

## Acts Affecting Connecticut Native American Tribes, 1650-1991

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### Issue

This report describes Connecticut laws affecting the state's Native American tribes from roughly 1650 through 1991. For those laws enacted from 1992 through 2024, see OLR Report [2025-R-0004](#).

### Summary

Since the colonial era, Connecticut's legislature has enacted laws on many issues related to the colony's, and then the state's, Native American tribes. From regulating interactions between English colonists and the tribes, to regulating the control and sale of tribal property, and eventually to recognizing the tribes as self-governing entities with powers and duties over their members and reservations, these laws help provide brief glimpses and insight into how the state's relationship with the tribes and Native Americans has changed.

Below are brief summaries of the acts the Connecticut legislature passed from the colonial era (when it was known as the General Court) through 1991. Because many of the laws passed before the early 1700s are not in the form of legislative "acts" as they are currently understood, that era's laws described below are a general sample of the laws related to Native Americans in the compilations of the colony's laws from 1650, 1672, and 1702.

The Legislative Library identified these acts by searching for certain terms (e.g., "Indian," "tribe," "Pequot") in the (1) text of [HeinOnline](#)'s compilation of Connecticut Acts and Laws and (2) titles in the Connecticut State Library's Historical Bills and Acts database. Note that this is not a

comprehensive list of all acts affecting the state's Native American tribes enacted since the colonial era. To some extent, the search's effectiveness may have been limited by archaic characters and spellings (particularly for earlier years), image scan quality, and act titles that may have been truncated when entered into the State Library database. In addition, this report does not include appropriation line items, acts, or resolutions aimed at one person or a small group of people (unless it seems of particular historical interest), or those that only make minor changes (e.g., changes to administrative procedures, or technical and conforming changes).

## **1650-1702**

For the laws enacted from the colony's founding through 1702, below are samples of the related laws affecting Native Americans in the 1650, 1672, and 1702 statutory compilations.

### ***1650 Compilation of the Earliest Laws and Orders of the General Court of Connecticut (pp. 53-59)***

The law generally requires (1) Native Americans who "sitt downe [sic]" near any town or English plantation to declare who is their sachem or chief and (2) the sachem or chief to pay the English (i.e. colonists) for any of their livestock killed by a Native American unless they produce the party who committed the violation. It requires double damages for voluntary violations. It similarly requires repayment to Native Americans for a wrong or injury done to them by the English, by the party who committed the violation "if it can be made to appear" or otherwise by the town where it was committed.

The law imposes a penalty of one-half a fathom of wampum on any Native American who handles a colonist's weapons in the colonist's houses or fields. If an accidental injury occurs as a result, it requires the Native American to pay "life for life, limbe [sic] for limbe, wound for wound" plus the costs for healing the wounds and damages. It also requires double damages for any thefts.

The law prohibits, among other things, (1) giving, bartering, or selling Native Americans guns and ammunition, or any military weapons, armor, or arrow heads or (2) repairing a Native American's gun. It sets a 10 pound fine for each offense and authorizes courts to impose corporal punishment if a fine is uncollectable. It sets additional penalties for unlicensed selling, bartering, or transporting guns or ammunition to anyone living outside the colony.

The law prohibits anyone from trading with Native Americans at or near their wigwams, vessels, or premises, or in their own houses, and imposes a 20-shilling penalty for each violation.

The law requires a three-year imprisonment for any colonist who "departs" from the colonists and settles or joins with the Native Americans.

The law makes it illegal for French, Dutch, or other foreigners (or English living among them) to trade with the Native Americans within the colony. It allows colonists to seize and confiscate the traded goods and vessels, and keep half for themselves.

The law generally requires church elders to go among the Native Americans and “make knowne [sic] to them the counsels of the Lord” at least twice each year.

The law generally authorizes magistrates to send groups of colonists to Native American villages to seize those who “interteine [sic], protect, or rescue” other Native Americans accused of “willfull [sic] wrongs and hostile practices,” after notifying and warning them. It requires that women and children “be sparingly seized” unless they are known to be guilty in some way. Once the accused is seized, the law requires that the plaintiff again demand satisfaction from the tribal leader or village. If the request is denied, the magistrate must deliver the seized Native American to the plaintiff to be enslaved or traded for slaves, “as the case will justly beare [sic].”

### ***1672 Laws of Connecticut (pp. 32-34)***

The law prohibits Native Americans from (1) making “hostile attempts” upon a Native American in an English town or house or (2) marching through a town in a hostile manner without permission from the town’s authority. It also prohibits requiring Native Americans or African Americans to train, watch, or ward in the colony.

The law requires that for all lands granted by the colonial government to particular towns or people, where Native Americans have right and interest, the grantee must agree with the “Native proprietors” on their rights to prevent “further inconveniences that might ensue or arise through neglect” of them.

The law prohibits Native Americans from “passing or repassing” in a town after it is shut in for the evening unless they can give a sufficient reason. It sets penalties of either 20 shillings or being whipped with six stripes.

The law prohibits Native Americans from working or playing on the Sabbath “within the English limits” or on the English lands and sets a penalty of five shillings or one hour in the stocks for violations. It also prohibits them from “powwowing” or performing outward worship of false gods, or to the devil, in the colony. It sets penalties of five pounds for the violator and 20 shillings for anyone at least age 21 who supports it by attending.

The law requires the execution of Native Americans who are found to have willfully and violently murdered another Native American in the colony and on English land (unless they are at open war with each other). If the Native Americans do not perform the execution, the law requires the next civil officer who knows of it to apprehend the violator and hold them in prison without bail for trial.

### ***1702 Laws of Connecticut (pp. 54-57)***

The law generally prohibits selling or giving alcoholic beverages to Native Americans and sets a maximum penalty of 40 shillings. It also requires Native American or African American servants or slaves convicted of violating this law to be openly whipped, with up to 10 stripes, unless their master pays the fine. For Native Americans convicted of drunkenness in the colony, the law sets a penalty of 10 shillings or 10 stripes of whipping.

The law sets penalties for anyone at least age 20 who (1) attends a Native American play or powwow (40 shillings) or (2) joins in playing with them or places wagers on their games (10 pounds).

The law requires each town in which Native Americans have fenced-in corn fields to appoint fence-viewers and appraisers to view the fence and appraise any damages from English cattle, horses, or swine to the corn. It makes colonists liable for damage that their livestock cause, as found by the appraiser, and allows Native Americans to impound livestock trespassing in their fields. They must notify the selectmen of the town and the two neighboring towns about the impoundment, and if the owner does not respond within 24 hours, the selectmen must sell the livestock to reimburse the Native American for the damages.

The law prohibits anyone from buying, hiring, receiving as a gift, or mortgaging a parcel of Native American land unless they do so for use by the colony or a plantation or village, or with the General Court's permission. It requires violators to pay three times the value of the land purchased or received in violation of the law and prohibits the person from accruing any interest or estate in it. The law prohibits anyone from bringing an action before a justice of the peace or a court for a debt for any goods sold, lent, or trusted out to a Native American. It specifies that the prohibition does not cover debts for rent.

### **1703-1775**

After 1702, the compilations of the colony's session laws are more consistent (but may not include every act) and include the acts summarized below.

### ***An Act for Repealing the Last Paragraph of the Law, Entitled, An Act for the Well-ordering of the Indians, in their Several Places and Plantations (1707)***

This act removes prior law's provision prohibiting anyone from bringing an action before a justice of the peace or a court for a debt for any goods sold, lent, or trusted out to a Native American.

