

MAINE STATE LEGISLATURE

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ONE HUNDRED AND THIRD LEGISLATURE

Legislative Document

No. 1637

H. P. 1146

House of Representatives, May 4, 1967

Reported by Mr. Dennett, from Committee on Indian Affairs. Printed under Joint Rule No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-SEVEN

**AN ACT Relating to Clerks of Indian Tribes and Excise Taxes Paid by
Resident of the Various Indian Reservations.**

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 R. S., T. 22, § 4706, repealed and replaced. Section 4706 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof: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 residents of the various reservations shall be paid to the respective tribal clerk, who shall hold and disburse the proceeds 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 governor and 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, § 1484, sub-§ 2, ¶ C, additional. Subsection 2 of section 1484 of Title 36 of the Revised Statutes is amended by adding a new paragraph C, to read as follows:

C. The excise tax for house trailers owned by residents of the various Indian reservations shall be paid to the tribal clerks thereof.

Sec. 4. R. S., T. 36, § 1484, sub-§ 3, ¶ A, amended. Paragraph A of subsection 3 of section 1484 of Title 36 of the Revised Statutes is amended to read as follows:

A. If the motor vehicle is owned by an individual resident of this State, or a domestic corporation, the excise tax shall be paid in the place where the owner resides; the excise tax for motor vehicles owned by ~~members of the Penobscot Tribe of Indians living on the reservation~~ residents of the various Indian reservations shall be paid to the tribal ~~clerk~~ clerks thereof.

Sec. 5. R. S., T. 36, § 1487, sub-§ 3, repealed and replaced. Subsection 3 of section 1487 of Title 36 of the Revised Statutes is repealed and the following enacted in place thereof:

3. Tribal clerk. Excise taxes of residents of the various Indian reservations shall be paid to the tribal clerks thereof who shall hold and disburse the proceeds for the benefit of the respective tribes in accordance with Title 22, section 4706.