

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1068

H. P. 746

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 Biennial Elections of Penobscot Tribe of Indians.

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

Sec. 1. R. S., T. 22, § 4792, amended. Section 4792 of Title 22 of the Revised Statutes is amended to read as follows:

§ 4792. Biennial elections

Biennially, on the even-numbered years, on the ~~first~~ **2nd** Tuesday of September, the Penobscot Indians shall hold their election for the choice of governor and lieutenant Governor of said tribe, and a representative at the Legislature of this State, and a tribal ~~committee~~ **council** to consist of 12 members of said tribe, each of whom must be at least 21 years of age. The governor shall preside over all meetings of the ~~committee~~ **council** and be a member ex officio. In the absence of the governor, the lieutenant governor shall preside. **Seven members of said council shall constitute a quorum thereof for the purpose of conducting the affairs of the tribe and exercising its power and for all other purposes, notwithstanding the existence of any vacancies.** Only certified members of the tribe who are 21 years of age or older shall be eligible to vote. The commissioner shall give notice of the time and place, 7 days before said day of election, by posting notices thereof, one at his office and one in some conspicuous place on Old Town Island. Said commissioner shall receive, sort and count the votes given in at said election, in presence of the members of the tribe, and shall give to those elected certificates thereof. All persons so elected shall hold office for 2 years **commencing on the first day of October on the even-numbered years beginning October 1, 1968,** or until their successors are elected. Whenever any vacancy occurs the commissioner shall call a meeting of the tribe to fill such vacancy. **Vacancies shall be filled through appointment by the tribal governor,**

with the advice and consent of the tribal council, with preference first given to unsuccessful candidates in the previous election, in descending order of the number of votes cast for such candidates.

On the first Tuesday of August biennially on the even-numbered years, the Penobscot Indians shall hold a caucus for the purpose of nominating candidates to be elected as provided in this section. **Such caucus shall have the right to establish, by majority vote, rules for the conduct of the following tribal election, providing that such rules do not violate the constitutional rights of any person.**

STATEMENT OF FACTS

This Act would improve Penobscot tribal government by setting forth quorum requirements for tribal council meetings, specifying the method of filling vacancies on the tribal council, and making October first the beginning of the elected officials' 2-year terms. This last provision would make possible more orderly and official preparation for the ensuing state legislative session.

In addition, the right to establish tribal election rules would be given to the tribal caucus.