

MAINE STATE LEGISLATURE

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L.D. 2007

(Filing No. H- 607)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1418, L.D. 2007, Bill, "AN ACT to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians."

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 3 MRSA §602, as enacted by PL 1983, c. 497, §1, is amended to read:

§602. Designation of officer

The governor and council of the Penobscot Nation, ~~and the Joint Tribal Council of the Passamaquoddy Tribe and the council of the Houlton Band of Maliseet Indians~~ shall each designate, by name and title, the officer authorized to execute the certificate of approval of legislation required by section 601. The designation shall be in writing and filed with the Secretary of State no later than the first Wednesday in January in the First Regular Session of the Legislature, except that the designation for the Houlton Band of Maliseet Indians must be filed with the Secretary of State no later than 45 days after adjournment of the Second Regular Session of the 112th Legislature. The Secretary of State shall forthwith transmit certified copies of each designation to the Secretary of the Senate and the Clerk of the House of Representatives. The designation shall remain in effect until the governor and council of the Penobscot Nation ~~or~~ the Joint Tribal Council of the Passamaquoddy Tribe or the council of the Houlton Band of Maliseet Indians make a new designation.'

Further amend the bill by inserting before the Statement of Fact the following:

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1 'Sec. 3. Effective date. This Act shall be ef-
2 fective only if:

3 1. The United States enacts legislation:

4 A. Ratifying and approving Maine Public Law
5 1985, chapter 675, without modification; and

6 B. Amending the United States Public Law 96-420,
7 Section 6 (e), United States Code, Title 25, Sec-
8 tion 1725 (e), to provide the consent of the
9 United States for amendments to the Maine Imple-
10 menting Act, with respect to the Houlton Band of
11 Maliseet Indians, provided that such amendment of
12 the Maine Implementing Act is made with the
13 agreement of the Houlton Band of Maliseet Indi-
14 ans; and

15 2. Within 60 days of adjournment of the Legisla-
16 ture, the Secretary of State receives written certi-
17 fication by the council of the Houlton Band of
18 Maliseet Indians that the band has agreed to this Act
19 pursuant to the United States Code, Title 25, Section
20 1725(e)(1), copies of which shall be submitted by the
21 Secretary of State to the Secretary of the Senate and
22 the Clerk of the House of Representatives; provided
23 that in no event shall this Act become effective un-
24 til 90 days after adjournment of the Legislature.'

25 Further amend the bill by renumbering the sec-
26 tions to read consecutively.

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STATEMENT OF FACT

2 The purpose of this amendment is to include the
3 Houlton Band of Maliseet Indians in the law which re-
4 quires approval by an Indian tribe or nation before
5 any changes to the Maine Indian Claims Settlement Act
6 affecting that tribe or nation are effective. The
7 band must designate the officer who may execute the
8 certificate of approval of legislation for the band.
9 This designation must be in writing and must be filed
10 with the Secretary of State within 45 days after the
11 Legislature adjourns this session.

12 This amendment also adds the required effective
13 date provision. The sections of the Settlement Act
14 that this bill amends were added to the Settlement
15 Act in 1981 by Maine Public Law 1981, chapter 675.
16 They are effective only after the United States, by
17 an act of Congress, ratifies Public Law 1981, chapter
18 675, and amends the Maine Implementing Act to provide
19 the consent of the United States to further amend the
20 Maine Implementing Act with respect to the Houlton
21 Band of Maliseet Indians. The United States has al-
22 ready given consent within the Maine Implementing Act
23 to amend that Act with respect to the Penobscot Na-
24 tion and the Passamaquoddy Tribe. The amendments to
25 the Settlement Act contained in this bill and amend-
26 ment cannot become effective until the United States
27 completes those contingencies. The United States has
28 not yet done so.

29 In addition, none of the 3 sections will become
30 effective unless the Houlton Band of Maliseet Indians
31 agree to the changes made by the sections. The band
32 must certify that agreement within 60 days after the
33 Legislature adjourns.

34 There is a potential loss of revenue in the fu-
35 ture if the Houlton Band of Maliseet Indians ever
36 seeks and obtains status which would make the band
37 exempt from paying taxes. This bill alone does not
38 give the Maliseet Indians that status; other changes

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1 in the law must be made to achieve that result.

2 In summary, all 3 contingencies must be met be-
3 fore this Act becomes effective:

4 1. The United States ratifies Maine Public Law
5 1981, chapter 675;

6 2. The United States amends the Maine Implement-
7 ing Act to extend United States consent to amending
8 the Maine Implementing Act with respect to the
9 Houlton Band of Maliseet Indians; and

10 3. The Houlton Band of Maliseet Indians approve
11 the changes in writing to the Secretary of State
12 within 60 days of enactment of this Act.

13 These sections are added to comply with Joint
14 Rule 36-A.

15 6755031086

Reported by the Committee on Legal Affairs
Reproduced and distributed under the direction of the Clerk of the
House
3/27/86 (Filing No. H-607)