### ***An Act Concerning Purchasers of Native Rights to Land (c. 1716)***

This act specifies that all lands subject to the colonial government are held by the King of Great Britain as the lord of the fee. It also generally prohibits accruing the title to any land in the colony purchased from Native Americans, based on their being its native proprietors, without the legislature's permission. Under the act, no conveyance of native right or Native American title without legislative permission can be used as evidence in court. The act also establishes a committee to further investigate and settle related claims.

### ***An Act for the More Effectual Well-Ordering of the Indians; and for the Bringing of Them to the Knowledge of the Gospel (c. 1717)***

This act requires the authority of each town to annually convene the Native Americans living in the town to explain (1) the laws of the government and their punishments, and (2) that the Native Americans are subject to the laws as the other colonists.

The act also sets a 20 shilling penalty for anyone convicted of selling "strong drink" to a Native American, with an additional 20 to 40 shilling penalty if the person appeals the decision and loses.

It requires a group of Superior Court judges to inspect certain land in New London and visit the Native Americans living there to develop a plan for creating a Native American village there to bring "them to such civil order, cohabitation and industry, as may facilitate the setting up of the gospel ministry among them."

### ***An Act for Preventing Lending Guns, Ammunition, Etc. to the Indians (c. 1723)***

This act generally (1) prohibits bringing a court action for a debt created by selling or lending a gun or ammunition to a Native American and (2) requires forfeiture of such a gun lent to a Native American.

### ***An Act for Preventing Encroachments on Lands Sequestered for the Indians (c. 1727)***

In any lawsuit brought by a Native American to recover land that was reserved by them or sequestered for them by the legislature or a town, this act prohibits defendants from pleading that they occupied the land for at least 15 years without complaint or were entitled to it under a 1684 law.

### ***An Act for Requiring Masters and Mistresses of Indian Children to Use Their Utmost Endeavors, to Teach Said Children to Read English; and to Instruct Them in the Principles of the Christian Faith (c. 1727)***

This act requires colonists who take Native American children into their families' care to "use their utmost endeavors" to teach the children how to read English and instruct them in Christian principles. It imposes a penalty of up to 40 shillings for violating the requirement after receiving a warning.

### ***An Act for the Punishment of Negro, Indian and Molatto Slaves for Speaking Defamatory Words (c. 1730)***

This act sets a penalty of whipping with up to 40 stripes for any African American, Native American, or mixed race slave who is convicted of speaking or publishing actionable words about another person (i.e. libel or slander). It requires the convicted slave to be sold to defray all charges from the defamation unless his or her master pays them. It also specifies that in the trial, the slave may use the same pleas, evidence, and defenses available to any other person in a defamation action.

### ***An Act for the More Effectual Preventing the Selling Strong Drink to the Monhegan Indians (c. 1734)***

This act, until May 1, 1735, requires all cider, rum, and other strong drink found among the Monhegan Indians to be forfeited to the king unless Adonijah Fitch and Abraham Avery, who live with the tribe, approve it. The act also authorizes Fitch and Avery to search, seize, and secure the drinks. If a drink vendor is convicted based on information from a Native American, the vendor must pay the Native American twice the seized drink's value, in addition to other applicable penalties.

***An Act Further Providing for the Defense of this His Majesty's Colony (c. 1744)***

This act, among other things, requires a committee (in preparing to defend the colony during King George's War) to meet with the Native Americans that live within the colony's frontier towns to prepare a treaty that (1) sets the limits of where they can range and a badge for identifying them and (2) requires that no blood be shed for a friendly Native American who is mistakenly killed as an enemy outside of the limits or without the badge.

***An Act in Addition to One Law of this Colony, Entitled, An Act for Preventing Foreigners Trading With, and Corrupting the Indians, and Carrying on Other Evil, and Dangerous Designs in This Colony (c. 1756)***

This act creates a procedure for justices of the peace to hold and question people accused of violating a law prohibiting foreigners from trading with the Native Americans.

***An Act for Prohibiting the Importation of Indian, Negro, or Molatto Slaves (c. 1774)***

This act prohibits bringing or importing Native American, African American, or mixed race people as slaves into the colony, or receiving or buying them. It correspondingly sets a penalty of 100 pounds for every slave imported, brought, received, or bought.

**1776-1799**

***An Act in Addition, and Alteration of an Act, Entitled, An Act Concerning Indian, Molatto, and Negro Servants and Slaves (1777)***

This act generally requires masters or owners of servants or slaves to apply to the town's selectmen before freeing them. The selectman must examine the servant's or slave's age, abilities, and character to determine if they will be able to support themselves and that they are "of good and peaceable life and conversation." If so, the selectmen must give the master or owner a certificate which allows them to free the servant or slave and releases the master or owner from any future liability for charges or costs to maintain or support the servant or slave.

***An Act to Prevent the Slave-Trade (1788)***

This act, among other things, generally prohibits kidnapping, decoying, or forcibly carrying off out of Connecticut, any free African American, Native American, or mixed race person, or anyone entitled

to freedom at age 25 (in 1784, the state enacted a [law](#) generally freeing any child born to an enslaved woman after March 1, 1784, once he or she reached age 25). It correspondingly sets a penalty of 100 pounds.

***An Act in Addition to an Act, Entitled, “An Act to Prevent the Slave Trade” (1792)***

This act voids all notes, bonds, mortgages, or securities made or executed in payment for any African American, Native American, or mixed race person bought or sold contrary to the original act’s intent.

***An Act in Addition to, and Alteration of An Act, Concerning Indian, Molatto, and Negro Servants and Slaves (1792)***

This act generally changes the criteria for issuing a certificate allowing the masters or owners of servants or slaves to free them. Among other things, it requires the servant or slave to be in good health and between ages 25 and 45 (rather than being able to support themselves and “of good and peaceable life and conversation”). It also requires the certificate and related emancipation letter to be recorded in the town records.

***An Act in Addition to, and in Alteration of an Act, “For the Limitation of Prosecutions in Divers Cases, Civil and Criminal” (1798)***

This act generally sets a three-year statute of limitations on actions or prosecutions to recover penalties for violations of “An Act Concerning Indian, Mulatto, and Negro Servants and Slaves,” or “An Act to Prevent the Slave Trade.”

## **1800-1849**

***An Act Respecting the Property of Certain Indian Tribes (1819)***

This act requires the board of overseers of the state’s Native American tribes, to annually state and settle accounts of the tribes’ concerns with the county court for the applicable tribe’s location.

***An Act for the Protection of Indians, and the Preservation of Their Property (from the 1821 statutes, enactment date unclear)***

This law requires the appointment of an overseer for each tribe of Native Americans living in the state by the county court where the tribe resides. The overseer must care for and manage the tribe’s lands and see that they are used for their best interests and applied for their use and



benefit. The law requires the overseer to annually state and settle his account of the tribe's concerns with the county court.

Under the law, anyone who buys, hires, or receives any land from Native Americans by gift or by mortgage must forfeit three times the land's value to the state. The transaction is also void.

For anyone who sells or gives alcohol to a Native American, the law imposes a \$2 per pint fine.

The law prohibits judgments against a Native American for any debt, or contract, except one for land rented and occupied by the Native American.

In any lawsuit brought by a Native American to recover land that was reserved or sequestered them by the legislature or a town, the law prohibits defendants from pleading that they were entitled to the land because they had occupied it for at least 15 years.

