

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1067

H. P. 745

House of Representatives, February 23, 1967

Referred to Committee on Indian Affairs. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Cookson of Glenburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

AN ACT Relating to Clerks of Indian Tribes and Excise Taxes on Motor Vehicles Paid by Members of Passamaquoddy Tribe of Indians.

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

Sec. 1. R. S., T. 22, § 4706, repealed and replaced. Section 4706 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof :

§ 4706. Clerks of tribes

1. Appointment. The tribal governor of each reservation, with the advice and consent of the tribal council of each such reservation, shall appoint a tribal clerk for the reservation.

The qualifications for such positions and the duties of such positions will be determined by the respective tribal governor and council.

The compensation for such positions shall be mutually agreed upon in writing by the respective tribal governor and council and the Commissioner of Indian Affairs or his representative.

The terms of appointments for such positions will be for the term of the appointing tribal governor and council.

2. Duties and powers. Each tribal clerk shall keep a record of the births and deaths of persons living on such reservation and shall perform all other duties with respect to the same as are required of the clerks of towns under section 2702. Each clerk shall receive a fee of 25c for each certificate returned to the Bureau of Vital Statistics.

All excise taxes of tribal members residing on the various reservations shall be collected by the respective tribal clerk, who shall hold and disburse the pro-

ceeds for the benefit of each such tribe in accordance with the vote of the respective tribal council.

Each such tribal clerk shall give a corporate surety bond for the faithful discharge of his duty to the respective tribal council in the sum and with such sureties as the tribal council approves.

The accounts of each tribal clerk shall be audited annually by the State Department of Audit or by a qualified public accountant. The report of each audit shall be certified to the respective tribal council by the person conducting such audit.

Each such tribal clerk shall perform other duties of a clerical or record-keeping nature as may be specified by the respective tribal governor and council, including keeping minutes of all tribal and council meetings.

3. **Removal.** For inefficiency or neglect of duty or misconduct in office a tribal clerk may be removed after a hearing by the appointing tribal governor with the advice and consent of the respective tribal council, provided he shall have been given a copy of the charges at least 10 days prior to the hearing and had an opportunity to be heard in person or by counsel. In the event of the removal of a tribal clerk, a record of the proceedings shall be filed in the office of the respective tribal council and with the Department of Indian Affairs.

Sec. 2. R. S., T. 22, § 4790, repealed. Section 4790 of Title 22 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 36, § 1487, sub-§ 3, amended. Subsection 3 of section 1487 of Title 36 of the Revised Statutes is amended to read as follows:

3. **Tribal clerk.** Excise taxes of members of the Penobscot Tribe of Indians and of the Passamaquoddy Tribe of Indians who live on the ~~reservation~~ **respective reservations** shall be collected by the **respective** tribal clerk who shall hold and disburse the proceeds for the benefit of the **respective** tribe in accordance with Title 22, section ~~4790~~ 4706.

STATEMENT OF FACTS

This Act would replace 2 laws relating to tribal clerks, giving the tribal governors and councils more flexibility and authority in making these appointments.

It would also extend to the Passamaquoddy Tribes the present authority held by the Penobscot Tribe for tribal clerks to collect excise taxes from tribal members living on the reservations.