  
He set up his abode, hunting each day in the neighboring forests, but  
returning to his mountain. Resentment against the tribesmen who had  
increased as he grew more lonely. One evening as he sat looking down  
on the  
dark waters of the lake he saw a bright blade of flame on what is now  
Squaw Mountain; the next day he started south to investigate it secretly.  
At  
the summit at dusk, he found the embers of the fire and beside it his  
mother, who had followed him to bring him back to his kinsmen; as  
she  
begged him to returne Kineo buried her by her fireand, grief  
stricken  
since he had been the cause of her death, obeyed her request. Since  
then  
Indians have called the mountain by the name it now bears officially.

Taken from the 1937 copy of "MAINE, A GUIDE 'DOWN EAST'

township was organized as Haskell's Plantation in 1831; and  
it was incorporated as the town of Greenville.

ference

from this room



# House rejects 'squaw' as name

BANGOR DAILY NEWS

Tribal delegates  
hail 129-17 vote

MAR 16 2000

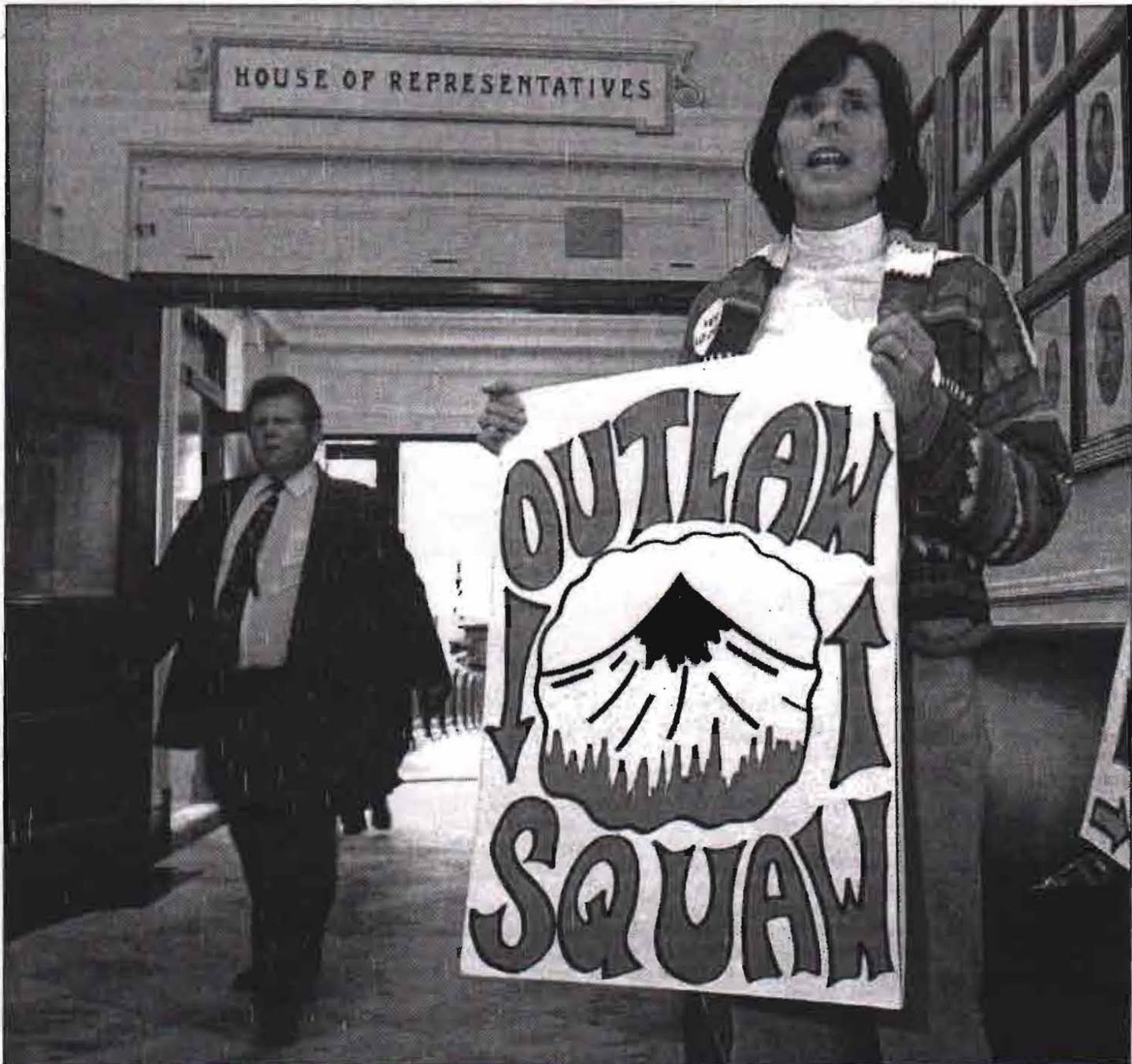
By Emmet Meara  
Of the NEWS Staff

AUGUSTA — "This is a historic occasion, a small victory in a long-standing war," said Sherri Mitchell of the Penobscot Nation, minutes after the House voted 129-17 to pass a bill which will ban the use of "squaw" from place names in Maine. LD 2418 was written by Passamaquoddy tribal Rep. Donald G. Soctomah and is expected to be passed by the Senate on Thursday.

If passed, the bill would remove the word from 25 areas, the best known being Squaw Mountain. It would not affect private businesses.

Indian history is based on storytelling, and Mitchell was one of a dozen women who told the Judiciary Committee at a January public hearing how the word "squaw" had caused humiliation for 100 years and had become synonymous with female genitalia. Several told stories of being sur-

See House, A2, Col. 3



Esther Attean of Indian Island urges legislators to pass a bill Wednesday at the State House in Augusta. The measure, which was passed in the House and is expected to pass in the Senate, would ban the use of the word "squaw" in public place names. (AP Photo by Robert F. Bukaty)

# House resoundingly rejects 'squaw' name

Long-sought by Indians, bill likely to pass in Senate today; won't affect private firms

*House, from A1*  
rounded in Old Town by whites who performed their version of an Indian dance while degrading the woman as "squaws." The personal testimony brought a 12-1 vote of support from the committee.