### ***An Act in Addition to the Act for the Protection of Indians, and the Preservation of Their Property (1823)***

This act requires the overseer of each tribe in the state to execute a bond payable to the state treasurer conditioned on his faithful accounting of the tribe's funds that he holds.

### ***An Act to Protect the Wood on the Lands of the Mohegan Tribe of Indians in the Town of Montville and County of New London (1834)***

This act sets a \$5 per load penalty for wood taken from the Mohegan Tribe's land in Montville, or from the land of any tribe member, without permission from the tribe's overseer. It requires the overseer to recover the penalty through a debt action for the tribe's use and benefit, and makes the team, cart, wagon, and other tools used to take the wood attachable in the action and held responsible in the judgment.

### ***An Act to Protect the Wood on Lands of the Pequot Tribe of Indians (1835)***

This act sets a \$5 per load penalty for wood taken from the Pequot Tribe's land in Groton, or from the land of any tribe member, without permission from the tribe's overseer. It requires the overseer to recover the penalty through a debt action for the tribe's use and benefit, and makes the team, cart, wagon, and other tools used to take the wood attachable in the action and held responsible in the judgment.

***An Act to Protect the Wood and Lands of the Niantic Tribe of Indians in the Town of Lyme, in New London County, and All Other Tribe or Tribes of Indians Within This State (1836)***

This act sets a \$5 per load penalty for wood taken from the Niantic Tribe's land in Lyme, the land of any other tribe in the state, or the land of any tribe member, without the applicable tribe overseer's permission. It requires the overseer to recover the penalty through a debt action for the tribe's use and benefit, and makes the team, cart, wagon, and other tools used to take the wood attachable in the action and held responsible in the judgment.

***Resolution Authorizing Hon. Sherwood Raymond to Sell Certain Real Estate of the Mohegan Indians, Etc. (1838)***

This resolution authorizes Sherwood Raymond to sell two tracts of land owned by the Mohegan Tribe in Montville at the tribe's request. It requires him to give the sale proceeds to the tribe's overseer, who must use them to make loans secured by mortgages and apply the interest from the loans for the tribe's use and benefit.

***A Resolution Directing the Society's Committee of the First School Society in Montville, to Pay Certain Monies to the Warden of the Mohegan Tribe of Indians (1839)***

This resolution generally requires the first school society of Montville to annually pay the Mohegan Tribe's overseer the amount of public school money allocated for educating the Native American children who live in the town's 7th and 9th school districts but are educated at a tribe-owned school. It requires the overseer to use the funds to support and maintain the tribe's school, and specifies that the school must be kept by instructors the school society approves.

***Resolution in Favor of Ruby Mansfield and Nancy Sharp or Pease, as Heirs of the Golden Hill Tribe of Indians (1841)***

This resolution generally authorizes the Golden Hill Tribe's overseer to use the tribe's funds to purchase a house and property for Ruby Mansfield and Nancy Sharp (Pease), the tribe's sole surviving heirs, and their lawful heirs. It requires the overseer to take conveyance of the property in his own name as their overseer, and hold it for their exclusive use and benefit.

### ***Authorizing the Conveyance of Certain Land Owned by the Mohegan Indians (1848)***

This resolution generally authorizes the Mohegan Tribe's overseer to negotiate with the New London, Willimantic and Palmer Railroad Company to sell the tribe's land needed to build the railroad through the tribe's lands. If the overseer cannot reach an agreement with the company, it generally requires the Superior Court to assess the damage to the land as it would assess damages to land of other people in similar circumstances. The overseer must hold the proceeds from the sale or damage assessment as he must do for other funds he holds for the tribe.

### ***Authorizing the Overseer of Ruby Mansfield and Other Golden Hill Indians to Sell Lands (1849)***

This resolution authorizes the Golden Hill Tribe overseer to sell the property that was purchased for Ruby Mansfield and Nancy Sharp (see 1841 entry). It states that Ruby Mansfield resides in Oxford, that Nancy Sharp "is under arrest for the crime of arson, and that a barn has recently been burned upon said premises," and that "they are wasting said property and diminishing its value by cutting off the timber and wood, and that the house upon said premises is in danger of being destroyed." It requires the overseer to invest the sale's proceeds for Mansfield's and Sharp's use and benefit.

## **1850-1899**

### ***An Act in Addition to and in Alteration of "An Act for the Protection of Indians, and the Preservation of Their Property" (1850)***

This act gives the county court where a Native American tribe resides jurisdiction over applications to sell land owned by a member of the tribe who either lives outside of the state or is about to move out of state. The act allows the court to approve the sale if it would benefit the land's owner and not harm the interests of the owner's tribe. However, the owner may only sell the land to his tribe, or other members of it. (The act also makes a conforming change allowing the tribe's overseer to purchase the land on the tribe's behalf.)

### ***Authorizing Sale to the New Haven and New London Railroad Company, of Lands Belonging to Niantic Indians (1851)***

This resolution generally authorizes the Niantic Tribe's overseer to negotiate with the New Haven and New London Railroad Company to sell the tribe's land needed to build the railroad through the lands belonging to the tribe. If the overseer cannot reach an agreement with the company, the resolution generally requires the Superior Court to assess the damage to the land as it would

assess damages to land of other people in similar circumstances. The overseer must hold the proceeds from the sale or damage assessment as he must do for other funds he holds for the tribe.

### ***An Act in Addition to an Act Entitled “An Act for the Protection of Indians, and the Preservation of Their Property” (1852)***

This act generally broadens the county courts’ authority over Native American property sales and exchanges. It gives the county court where a Native American tribe resides the jurisdiction over applications to sell or exchange land or other property owned by a tribe member. It repeals the law that generally limited this jurisdiction to applications to sell land owned by a member of the tribe who lives outside of the state, or is about to move out of state. As under the prior law, the act allows the court to approve the sale if it would benefit the land’s owner and not harm the interests of the owner’s tribe. The tribe’s overseer may also still purchase the land on the tribe’s behalf. However, unlike prior law, the act does not limit the owner to only selling the land to his tribe or other members of it.

### ***An Act in Addition to an Act Entitled “An Act for the Protection of Indians, and the Preservation of Their Property” (1855)***

This act requires an overseer for each tribe in the state to be annually appointed by the county court in the county in which the tribe resides. It requires the overseer, among other things, to (1) care for and manage the tribe’s lands and funds, and see that they are used for the tribe’s best interests; (2) execute a surety bond for 133% of the tribe’s estate; and (3) annually state and settle his account of the tribe’s concerns with the county court, and report the amount and condition of the tribe’s funds.

The act also generally:

1. voids all land conveyances by any Native American that belong or belonged to a tribe’s estate;
2. prohibits any judgments against a Native American for any debt on any contract except those for renting land;
3. in lawsuits brought by Native Americans to recover their lands, prohibits defendants from claiming that possessing the land for 15 years entitles them to the land;
4. makes someone liable for \$5 per load for unauthorized taking wood from Native American lands, with the with team, wagon, and other tools used in the taking liable to be attached in the action; and
5. repeals any acts inconsistent with the provisions above.

### ***An Act Relating to the Ledyard Pequot Indians, and the Preservation of Their Property (1855)***

This act directs the New London County Court to appoint a three-person committee to sell the land that the state reserved for the Pequot Tribe in Ledyard. However, they must reserve up to 200 acres of the land for the tribe to personally use and occupy. The committee must also survey the land and establish permanent boundaries. The act requires the proceeds from the sale, after paying the committee's expenses, to be given to the tribe's overseer. It allows the court to require the overseer to use the proceeds to (1) build suitable houses for the tribe on the reserved land, (2) repair any existing houses on it as needed, and (3) pay any debts owed by the tribe. Any remaining funds must then be invested in a bank, or other savings institution, for the tribe's use and benefit.

