

# MAINE STATE LEGISLATURE

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August 29, 1974

John Stevens, Commissioner

Indian Affairs

Leon V. Walker, Jr., Asst.

Attorney General

Tribal Election at Pleasant Point

You have asked for us to answer to 6 questions sent to you from Ralph Dana, Chairman of the Tribal Council at Pleasant Point. I will attempt to answer these in the order asked. I understand you are going to Pleasant Point and will discuss the matter with Mr. Dana prior to the election on next Tuesday.

1. In the absence of any positive legislation or establishment of residency at either of the reservations, residency would be acquired only by physical presence in an abode on the reservation, with the intent to remain for an indefinite period as a member of the community. I would point out that in connection with the upcoming Tribal Election, that all certified Indian members of the tribe who are 18 years of age or older are eligible to vote, whether or not they are residents.

2. The certification procedure for membership in the Tribe is governed by Title 22, R.S., section 4832. This provides for an accurate census in early January of each year, and a certified census, certified under oath, to be delivered by January 20 of each year to the Commissioner. I see no provision in the statute for certifying new Indian members between that day and the day of the election on Tuesday.

3. As above stated, only certified Indian members of the Tribe, 18 years old or over, are eligible to vote. Under Title 22, section 4831, candidates are nominated at the caucus held on the 1st Tuesday of August. The candidates to be elected are Governor and Lieutenant Governor of each reservation of the tribe, a representative to the State Legislature and a tribal council to consist of 6 members of said tribe from each reservation. This language indicates clearly the intent that only tribal members are eligible to run for office.

4. Since the caucus has already been held for the upcoming Tribal Election, the question whether persons nominated for office need be present to accept or decline is now moot.

5. The name of the present Governor would not automatically be included on the ballot for the upcoming Tribal election. He holds office only for 2 years or until his successor is elected, and all candidates are nominated at the caucus.

6. The matter of write-in candidates is not provided by statute, and is properly a matter for vote by a majority of those present at the caucus, which may vote rules for the conduct of the Tribal election. See Title 22, Section 4831, 2nd paragraph, as amended by P.L. 1973, Chapter 740.

Two copies of this memorandum are included herewith for your use at the Tribal reservations.

LW/mf  
Attachments