

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 526

H. P. 415

House of Representatives, January 30, 1969

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Rideout of Manchester.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Biennial Elections of Penobscot Indians.

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

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

§ 4792. Biennial elections

Biennially, on the even-numbered years, on the 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 ~~members of a tribal council to consist of 12 members of said tribe~~, each of whom must be at least 21 years of age. **At the election of September 8, 1970, 12 members of said tribe shall be elected to said tribal council. The 6 members receiving the highest number of votes in the 1970 election shall hold office for 4 years and the remaining 6 members shall hold office for 2 years, commencing on October 1, 1970, unless removed as provided, or resigned. In each subsequent election thereafter, 6 members of said tribe shall be elected to said tribal council for the expired terms and shall hold office for 4 years, commencing on the first day of October in the even-numbered years, or until their successors are elected.**

The governor shall preside over all meetings of the 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 powers and for all other purposes, notwithstanding the existence of any vacancies. **Tribal council members who are not in attendance at 3 successive tribal council**

meetings, or at 5 tribal council meetings during a 12-month period, shall be removed from said council by the governor, with the advice and consent of the council. Each council member must be given at least 24 hours advance notice of said meetings by the governor. The governor may excuse tribal council members from attendance at tribal council meetings in advance of such meetings for health or other personal reasons. Such excused absences shall not be counted as absences. Vacancies on the tribal council occurring as the result of removal shall be filled as provided below.

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~~ **The governor, lieutenant governor and representative at the Legislature** 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. **Vacancies so filled shall be for the unexpired terms. Tribal members who have been convicted of a felony shall not be permitted to hold any tribal office, either elective or appointive.**

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 amendment would improve Penobscot Tribal government by staggering the terms of tribal council members and specifying additional requirements for tribal council membersihp.