

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 1775**

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H. P. 1359

House of Representatives, May 24, 1971

Reported by a Majority of the Committee on Health and Institutional Services and printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT Permitting Indian Homes to be Licensed as Foster Homes.**

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

**Sec. 1. R. S., T. 22, § 3797, sub-§ 1-A, additional.** Section 3797 of Title 22 of the Revised Statutes, as amended, is further amended by adding a new subsection 1-A, to read as follows:

**1-A. Indian reservations.** Subsection 1 shall not apply to homes or day care facilities located upon Indian reservations. The department shall license such facilities upon the recommendation of the tribal council of the reservations on which they are located.

**Sec. 2. R. S., T. 22, § 3797, sub-§ 3, additional.** Section 3797 of Title 22 of the Revised Statutes, as amended, is further amended by adding a new subsection 3, to read as follows:

**3. Indian children.** No child listed upon the tribal census of the Passamaquoddy or Penobscot Tribes of Indians and resident upon the reservation of either such tribe who is placed in foster care by the Department of Health and Welfare shall be placed in any boarding home or foster home not located upon the reservation upon which he resides without the written consent of the tribal council of said reservation. No licensed reservation foster home shall accept any non-Indian foster child except with the specific written request of the Indian licensee.

“Written consent” as used in this subsection shall consist of a majority vote of the tribal council of the reservation on which the child resides, and shall be evidenced by a sworn statement by the tribal clerk of said reservation

stating the date of the tribal council meeting, the name of the child and the tally of the council vote. Said sworn statement shall be accompanied by a copy of the minutes of the tribal council meeting at which the vote was taken.

Maine Indian children residing off reservation when coming into foster care including those who hold Maliseet or Micmac band numbers or whose parents or grandparents hold or held such band numbers may be placed in licensed reservation foster homes at the request of the child or his natural parent or parents and with the consent of the foster home licensee.