### ***An Act in Addition to an Act in Alteration of an Act Entitled "An Act for the Protection of Indians and the Preservation of Their Property" (1860)***

This act requires the overseer of a Native American tribe to file a copy of his annually required report with the town clerk of the town in which the tribe resides, in addition to with the Superior Court.

### ***An Act in Addition to "An Act for the Protection of Indians and the Preservation of Their Property" (1860)***

This act requires the governor to appoint three commissioners to make a new distribution of all of the Mohegan Tribe's "common lands" in Montville (except the Fort Hill farm). It requires the commissioners to survey the lands, set permanent boundaries for it, and prepare a map with the names of the families and individuals to whom the land is distributed, which must then be filed in the secretary of the state's office.

### ***An Act in Addition to "An Act for the Protection of Indians, and the Preservation of their Property (1861)***

This act authorizes the commissioners distributing the Mohegan Tribe's "common lands" in Montville (see previous act) to distribute any lands held by individuals under the 1790 distribution to those entitled to them by descent. It also exempts parsonage and school house properties from the distribution.

### ***Relating to the Mohegan Indians (1861)***

This resolution authorizes the governor to annually appoint three commissioners to superintend the Mohegan Tribe's affairs and serve as arbitrators for controversial property issues. It also authorizes the commissioners to appoint the tribe's overseer and liquidate the overseer's accounts. The resolution prohibits the Superior Court from considering a petition for a sale of Mohegan lands unless a majority of the commissioners endorses it.

### ***An Act in Addition to "An Act Concerning Crimes and Punishments" (1862)***

For unauthorized cutting, taking, or drawing any wood from the land of the state's Native American tribes or their members, this act sets penalties of a \$7.00 fine, up to 30 days imprisonment, or both. It also specifies that it does not affect the remedy provided in the 1855 Act in Addition to an Act Entitled "An Act for the Protection of Indians, and the Preservation of Their Property."

### ***Relating to the Niantic Tribe of Indians (1868)***

This resolution authorizes a committee to divide the Niantic Tribe's personal property among the tribe's surviving members according to the rule of division established in the New London County Court in 1867. It requires up to \$125 to be reserved to maintain the tribe's burial ground in East Lyme.

### ***An Act Conferring Upon the Mohegan Indians the Privileges of Citizenship, and Regulating the Ownership, Sale, Distribution and use of the Property Sequestered for Their Benefit, and Also Providing for the Taxation of Their Polls and Ratable Estates (1872)***

This act exempts members of the Mohegan Tribe from the laws on protecting Native Americans and preserving their property (see 1821 law above) and entitles them to all the rights, privileges, and immunities, and subjects them to all duties, obligations, and liabilities, of "natural born" citizens.

The act requires the commissioners appointed to supervise the tribe to repair the tribe's meeting house and parsonage and enclose them with a suitable fence. It requires the commissioners to hold the properties in trust for the tribe until its adult men form a society or congregation for public religious worship under state law, and then transfer the properties to the society or congregation. It exempts the properties from taxation.

The act makes the tribe's school house a part of the Montville school district and requires the district to maintain and supply it with fuel, furniture, and other necessities. It requires a public or

common school to be kept in the school house each year according to the state's public education laws and allows the children of families in the tribe to attend it. It also requires a two-thirds vote of the tribe's adult men living in the district to change the school house's location.

Under the act, the title to lands in Montville that had been distributed to the tribe's members (see 1860 and 1861 acts) is vested in the individuals who received them (or their heirs), and they may transfer them as lands held in fee simple in the same way that other citizens may transfer lands held in fee simple. If a tribe member died without an heir, the act requires that it be disposed of as tribe lands.

The act requires the rest of the land reserved for the tribe in Montville, except for the cemetery, to be sold by public auction, with tribe members allowed to bid on the lands. The net proceeds from the sales must be distributed to the tribe's members, as determined by a committee appointed in the act.

Under the act, all personal property previously distributed to members of the tribe by the tribe's overseer, or lawfully acquired by them, is vested in them and they can hold and dispose of it in the same way as others can hold and dispose of similar property.

The act subjects the real and personal property owned by the tribe's members to the same taxes as those owned by other people in the state. It also subjects the men ages 21 to 70 to the same poll taxes that apply to the rest of the population.

### ***An Act in Addition to An Act Concerning Domestic Relations (1872)***

This act generally allows Native American children to be "bound out" as apprentices if it is found that the children have no one to care for them or that their parents allow them to "mispend their time" and "live in idleness," or they do not "provide competently" for them. It must be done by the tribe's overseer, with the assent of two justices of the peace who live in the same town. The act allows males to be apprenticed until they are age 18, and females until they are age 16 or married (if before age 16).

### ***Empowering the Overseer of the Pequot Indians to Sell Lands (1873)***

This resolution authorizes the overseer of eastern tribe of Pequot Native Americans in North Stonington to sell all of the lands the state reserved for the tribe (except for 100 acres) through public auction. It requires the proceeds from the sale to be invested in a savings bank trust and used for the tribe's benefit as needed.

### ***Relating to the Niantic Tribe of Indians (1873)***

This resolution authorizes the overseer of the Niantic Tribe to hand and pay over to any individual member of the tribe (or to his or her guardian, overseer, or conservator) any personal property belonging to the individual. It makes the individual's receipt of the property the full and complete discharge of the overseer's duty and releases him from his bond as overseer for the property.

### ***An Act in Amendment of An Act Relating to Indians (1876)***

The act requires the district court to annually appoint an overseer for each tribe of Native Americans in the Litchfield County judicial district. The overseer must care for and manage the tribe's lands and money for its best interests and see that the estate's rents and profits are applied to the tribe's benefit. The act requires the overseer to execute a surety bond and annually settle the tribe's accounts with the district court. It gives the district court sole jurisdiction of all matters previously exercised by the Superior Court as the tribes' overseer.

### ***An Act Conferring Upon the Niantic Indians the Rights and Privileges of Citizenship (1876)***

This act exempts members of the Niantic Tribe, and their real and personal property, from the laws on protecting Native Americans and preserving their property (see 1821 law above), and makes those living in the state "a part of the people of this state" entitled to all the rights, privileges, and immunities, and subject to all the duties, obligations, and liabilities, of "natural born" citizens of the state. It also repeals any conflicting laws.

### ***AA Concerning the Support of the Golden Hill Tribe of Indians (1876)***

This act generally creates a process for a town to recover its costs for supporting a member of the Golden Hill Tribe who is, or is likely to be, charged as a pauper in the town. If the tribe's overseer is unable to support the tribe member with funds from the tribe's lands or funds under the overseer's control, the act allows the Fairfield County Superior Court, upon a town selectman's application, to order the overseer to sell a portion of the tribe's property and pay the proceeds to the town to use to support the tribe member.

### ***An Act Concerning Judgments Against Indians (1884)***

This act repeals a law that generally prohibited legal judgements against Native Americans.



### ***Concerning the Niantic Burying Ground in East Lyme (1886)***

This resolution authorizes the sale of the Native American burying ground in East Lyme, which had had been reserved from lands formerly belonging to the Niantic Tribe. It requires the proceeds from the sale to be used to move the remains from the burying ground to the Niantic Cemetery in East Lyme. Any remaining proceeds must be used erect a suitable monument to the Niantic Tribe in the Niantic Cemetery.

