

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
103rd LEGISLATURE

COMMITTEE AMENDMENT "A" to S. P. 543, L. D. 1444, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 12, a new section, as follows:

'Sec. 12-A. R. S., T. 12, §2301, sub-§3, amended. The first sentence of subsection 3 of section 2301 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

The commissioner shall issue a hunting, trapping and fishing license to any Indian over the age of 16 years of the Passamaquoddy and Penobscot tribes without any charge or fee, providing the Indian presents a certificate from the Commissioner of ~~Health-and-Welfare~~ Indian Affairs stating that the person described is an Indian and a member of that tribe.'

Further amend said Bill by inserting after section 15, 2 new sections, as follows:

'Sec. 15-A. R. S., T. 14, §160, additional. Title 14 of the Revised Statutes is amended by adding a new section 160, to read as follows:

§160. Certain cases of negligence

In actions to recover damages for negligently causing the death of a person or for injury to a person who is deceased at the time of trial of such action, the person for whose death or injury the action is brought shall be presumed to have been in the exercise of due care at the time of all acts in any way related to his death or injury, and if negligence of the deceased is to be relied on as a defense, it shall be pleaded and proved by the defendant.

Sec. 15-B. R. S., T. 15, §2142, amended. The first sentence of the 2nd paragraph of section 2142 of Title 15 of the Revised Statutes, as enacted by section 1 of chapter 419 of the public laws of 1965, is amended to read as follows:

(MORE)

The appellate division shall have jurisdiction to consider the appeal with ~~or without~~ a hearing, review the judgment so far as it relates to the sentence imposed, and also any other sentence imposed when the sentence appealed from was imposed, notwithstanding the partial execution of any such sentence, and shall have jurisdiction to amend the judgment by ordering substituted therefor a different appropriate sentence or sentences or any other disposition of the case which could have been made at the time of the imposition of the sentence or sentences under review, but no sentence shall be increased without giving the defendant an opportunity to be heard.'

Further amend said Bill by inserting after section 16, a new section, as follows:

'Sec. 16-A. R. S., T. 21, §1622, sub-§2, 10, amended.
Subsections 2 and 10 of section 1622 of Title 21 of the Revised Statutes are amended to read as follows:

2. Voting place. The Commissioners of Health-and-Welfare Indian Affairs shall provide a suitable building for use as a voting place for all elections. He shall equip it with voting booths, guardrails and other necessary equipment as required by this Title.

10. Compensation. After each election, the registration commissioner shall prepare an itemized bill stating the amount due him and the election clerks. He shall submit the bill to the Commissioner of Health-and-Welfare Indian Affairs, who shall pay it from funds appropriated by the State for support of the Indian tribes.'

Further amend said Bill by inserting after section 17, the following new sections:

'Sec. 17-A. R. S., T. 22, §4761, sub-§2, amended.
Subsection 2 of section 4761 of Title 22 of the Revised Statutes is amended to read as follows:

2. Adoption. By adoption into the tribe as determined by its tribal ~~committee~~ council, in accordance with sections 4762 and 4763;

Sec. 17-B. R. S., T. 22, §4762, amended. Section 4762 of Title 22 of the Revised Statutes is amended to read as follows:

(MORE)

§4762. Adoption of person into tribe

The tribal ~~committee~~ council at any regularly held meeting may, by 3/4 vote of its total membership, adopt into said tribe any person who is in whole or to the extent of at least 1/4 part Indian blood, and who is the husband, wife or child of a member of said tribe, and who has his or her residence for at least one year next preceding such adoption upon any reservation of said tribe. The decision of said ~~committee~~ council upon such residence and Indian descent and such adoption shall not be effective until the same has been ratified and approved in writing by the commissioner. The adoption of a child by any member of the tribe under ordinary legal process shall not of itself constitute such child a member of said tribe, but the power of adoption into the tribe shall in all cases rest with the tribal ~~committee~~ council, subject to approval by the commissioner.

Sec. 17-C. R. S., T. 22, §4767, amended. The first sentence of section 4763 of Title 22 of the Revised Statutes is amended to read as follows:

Whenever said tribal ~~committee~~ council shall vote to adopt any person into said tribe, a certificate of such vote of adoption shall be signed by the person presiding at the meeting, and said certificate shall be filed with the commissioner.

Sec. 17-D. R.S., T. 22, §4767, amended. The 2nd sentence of section 4767 of Title 22 of the Revised Statutes is amended to read as follows:

If at the end of 60 days said commissioner shall have refused or neglected to restore said person to membership, he shall have the right of appeal to the tribal ~~committee~~ council which shall thereupon forthwith hear the facts and enter such judgment as to restoration to membership as is just and right.