On the floor of the House on Wednesday, Rep. Donna Loring, the legislative representative from the Penobscot Nation, said Indian women had become "invisible" to the white population. "You don't understand how we are offended and dehumanized" by the state's use of a word which Indian women consider "dirty, degrading and shameful," she said. She said ignorance and bigotry "cannot last under the light of education. Turn on that light."

After the vote, the somber Loring exhibited a rare smile as she praised her fellow legislators. "This says that Maine people are receptive, not closed-minded. The state is saying that we are human beings, we have feelings, and we are valuable. This is a huge step," she said. It was an uphill fight for Loring and Soctomah because it "put us in the public eye more than any [Indian] representative before us," she said.

On the floor, Soctomah said Indians have been suffering for a century as whites "told us where to live, what to do and who we

are." He asked for "the great state of Maine to stand up, make positive changes, and take a step in the right direction. This is not an issue of political correctness. It is an issue of basic human dignity." He said 100 percent of the leadership of the state's five tribes support the bill.

The fight was not won without opposition.

Rep. G. Paul Waterhouse, R-Bridgton, who cast the lone committee vote against the bill, said many Indians outside the state were against the idea because the measure removed an important part of Indian history. The use of the word may have been derogatory in the past, but is a positive one today, he said.

The First Amendment gives people "the right to be stupid," according to Rep. Stavros J. Mendros, R-Lewiston, who voted against the bill. He suggested punishing a child who uses the word, but preserving the word as valuable history.

Removing the word could eliminate some textbooks in Maine schools, claimed Rep. A. David Trahan, R-Waldoboro, who said, "There is a danger in regulating words." Rep. Earl E. Richardson, R-Greenville, said the bill would erase all past business promotions for Squaw Mountain and other areas and asked for more study.

But supporters carried the day. Rep. Richard H. Thompson, D-Naples, the co-chairman of the Judiciary Committee, said after hearing the "heart-wrenching" stories of Indian women at the January public hearing, he decided that "Maine should do the right thing."

Rep. Matthew Dunlap, D-Old Town, said he valued the Indian population as fellow citizens and asked the House to "put away your prejudices. This does no harm and much good."