### ***Incorporating the Connecticut Indian Association (1887)***

This resolution incorporates the Connecticut Indian Association with the goal of protecting the rights and promoting the education and civilization of Native Americans in the country, “with reference to their full admission into full citizenship.”

## **1900-1949**

### ***An Act Making an Appropriation for the Schaghticoke Indians (1915)***

This act appropriates \$400 for the Schaghticoke Tribe’s overseer to use for the tribe’s maintenance, support, care, and education, under the direction of the Litchfield County Court of Common Pleas.

### ***An Act Making an Appropriation for the Schaghticoke Indians (1917)***

This act appropriates \$400 for the Schaghticoke Tribe’s overseer to use for the tribe’s maintenance, support, care, and education, under the direction of the Litchfield County Court of Common Pleas.

### ***An Act Making an Appropriation for the Schaghticoke Indians (1919)***

This act appropriates \$400 for the Schaghticoke Tribe’s overseer to use for the tribe’s maintenance, support, care, and education, under the direction of the Litchfield County Court of Common Pleas.

### ***An Act Making an Appropriation for the Schaghticoke Indians (1921)***

This act appropriates \$400 for the Schaghticoke Tribe’s overseer to use for the tribe’s maintenance, support, care, and education, under the direction of the Litchfield County Court of Common Pleas.

### ***An Act Appointing the State Park and Forest Commission as Overseer of Indians in Litchfield County (1925)***

This act makes the State Park and Forest Commission the overseer of any Native American tribe residing in Litchfield County. It requires the commission to annually settle its account of the tribe's affairs with the state comptroller, and biennially give the governor a report on the (1) amount and condition of the tribe's funds; (2) estimated value of their lands; (3) income annually received, appropriated, and spent for the tribe's benefit; and (4) number and condition of the tribe. The act requires the commission to care for and manage the tribe's lands and money for the tribe's best interests and benefit, and authorizes the commission to sell or exchange any real or personal property of any tribe member.

### ***An Act Appointing the State Park and Forest Commission Overseer of the Indian Tribes (1935)***

This act makes the State Park and Forest Commission the overseer of all Native American tribes residing in the state. It requires the commission to annually settle its account of each tribe's affairs with the state comptroller, and biennially give the governor a report for each tribe on the (1) amount and condition of the tribe's funds; (2) estimated value of their lands; (3) income annually received, appropriated, and spent for the tribe's benefit; and (4) number and condition of the tribe. The act requires the commission to care for and manage each tribe's lands and money for the tribe's best interests and benefit, and authorizes the commission to sell or exchange any real or personal property of any tribe's member.

### ***An Act Making an Appropriation for the Schahticoke Indian Reservation (1937)***

This act appropriates \$2,000 to the State Park and Forest Commission to repair buildings and establish a water supply on the Schahticoke Reservation in Kent.

### ***An Act Concerning the Use of State Park and Forest Lands for Other Public Purposes (1939)***

This act allows the State Park and Forest Commission to grant rights of way or other easements for public purposes to any public authority on or with respect to any state park or forest, or any Native American reservation, if the commission finds that it does not conflict with the purposes of the lands.

### ***An Act Concerning the Proclaiming of Indian Day (1941)***

This act requires the governor to proclaim the last Friday in each September as “Indian Day,” and requires it to be suitably observed in the state’s public schools as a day of commemoration of the American Indian and their contribution to American life and civilization.

### ***An Act Authorizing the Commissioner of Welfare to Act as Overseer of Indians Residing in the State (1941)***

This act makes the state’s welfare commissioner, rather than the State Park and Forest Commission, the overseer of all Native American tribes residing in the state. As previously required for the commission, it requires the commissioner to annually settle his account of each tribe’s affairs with the state comptroller, and biennially give the governor a report for each tribe on the (1) amount and condition of the tribe’s funds; (2) estimated value of their lands; (3) income annually received, appropriated, and spent for the tribe’s benefit, specifying the items furnished and received; and (4) number and condition of the tribe. The act requires the commissioner to care for and manage the property of any Native American living on a reservation owned or maintained by the state, and use the property for their best interests and benefit.

### ***An Act Concerning Rights of Way in State Parks and Forests (1949)***

This act eliminates the State Park and Forest Commission’s authority to grant rights of way or easements on Native American reservations.

## **1950-1991**

### ***An Act Concerning the Management of Indian Reservations (1961)***

This act statutorily defines the state’s Native American reservations as the (1) Eastern Pequot reservation in North Stonington, (2) Golden Hill reservation in Trumbull, (3) Schaghticoke reservation in Kent, and (4) Western Pequot reservation in Ledyard. It defines an “Indian” as someone of at least one-eighth blood of the tribe for whose use any reservation was set out.

The act requires the reservations to be maintained for the exclusive benefit of Indians who may reside on them, although it allows any non-Indians residing on the reservations on July 1, 1961, to continue doing so. It also (1) allows an Indian’s spouse and children to live on a reservation with the Indian; (2) places the burden of proving eligibility for residence on the claimant; and (3) allows reservations to be used for recreational and social purposes by Indians, and their descendants and guests, at the welfare commissioner’s discretion. The act also prohibits the lease of tribal land, but allows existing leases to continue until their expiration. The welfare commissioner may authorize a renewal of these leases.

The act makes the welfare commissioner responsible for the care and management of the lands and buildings on the reservations, and the general care and management of all people living there. It requires the commissioner to, among other things, (1) make regulations to ensure their general health, safety, and welfare; (2) give assistance to needy Indians living on the reservation in an amount needed to maintain a standard of living reasonably compatible with health and decency; (3) make repairs and improvements to buildings and lands on the reservations to ensure habitable living conditions; and (4) regulate the admission of people for residency on the reservations. It allows appeals of the commissioner's residency decisions to the court of common pleas for Hartford County or the county where the reservation is located.

The act places tribal funds (the money held by the state for a tribe's use and benefit, not legislative appropriations) under the welfare commissioner's care and control. For each tribe, it requires the commissioner to (1) annually settle the accounts of the tribe's affairs with the comptroller and (2) report to the governor the (a) amount and condition of the tribe's fund; (b) estimated value of their lands; and (c) income annually received and spent by the commissioner from the tribe's fund. It also allows the commissioner to bring a lawsuit to recover any property misappropriated from a reservation.

### ***An Act Providing for the Appointment of a State Archeologist (1963)***

This act requires the UConn trustees to designate a member of the UConn faculty as state archeologist to research the ethnohistory and archeology of the region's Native Americans. It requires the state archeologist to cooperate with state and federal agencies, and private entities, to protect and preserve archeological remains threatened with destruction or loss.

### ***An Act Concerning The Mashantucket Pequot Indian Burial Ground in the Town of Ledyard (1965)***

This act appropriates \$11,000 to the State Park and Forest Commission to buy 17.5 acres in Ledyard to (1) protect and provide access to the Mashantucket Indian Burial Ground and (2) use the entire property as a historic shrine and memorial and a burial place for the descendants of the Pequot tribe. It requires a portion of the funds to be used to erect a fence around the property and a monument inscribed "here with their families and friends lie many patriotic Pequot Indian Soldiers who served our country faithfully and well in the Colonial Wars, The Revolution, and the Civil War."