Sec. 17-E. R.S., T. 22, §4781, amended. The 2nd and 4th paragraphs of section 4781 of Title 22 of the Revised Statutes are amended to read as follows:

"Know all men by these presents, that I, , Commissioner of ~~Health-and-Welfare~~ Indian Affairs, have caused to be surveyed and set off to , a portion of the lands belonging to said tribe on the islands in Penobscot River,

(MORE)

as contemplated by Acts of the Legislature, bounded and described as follows, viz:

In witness whereof I have hereunto set my hand and seal as Commissioner of Health-and-Welfare Indian Affairs, this day of, nineteen hundred and"

Sec. 17-F. R.S., T. 22, §4790, amended. Section 4790 of Title 22 of the Revised Statutes is amended to read as follows:

§4790. Excise taxes

All excise taxes on motor vehicles owned by members of the Penobscot Tribe of Indians who live on the reservation shall be paid to the tribal clerk who shall hold and disburse the proceeds for the benefit of the tribe in accordance with the vote of the tribal committee council. The tribal clerk shall give a corporate surety bond for the faithful discharge of his duty to the tribal committee council in the sum and with such sureties as they approve

Sec. 17-G. R.S., T. 22, §4791, amended. Section 4791 of Title 22 of the Revised Statutes is amended to read as follows:

§4791. Census; annual meeting; notices; correction of lists; compensation of council

An accurate census of the Penobscot Tribe shall be taken early each January by the tribal committee council upon the best information which they can obtain, 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 of said tribe for their use. On the first Wednesday of January, annually, the said committee council shall hold a meeting with said tribe on Old Town Indian Island, 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.

Sec. 17-H. R.S., T. 22, §4792, amended. The first and 2nd sentences of section 4792 of Title 22 of the Revised Statutes are
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amended to read as follows:

Biennially on the even-numbered years, on the first 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.

Sec. 17-I. R.S., T. 22, §4831, amended. The first and 4th sentences of section 4831 of Title 22 of the Revised Statutes are amended to read as follows:

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 and lieutenant governor of each reservation of said tribe, a representative at the Legislature of this State and a tribal ~~committee~~ council to consist of 6 members of said tribe from each reservation, all of whom must be at least 21 years of age.

The governors shall preside over all meetings of the ~~committee~~ council and be a member ex officio.

Sec. 17-J. 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 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.

(MORE)

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.'

Further amend said Bill by inserting after section 23, 2 new sections, as follows:

Sec. 23-A. R.S., T. 29, §2124, amended. The 6th paragraph of section 2124 of Title 29 of the Revised Statutes, as amended by section 8 of chapter 248 of the public laws of 1965 and by section 2-A of chapter 68 of the public laws of 1967, is further amended to read as follows:

No person other than the holder of a valid inspection mechanic's certificate issued ~~annually~~ by the Chief of the State Police shall perform an inspection, issue or sign a certificate of inspection.

Sec. 23-B. Effective date. Section 23-A shall become effective 91 days after the adjournment of the Legislature. '

Further amend said Bill by inserting after section 24, a new section, as follows:

'Sec. 24-A. R.S., T. 30, §5105, sub-§2, amended. Subsection 2 of section 5105 of Title 30 of the Revised Statutes is amended to read as follows:

2. Hospital. Supporting Constructing, maintaining, operating and supporting a hospital serving its residents.'

Further amend said Bill by inserting after section 25, a new section, as follows:

'Sec. 25-A. R.S., T. 34, §2421, sub-§3, amended. Subsection 3 of section 2421 of Title 34 of the Revised Statutes is amended to read as follows:

3. Fees for transportation. In instances of indorsement on the certificate of the licensed physicians by a Justice of the Superior Court, a judge of probate, the District Court or by a complaint justice, under section 2332 or 2333, for the purpose of authorizing a health or police officer to transport a patient to a hospital, fees for such transportation shall be charged in the first instance to the department. Any fee so charged shall be first approved in writing by a Justice of the Superior Court, a judge of probate, the District Court or by a complaint justice.

Reimbursement shall be sought for such expenditures as in cases of expenses incurred in probate court commitment proceedings.'

Further amend said Bill by striking out all of sections 27, 28 and 29.

Further amend said Bill by adding at the end, a new section, as follows:

'Sec. 33. Application. From the effective date of chapter 336 of the public laws of 1967, which repeals and replaces the Revised Statutes, Title 14, sections 1254 and 1255 until July 31, 1968, the municipal officers and jury commissioners of the several counties shall comply with said chapter 336, except that they may prepare the jury pool at a time other than during June and July.'

Further amend said Bill by renumbering sections 30 to 33 to be section 27 to 30.

Reported by the Committee on JUDICIARY.

Reproduced and distributed pursuant to Senate Rule No. 11A.

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