

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 1222

S. P. 402

In Senate, February 17, 1965

Referred to Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

EDWIN H. PERT, Secretary

Presented by Senator Casey of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Governor, Lieutenant Governor and Tribal Committee of the Passamaquoddy Tribe.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 22, § 4705, amended. Section 4705 of Title 22 of the Revised Statutes is amended to read as follows:

‘§ 4705. Overseers of the poor and other special officers

An overseer of the poor, a road commissioner, a local health officer and a tribal hall keeper may be appointed by the tribal governor **or chief** of each of the Indian tribes subject to the approval of the tribal council, if any, of each such tribe. Such officers shall advise with the commissioner and receive compensation for duties performed upon his authorization.’

Sec. 2. R. S., T. 22, § 4706, amended. Section 4706 of Title 22 of the Revised Statutes is amended to read as follows:

‘§ 4706. Clerks of tribes

A clerk of the reservation of ~~each Indian~~ **the Penobscot** Tribe shall be appointed by the tribal governor subject to the approval of the tribal council, if any. **The sub-chief of the Passamaquoddy Tribe shall be ex officio clerk of said tribe.** The clerks shall keep a record of the births and deaths of persons living on such reservation and perform all other duties with respect to the same as are required of the clerks of towns under section 2702. He shall receive a fee of 25¢ for each certificate returned to the Bureau of Vital Statistics. The accounts of the clerk of the Penobscot Tribe shall be audited annually by the State Department of Audit or by a qualified public accountant.’

Sec. 3. R. S., T. 22, § 4716, amended. Section 4716 of Title 22 of the Revised Statutes is amended to read as follows :

‘§ 4716. Constables

1. Appointment. The tribal governor **or chief**, with the advice and consent of the tribal council, is authorized to appoint one or more reliable Indians, in each of the Indian tribes in this State, as special constables with like powers and duties of constables and police officers within towns and cities, in the enforcement of the laws of the State, within the limits of the reservation of his tribe, with authority to take any offender before any court of competent jurisdiction within his county. Such constables shall act as school attendance officers for their respective tribes. They shall receive such compensation as may be determined by the department.

2. Term of office. Said constables shall be appointed for a term of 2 years from the date of their appointments or until their successors have been duly appointed and qualified. Any constable may be removed by the tribal governor **or chief** upon recommendation of the department.’

Sec. 4. R. S., T. 22, § 4831, amended. Section 4831 of Title 22 of the Revised Statutes is amended to read as follows :

‘§ 4831. Biennial elections

Biennially on the even-numbered years, on the first Tuesday of November, the Passamaquoddy Tribe of Indians shall hold their election for the choice of ~~governor chief and lieutenant governor~~ **sub-chief** of each reservation of said tribe, a representative at the Legislature of this State and a tribal ~~committee council~~ **council** to consist of ~~6~~ **the sub-chief and 5** members of said tribe from each reservation, all of whom must be at least 21 years of age. The representative at the Legislature of this State shall be chosen alternately between the 2 reservations. Only certified members of the tribe who are 21 years of age or older shall be eligible to vote. The ~~governors~~ **chiefs** shall preside over all meetings of the ~~committee council~~ **council** and be a member ex officio. In the absence of the ~~governor chief~~, the ~~lieutenant governor~~ **sub-chief** shall preside. The commissioner shall give notice of the time and place, 7 days before said day of election, by posting notices thereof in some conspicuous place on the reservations at Pleasant Point and Peter Dana Point. Said commissioner shall receive, sort and count the votes given in said election, in the presence of members of the tribe, and those elected shall be given certificates therefor. All persons so elected shall hold office for 2 years or until their successors are elected. Whenever any vacancy occurs the commissioner shall call a meeting of the tribe to fill such vacancy.

The chief shall receive an annual salary of \$200, and the sub-chief shall receive an annual salary of \$100. The chief shall receive his necessary expenses not to exceed \$100 per year. The sub-chief shall be ex officio the clerk and treasurer of the tribe. Each elected member of the council shall receive \$5 for his attendance at each semi-annual meeting of the council.’

Sec. 5. R. S., T. 22, § 4832, amended. Section 4832 of Title 22 of the Revised Statutes is amended to read as follows :

§ 4832. Census

An accurate census of the Passamaquoddy Tribe shall be taken early each January by the tribal ~~committee~~ **council** upon the best information which they can obtain, as provided, stating, as nearly as may be, the name, sex and age of each Indian as it existed on the first day of such January, each family by itself. On or before the 10th day of January, annually, the original, certified under oath, shall be delivered to the commissioner, and a copy thereof to the ~~governor~~ **chief** of said tribe for their use. On the first Wednesday of January, annually, the said ~~committee~~ **council** shall hold a meeting with said tribe, for receiving information from such of the tribe as may attend, as to the membership of the tribe, the identity of persons and the correctness of names; due notice in writing of the time and place of which meeting shall be given by said ~~committee~~ **council**. At said meeting 5 of said tribal ~~committee~~ **council** shall constitute a quorum thereof.

Corrections of the list, by reason of births, deaths or omissions, may, as they come to the knowledge of the ~~committee~~ **council**, be certified to the commissioner and he shall correct his list accordingly.