### ***An Act Establishing an Indian Affairs Council (PA 73-660)***

This act declares it state policy to recognize that all resident Indians of qualified Connecticut tribes are full citizens of the state with all the rights and privileges afforded by law to all of the state's

citizens. It also recognizes that they have certain special rights to tribal lands as may have been granted to them in the past.

The act creates the Indian Affairs Council with one representative each appointed by the Schaghticoke, Eastern Pequot, Western Pequot, and Mohegan tribes, and three gubernatorial appointees who are not descendants of Native Americans. The council must provide services to the state's reservation community and create programs suitable to its needs.

Existing law, unchanged by the act, generally allows the non-Native American spouse and children of a Native American to live on a reservation with the Native American. If they become ineligible to live on the reservation because of the Native American's death, the act requires that they be reimbursed based on the actual sales price (less expenses) of any building on the reservation that may have belonged to the Native American.

The act also removes provisions in the law that placed the burden of proving eligibility for residence on a reservation on the claimant. It more generally makes the Indian Affairs Council responsible for determining the qualifications of individuals entitled to be designated as "Indians" under the law and deciding who is eligible to reside on a reservation.

The act transfers from the welfare commissioner to the Department of Environmental Protection (DEP) commissioner, with the council's advice, responsibility for the care and management of the reservation lands and buildings and the people who live there. It removes provisions that required the commissioner to, among other things, (1) give assistance to needy Indians living on the reservation; (2) make repairs and improvements to buildings and lands on the reservations to ensure habitable living conditions; and (3) regulate the admission of people for residency on the reservations. It also removes provisions that allowed someone to appeal a decision on residency to a court of common pleas.

Under the act, any Native American reservation property that escheats to the state must be preserved as an Indian historical area under DEP's control. The act also prohibits the lease of tribal land, but allows existing leases to continue until their expiration, and the council may authorize a renewal of these leases.

The act removes a provision that allowed the welfare commissioner to determine how the Native Americans could use the reservations for recreational and social purposes. It instead allows them to take, hunt, or trap any wild bird, quadruped, or fish on their reservation's land or waters without a license, subject to regulations developed by the council and state law's seasonal and bag limitations.

The act changes the definition of “Indian” under the law to someone of at least one-eighth blood of the Eastern Pequot, Western Pequot, Schaghticoke, Golden Hill, or Mohegan tribe, or as may be determined by the council. It also requires the council to review the state’s regulations governing Indian affairs and advise the commissioner on new regulations.

### ***An Act Concerning Membership on the Indian Affairs Council (PA 74-168)***

This act adds a representative from the Golden Hill Tribe to the Indian Affairs Council.

### ***An Act Concerning Indian Reservations (PA 76-97)***

This act generally limits the DEP commissioner’s broad responsibility to care and manage the buildings on the Native American reservations and the people living there. For the buildings, it makes the commissioner, with the Indian Affairs Council’s advice, responsible only for the reservation buildings that are not privately owned. Upon a resident’s petition, the act requires the commissioner, with the council’s advice, to make major repairs and improvements to the building’s exterior and systems (i.e. heating, water, electric, sewage, plumbing) as needed to ensure habitable living conditions. The resident must assume responsibility for interior maintenance of floors, walls, and ceilings, and minor maintenance of the building and its systems, but the commissioner must supply necessary materials for the systems.

The act removes the commissioner’s responsibility to provide care and management for the people living on the reservations. It allows the council, upon the petition of a Native American resident who lacks sufficient means to support him or herself, to provide assistance in an amount needed to maintain a standard of living in the home compatible with the resident’s well-being. It also requires the council to (1) provide other services as it deems necessary to ensure the well-being of all reservation residents and (2) adopt regulations prescribing the eligibility standards for the assistance and services.

The act also allows, rather than requires, the commissioner and council to adopt regulations to carry out the other provisions of the act and certain related matters.

### ***An Act Concerning the Creation of Indian Housing Authorities (PA 76-377)***

This act establishes a housing authority for each tribe recognized in state statute. It generally gives the tribes’ housing authorities the same powers, rights, and functions as municipal housing authorities. However, it prohibits them from transacting any business or exercising their powers

unless their tribe's governing council formally declares there is a need for an authority to function for the tribe. The act gives the tribe's chief or other governing head all of the appointing and other powers over the tribe's housing authority that municipal chief executives and governing bodies have under the municipal housing authority law. It requires the tribes' housing authorities to operate in conformity with Title II of the federal [Civil Rights Act of 1968](#) (which generally established a Bill of Rights for reservations).

The act requires a tribe's chief or governing head to appoint five tribe members as housing authority commissioners. Commissioners cannot be barred from appointments because they hold other tribal office or are tenants or home buyers in a tribal housing project. The act specifies that a tribal housing authority's jurisdiction is limited to its tribe's territorial boundaries specified in statute.

Under the act, any real property on a reservation that a housing authority requires for use in providing housing must be leased to the authority by the tribal governing body, with the DEP commissioner's approval, upon lawful terms agreeable to the parties.

### ***An Act Concerning Housing Projects Within Indian Reservations in Connecticut (PA 78-40)***

This act designates the governor as the state's administrative agent to (1) apply for any funds or other aid; (2) cooperate and enter into contracts and agreements with the federal government, the Indian Housing Authority, or any other appropriate state or local agency for providing necessary services to housing projects to be located on Native American reservations in the state; or (3) any other purpose that Congress or the state legislature authorizes for expenditures compatible with the state's laws on Native Americans ([Chapter 824](#)).

### ***An Act Concerning the Protection of Indian Burial Sites (PA 81-242)***

This act requires the Indian Affairs Council, by January 1, 1982, to establish an inventory of state land that has, or may reasonably be expected to have, a Native American burial site on it. After that date, whenever a state agency intends to disturb the subsoil of any state land that has an American burial site, or discovers such a site during excavation, it must notify the council and the DEP commissioner and then wait 21 days so that the site's contents may be removed and reinterred by DEP, as the council directs.

### ***An Act Concerning Connecticut Indians (PA 81-375)***

This act adjusts the names of three of the state's Native American tribes specified in the state statute on the Indian Affairs Council by changing the (1) "Eastern Pequot" to "Paucatuck Pequot,"

(2) “Western Pequot” to “Mashantucket Pequot,” and (3) “Golden Hill” to “Golden Hill Paugussett.” The act also statutorily acknowledges that the Golden Hill Paugussett tribe has a reservation in Colchester, in addition to its reservation in Trumbull, by including the Colchester reservation in the statutory definition of “reservation.”

### ***An Act Concerning the Management of Indian Affairs (PA 82-178)***

This act requires the DEP commissioner, with the Indian Affairs Council’s advice, to manage the state’s interest in Native American affairs not otherwise specified in the state’s laws on Native Americans, including maintaining state documents, providing information to tribe members, and coordinating governmental grant programs.

### ***An Act to Implement the Settlement of the Mashantucket Pequot Indian Land Claims (SA 82-31)***

Under this special act, the state (1) confirms to the Mashantucket Pequot tribe in fee simple the lands comprising the tribe’s reservation and (2) releases and relinquishes to the tribe any claim of right, title, or interest that the state may have in the reservation lands.

The act entitles the tribe, its reservation, and its residents to the same services and protection from the state as provided to other tribes under the state’s laws on Native Americans. However, it exempts the tribe from the laws on (1) the Indian Affairs Council determining qualifications of Native American designation for certain purposes; (2) voiding conveyances by a Native American of any land belonging to, or that belonged to, the estate of a tribe; (3) use of reservations, residency requirements, and a restriction on leasing any part of the reservation; and (4) the care and control of tribal funds. It also (1) prohibits the DEP commissioner from taking any action regarding the tribe’s reservation without the tribe’s consent and (2) exempts the tribe’s reservation lands from taxation by the state and any of its political subdivisions.