If the pope can apologize for his church's misdeeds, the state can apologize to its Indians "on a simpler, smaller scale," said Rep. Daniel B. Williams, D-Orono.

As a former "Skowhegan Indian" football player, Rep. Robert W. Nutting, R-Oakland, said he thought the idea was baseless a few months ago, "but I came around." Rep. John T. Buck, R-Yarmouth, also initially dismissed the idea as part of the

"political correctness" movement, but admitted that he changed his mind as his consciousness was raised.

With a Canadian Indian grandmother, Rep. William R. Cote, D-Lewiston, said he learned early that "squaw" was an offensive term.

Rep. John L. Martin, D-Eagle Lake, is one of the few legislators still in the House who remembers removing the word "nigger" from the name of some state lakes, ponds and islands in the early 1970s. "Now, no one refers to the old names anymore. It will be the same thing in Greenville," he said. As someone deeply offended by French jokes, Martin said he had an inkling how offensive the word "squaw" was to Indians.

Teacher Linda Rogers McKee, D-Wayne, said, "This will be good for every student in Maine and they are watching what we do today. This could be the first step toward multicultural education."

# Aroostook bows to edict, renames six Negro Lakes

By Margaret Smith  
NEWS Presque Isle Bureau

May

CARIBOU — The Aroostook County Commissioners have, upon petition by the Maine Human Rights Commission (MHRC), renamed the six so-called "Nigger" Brook wilderness lakes of northwestern Aroostook County.

The reason based upon Maine statute: although referred to as Negro Brook Lakes on the maps, the six lakes are called "Nigger" Brook Lakes by area residents, "A name properly classified as offensive..."

The county commissioners, accordingly, renamed the lakes during an April meeting in Caribou, the six "Pelletier" Brook Lakes. The name honors a three-generation Pelletier family, three of whom have been wardens with the Maine Fish and Game Department for periods up to 15 years, and still are.

David V. Bell, chief administrative officer for the county commissioners, has notified Ms. Francia Davis, compliance officer for the MHRC at Augusta, of the change. Concurring in the choice of a new name for the lakes were G. Ronald McClusky of Monticello and Joel R. LeBlanc of Madawaska, the two other county commissioners.

A complaint, pursuant to the statute on offensive names, came to the county commissioners through Sarah Redfield, assistant attorney general of Maine, last October. Ms. Redfield stated that she believed that the names offensive and that she had requested that the MHRC investigate and take such steps as are available to have the names changed.

Bell said he had no inkling how attention was first drawn to the "objectionable names". The MHRC said it had received a complaint last May 19.

The first, second, third and fourth so-called Negro Brook Lakes, lie in Township 16, Range 9. The fifth and sixth lakes are in Township 15, Range 9. All of the lakes are connected by Negro Brook, which appears to rise from so-called Little Black Pond and flows in a general northerly direction to empty into the St. John River.

First Negro Lake is situated about eight miles south of the community of St. Francis, near the Canadian border. All of the lakes are located several miles west of Route 11, the "back street" highway from Sheridan northerly to Fort Kent.

As Paul D. Pierce, investigator for the MHRC, phrased it: The first three lakes may be seen by leaving U.S. Route 1 north, 16 miles from Sylvio Martin & Son's seed potato barn (a landmark in St. John) at Chamberlain's Gulf onto a dirt tote road.

Pierce also noted: three brownish white rabbits and a huge moose with long skinny legs were encountered on the way to the lakes. No logging trucks or signs of humans — with the exception of a reddish house on the right — were seen.

It was Pierce's recommendation to the Human Rights Commission that the commission issue the finding that the names of these six lakes are offensive.

Commissioner Bell told the NEWS that the commission had chosen the Pelletier name since the family has long been involved as wardens and wilderness guides in the area.

A third generation family member, Maynard Pelletier of Caribou, said his grandfather, Nizaire Pelletier came to the St. Francis area from Indian Island in Old Town, Me., in the early 1800's at the age of 13. Nizaire first worked as a cook's assistant for Sheppard Cary at Seven Islands at the head of the St. John River. Later, he established a ferry across the Allagash River, which he and his descendents operated for 31 summers.