

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

Indians Special Legislative

JOSEPH E. BRENNAN  
ATTORNEY GENERAL



RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEY GENERAL

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

May 25, 1977

Honorable George Stevens  
House of Representatives  
State House  
Augusta, Maine 04333

Re: L.D. 1163, An Act to Provide for Four Year Terms of Office  
for Representatives, Governors and Lieutenant Governors of  
the Passamaquoddy Tribe of Indians.

Dear Mr. Stevens:

You have asked for our opinion on whether there is any constitutional or other legal impediment to the Legislature enacting the provision that would create a four-year term for the Indian representatives to the Legislature, as is proposed in section 2 of the above bill.

The representatives to which the bill refers are special Indian representatives created by the Maine Legislature. As you know, Indians, like all other Maine citizens, are entitled to vote for and are represented by State Senators and Representatives that represent the districts where Indians reside. In addition, however, Indians have special legislative representation. Under the provisions of Title 22, Sections 4792 and 4831, the Penobscot and Passamaquoddy Tribes each have one special non-voting representative to the Maine Legislature. These special representatives are over and above the normal legislative representation to which the Indian citizens of our State are constitutionally entitled. This special representation is unique to the Tribes of Maine, since no other ethnic or racial group has been accorded such unique status in the Legislature. It is these special representatives to which L.D. 1163, section 2 refers.

We know of no constitutional impediment to the Legislature changing the term of these special representatives if it so chooses. The Legislature is free to statutorily set the term of these special

Honorable George Stevens  
Page 2  
May 25, 1977

representatives as proposed in L.D. 1163.

If we can provide any further advice on this subject, please  
feel free to call on me.

Very truly yours,

JOHN M. R. PATERSON  
Deputy Attorney General

JMRP:mfe