MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
108TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT"A"to S.P. 187, L.D. 573, Bill, "AN ACT Providing for a Program of Support for Destitute Persons on Indian Reservations and Appropriating Additional Funds for the Department of Indian Affairs."

Amend the bill in section 3 by striking out all of that part designated "§4722." and inserting in its place the following:

'§4722.   Tribal relief of the poor

Tribal overseers of the poor, appointed in accordance with section 4705, shall have the care of all eligible persons whether or not they are members of the Passamaquoddy or Penobscot Tribes, who are found destitute and in distress upon tribal reservations and shall cause them to be relieved at the expense of the tribe.

The department shall reimburse the tribe for 100% of the amount expended for furnishing such relief which the department considers to be reasonable, appropriate and furnished in accordance with section 4723.   Either the tribal overseers of the poor, or the tribal clerk, if authorized by the tribal governor and council, shall submit to the department a monthly return on forms provided by the department stating the amount of expenditures made for furnishing this assistance.   The department may refuse to accept and pay any claim for reimbursement which is not submitted by a tribe to the department within 90 days of the payment upon which the claim

is based.

   Tribal overseers of the poor may arrange to have relief
furnished to eligible persons by a vendor of services or goods.
When relief is furnished by a vendor of services or goods, the
tribal overseers of the poor shall obtain an invoice from the
vendor indicating the cost, quantity and kind of services or goods
furnished.   The tribal overseers of the poor shall certify to the
department that the invoice represents a charge for relief
furnished in accordance with section 4723 and shall forward it,
along with their certification, to the department for payment.   The
department shall pay the vendor directly the full amount indicated
on the invoice, unless it finds that the relief so furnished was
unreasonable, inappropriate and not furnished in accordance with
section 4723.   The department may refuse to make payment on any
invoice which is not submitted to it by the tribal overseers of the
poor within 90 days of the date upon which the relief was furnished.

   The tribal overseers of the poor, as well as all other tribal
officers having charge of the administration of assistance furnished
pursuant to this chapter, shall keep full and accurate records of
the names of persons relieved or supported, including the cost,
quantity and kinds of relief provided to them.   The records required
under this section shall be maintained in such a manner and contain
information in such detail as may be required by the commissioner.
The records required to be kept under this section are subject to
audit by the ←‒‒‒ Department of Audit.

Further amend the bill in section 6 by striking out all of
the last sentence and inserting in its place the following:
'No private organization, church organization, state department,
civic group or individual shall submit legislation directly
affecting the Penobscot or Passamaquoddy Tribe of Indians to the
⊢ - - - Legislature without first meeting and conferring with the
respective tribal governor and council.'

Statement of Fact

The purpose of this amendment is to allow the Department
of Indian Affairs to provide services through a vender (section 3)
and to change language that has been ruled unconstitutional by
the Attorney General (section 6).