The act authorizes the governor to convey to the tribe a two acre parcel and a 17.5 acre parcel of certain lands in Ledyard.

Under the act, any transfer of land or natural resources in Ledyard from, by, or on behalf of any Native American nation, or tribe or band of Native Americans that occurred before the act becomes effective is deemed to have been made in accordance with the state’s laws on Native Americans. The act takes effect upon the enactment of [federal legislation](#) providing for the extinguishment of certain tribal land claims by or on behalf of the Mashantucket Pequot tribe.



### ***An Act Authorizing the Conveyance of State Land to the Town of Enfield and the Conveyance of the Interest of the State in the Golden Hill Paugussett Reservation in Trumbull (SA 84-70)***

This special act requires the Department of Administrative Services (DAS) commissioner to convey by quitclaim deed to the Golden Hill Paugussett tribe whatever interest the state has in the tribe's reservation in Trumbull.

### ***An Act Establishing an Office of Archeology (PA 87-466)***

This act requires the board of directors of UConn's State Museum of Natural History, rather than UConn's trustees, to appoint the state archeologist. It generally broadens the state archeologist's duties to cover a broader range of archeological subjects (beyond researching the ethnohistory of the region's Native Americans and their archeology, as under prior law), but specifically includes preserving Native American and other human osteological remains and cemeteries with the state historical commission, Office of the State Medical Examiner, Indian Affairs Council, and other state agencies.

### ***An Act Establishing a Task Force on Indian Affairs (SA 87-103)***

This special act creates the Task Force on Indian Affairs to review existing laws, budgets, agencies, and programs affecting Connecticut's Native Americans. It requires the task force to study and make recommendations on, among other things:

1. title to reservation land and state responsibility for land held in trust for a tribe by the state;
2. state responsibility for reservations;
3. jurisdiction of criminal and civil law, and law enforcement, on reservations;
4. legal process for determining tribal membership;
5. tribal government rights;
6. escheat provisions of the law on reservation use;
7. determination of membership on the Indian Affairs Council for Native Americans who are not from state-recognized tribes;
8. state and local taxation of tribes and reservations;
9. access to sacred sites on state and private land for ceremonial purposes; and
10. procedures to be followed upon discovery of a burial site.

Under the act, the 16-member task force includes (1) a representative from each of the five Connecticut tribes; (2) four Native Americans knowledgeable about certain issues and an archeologist knowledgeable about Native American affairs, all appointed by the governor; (3) the Office of Policy and Management secretary, DEP commissioner, and Indian Affairs Council chairperson, or their designees; and (4) three state legislators, one appointed by the Senate president pro tempore, one appointed by the House speaker, and one jointly appointed by the House and Senate minority leaders.

### ***An Act Implementing the Recommendations of the Task Force on Indian Affairs (PA 89-368)***

This act makes numerous changes in the laws related to Native Americans in the state, as briefly described below.

***Preservation of Native American Burial Sites, Sacred Objects, & Artifacts (§§ 1-15).*** The act creates the Native American Heritage Advisory Council to evaluate and make recommendations on Native American heritage to the state archeologist and the Connecticut Historical Commission. The council must include representatives from each of the five tribes in the state, representatives from the Indian Affairs Council, DEP commissioner, and Archeological Society of Connecticut, and three other appointees knowledgeable in Native American history, traditions, and archeology (§ 2).

The act allows the Connecticut Historical Commission to (1) adopt regulations for the preservation of sacred sites and archeological sites and (2) inventory state lands to identify these sites. Under the act, “sacred sites” are any space of ritual or traditional significance in Native American culture and religion that is listed or eligible for listing in the national or state register of historical places (§ 3).

The act specifies that the “historic structures and landmarks” covered by the state’s historic preservation law include sacred sites and archeological sites (§ 4).

The act makes the State Museum of Natural History the state repository of all artifacts found and data gathered during archeological investigations on state lands. It requires the museum’s board of directors to establish procedures for, among other things, (1) the preservation, care, and display of sacred objects, and the use of sacred objects for religious and ceremonial purposes, and (2) loans and transfers of sacred objects and other materials to Native American museums or other institutions (§ 5).

The act allows the Connecticut Historical Commission, with the state archeologist's concurrence, to examine sites and lands to determine if they are of state or national importance and eligible for the state or national register of historic places. If the commission determines that the site or land is of state or national importance, it may declare it to be a state archeological preserve as long as it notifies certain stakeholders (and gets consent of the owner, if the land is on private property) and, if there is evidence of Native American activity, the Native American Heritage Advisory Council (§ 6).

The act requires the Connecticut Historical Commission to adopt regulations for establishing, caring for, using, and managing state archeological preserves. Once a site is designated as a preserve, the act prohibits anyone from conducting an archeological investigation, initiating construction or demolition activities, or doing anything that would endanger the preserve's archeological integrity or sacred importance without a required permit (see below) unless the commission declares an emergency (§ 7).

The act generally prohibits anyone from conducting an archeological investigation on state lands or a state archeological preserve without a permit from the Connecticut Historical Commission, issued with the state archeologist's concurrence. However, the act also allows the commission to authorize an investigation without a permit if time for the investigation is limited. The act prohibits the commission from issuing a permit for an investigation that would disturb a known Native American cemetery, burial site, or other sacred site without a review by the Native American Heritage Advisory Council. The act requires a permit applicant to pay the cost of any reburial of human skeletal remains discovered under the permit's terms (§ 8).

The act requires each state department, institution, and agency, in consultation with the Connecticut Historical Commission, to review its policies and practices for consistency with the preservation and study of the state's archeological sites and sacred lands and sites. The review must include preparing an evaluation document that specifies projects and programs requiring detailed consultation to identify and protect the sites and lands; however, it does not apply to projects submitted to the commission for an environmental impact review (§ 9).

The act generally requires any person who knows or reasonably believes that human remains are being, or about to be, disturbed or removed to immediately notify the chief medical examiner and state archeologist about it. If the remains are encountered during an activity that might destroy or impair their integrity (e.g., construction or agriculture), the activity must stop until the chief medical examiner and state archeologist authorize its resumption (which must be determined within five days of the investigation's completion). If the chief medical examiner determines that the remains may be a Native American's, he or she must notify the state archeologist. Then, within 72 hours, the state archeologist must consult with the Connecticut Historical Commission, Native American

Heritage Advisory Council, DEP commissioner, and property owner to determine whether the site can be preserved at its original location and protected by a preservation restriction. If this is not feasible, or the property owner does not agree to it, the state archaeologist, if feasible, must provide for removal and reburial of the remains (within five days) or additional archeological investigation. Human remains discovered during archeological investigation must be excavated under the state archaeologist's supervision, and due care must be used during excavation, subsequent transport, and storage of the remains to ensure that their sacred meanings for Native Americans are respected and protected (§ 10).

The act requires the state archaeologist, in consultation with the Connecticut Historical Commission, Native American Heritage Advisory Council, DEP commissioner, and archeological community, to adopt regulations on procedures for the storage, analysis, and reburial of human skeletal remains discovered during an archeological investigation. It requires the (1) DEP commissioner to designate state lands for use as reburial sites for Native American remains, and designates these lands as archeological preserves, and (2) state archaeologist, commissioner, and advisory council to jointly determine the contents and organization of each reburial ceremony for Native Americans (§ 11).

The act prohibits:

1. excavating, damaging, or otherwise altering or defacing any archeological or sacred site on state lands or a state archeological preserve unless it is done according to a permit (see § 8 above) or in an emergency;
2. selling, exchanging, transporting, receiving, or offering to sell any archeological artifact or human remains that was collected, excavated, or removed from state lands or a state archeological preserve in violation of the above prohibition; and
3. engaging in any activity that will desecrate, disturb, or alter a Native American burial, sacred site, or cemetery, including associated objects, unless it is under a permit or the state archaeologist's direction.

For violations of the prohibitions, the act imposes a fine of up to \$5,000 or twice the value of the site or artifact, whichever is greater, imprisonment for up to five years, or both. It also makes violators liable to the state for the reasonable costs and expenses of restoring the site and any associated sacred objects or archeological artifacts (§ 12).

The act requires the Connecticut Historical Commission, in consultation with the state archaeologist, the Native American Heritage Council, and the DEP commissioner, to develop procedures to inventory Native American burial sites and cemeteries and make it available to state agencies and

institutions (§ 13; § 29 repeals provisions that required the Indian Affairs Council to prepare a similar inventory (see PA 81-242)).

The act requires the DEP commissioner, when determining whether to acquire land for the Recreation and Natural Heritage Program, to consider whether it contains sacred sites or archeological sites of state or national importance (§ 14).

The act requires state agency environmental impact statements to include a description of the proposed action's effects on sacred sites or archeological sites of state or national importance (§ 15).

***Tribal Governance, Leadership, & Reservations (§§ 16-24).*** The act codifies that the state recognizes the Schaghticoke, Paucatuck Eastern Pequot, Mashantucket Pequot, Mohegan, and Golden Hill Paugussett tribes as self-governing entities with powers and duties over their tribal members and reservations. It specifies that these include the power to (1) determine tribal membership and residency on reservation land, (2) determine the tribe's form of government, (3) regulate trade and commerce on the reservation, (4) make contracts, and (5) determine tribal leadership according to tribal practice and usage (§ 16).

The act requires the governor to enter into a trust agreement with each willing indigenous tribe. The agreement must define the tribe's powers and duties and be consistent with the trust agreement recommendations from the Indian Affairs Task Force. The act specifies that it does not confer tribal status on the tribes under federal law or confer additional ownership rights and title to the tribes for land in the state that was not held in trust for the tribes on June 1, 1989 (§ 17).

The act requires each tribe's leader to file with the governor his or her name and a written description of how tribal leaders are selected and exercise their authority. Under the act, any leadership dispute must be resolved according to tribal usage and practice. If a party in dispute requests it, the dispute may be settled by a council. Each party must appoint a member to the council, and the parties must also jointly appoint one or two additional members (keeping an odd number of total council members). If the parties cannot agree on a joint appointment, the governor must make the appointment and choose someone knowledgeable in Native American affairs. The council's decision on substantive issues is final, although a party may appeal to Superior Court to determine whether the dispute was resolved in accordance with the provisions of the written description. If not, the court may remand the decision with instructions to reinstitute proceedings according to the provisions (§ 18).

The act requires each tribe's leader to annually file a copy of the tribe's rules for membership and government, and a current membership roll, with the governor. Under the act, membership disputes must be resolved according to tribal usage and practice, and parties to a dispute may ask a council to settle the dispute using the same process described above for leadership disputes (§ 19).

The act adjusts the name of the "Paucatuck Pequot" tribe to the "Paucatuck Eastern Pequot" in the statutes on the Indian Affairs Council and the statutory definition of "Indian" (§§ 20 & 22).

The act authorizes the tribes to exercise on reservation land all rights incident to ownership except the power of alienation. Under the act, any reservation land held in trust by the state when the act becomes effective must continue to be held in trust in perpetuity to prevent alienation and to ensure its availability for future generations of Native Americans (§ 21).

The act revises the statutory definition of "Indian" to remove the requirement for a least one-eighth "Indian blood" and the option for the Indian Affairs Council to make membership determinations (§ 16 allows each tribe to make its own membership determinations).

The act removes prior law's provisions that specified criteria for residing on a reservation and instead requires each tribe to determine who may live on its reservation, as long as anyone lawfully living on a reservation when the act becomes effective can continue living there. It allows residents to be removed according to the tribe's rules filed with the governor (see § 19). The act also removes a prohibition on leasing portions of a reservation and instead allows each tribe to lease its reservation land for up to 25 years (§ 23).

***Taxes (§§ 24-26).*** The act exempts reservation land held in trust by the state from property taxes and makes the municipalities where they are located eligible for a payment in lieu of taxes. It also exempts from property taxes any motor vehicle owned by a tribe member, or their spouse, that is garaged on the tribe's reservation.

***State Payments to Municipalities for Education (§ 27).*** Existing law (at the time) generally required the state to pay a municipality (using a specified formula) for any student who lives on state property in the town and attends a public school at the town's expense. The act expands this requirement to include students who live on a reservation in the town and attend a public school at the town's expense (this law was repealed in 1991).

***Task Force on Indian Affairs (§ 28).*** The act updates the Task Force on Indian Affairs' charge by removing requirements to make certain recommendations (which had been met) and adding new requirements for recommendations on:

1. the resolution of state government roles and duties to Native Americans;
2. the Indian Affairs Council's role, structure, and funding;
3. resources available for technical assistance to tribal governments;
4. state endorsement or assistance to tribes seeking federal recognition;
5. preservation of reservation land for tribes and the law's escheat provisions;
6. access to sacred sites on state and private land for ceremonial purposes;
7. authorization of Native American spiritual leaders to perform marriages;
8. application of the state sales tax to transactions on reservations;
9. description and review of trust agreements; and
10. jurisdiction for criminal and civil law on reservations.

### ***An Act Concerning the Recommendations of the Indian Affairs Task Force (SA 90-25)***

This special act updates the Task Force on Indian Affairs' charge by removing requirements to make certain recommendations and adding new requirements for recommendations on the:

1. most appropriate way to handle tribal funds under the law on tribal funds;
2. definition, amendment, or repeal of the term "care and management of reservation lands" under the law on reservation management, and revisions to that law;
3. involvement of Native Americans who are not members of the indigenous tribes in an Indian Affairs Council and the state's duties to them;
4. review and analysis of the trust agreement process; and
5. sovereignty issue.

### ***An Act Concerning Certain Miscellaneous Accounts of the State Comptroller, State Grants in Lieu of Taxes and Unrestricted Grants to Municipalities, Service of Tax Warrants, Residential Property Tax Credits, Indian Gaming... (PA 91-14, § 10, June Special Session)***

This act establishes procedures for financing the administration of the Mashantucket Pequot Tribal-State Gaming Compact. It requires the revenue services commissioner to assess the tribe for regulatory costs incurred by any state agency that are reimbursable under the compact. It allows

underassessments for prior fiscal years to be included in a subsequent assessment. Payments made by the tribe must be deposited in the General Fund and credited to the appropriation for the agency incurring the costs. The act requires reimbursable assessments for law enforcement costs incurred by any state agency to be made by the public safety commissioner. If the tribe is aggrieved by an assessment or by a failure to adjust an excess assessment, it may, within one month from the payment due date, appeal to the Superior Court for the Hartford-New Britain Judicial District.

LRH:co