

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 288

H. P. 215

House of Representatives, January 18, 1973

Referred to the Committee on Human Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Mills of Eastport.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT Relating to Census and Membership in the Passamaquoddy Tribe  
of Indians.**

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

**R. S., T. 22, § 4832, repealed and replaced.** Section 4832 of Title 22 of the Revised Statutes, as amended by section 17-J of chapter 494 of the public laws of 1967, is repealed and the following enacted in place thereof:

**§ 4832. Census and membership**

1. **Census.** An accurate census of the Passamaquoddy Tribe shall be taken early each January by the tribal council of each reservation 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 copies thereof to the governors and councils of each reservation of said tribe for their use. On the first Wednesday of January, annually, the council of each reservation shall hold a meeting 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 council. At said meeting 5 of said tribal council shall constitute a quorum thereof. If this subsection is not complied with, the commissioner may take any action he deems necessary.

2. **Membership.** Membership in the Passamaquoddy Tribe of Indians may, after January 1, 1974, be acquired only as follows:

A. Birth. By birth;

B. Adoption. By adoption into the tribe as determined by its tribal council, in accordance with subsections 3 and 4 of this section.

3. Adoption. The tribal council of each reservation at any regularly held meeting may adopt any person into the Passamaquoddy tribe, provided that person is an Indian as defined by section 4701 and is otherwise qualified, as determined by said tribal council. The decision of said council upon such adoption shall not be effective until the same has been ratified and approved in writing by the commissioner.

4. —certificate. Whenever said tribal council shall vote to adopt a 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. If ratified and approved by the commissioner, said adopted person shall thereafter be deemed and accepted to be a member of said tribe for all intents and purposes, and shall be enrolled as such upon the list of its members. No person adopted into the tribe shall be eligible to hold the office of governor, lieutenant governor or representative of said tribe. Every person adopted as provided in subsection 3 shall within one month after such adoption, or if a minor, within one month after becoming 18 years of age, make oath before the commissioner that he will demean himself as a discreet, industrious and good member of said tribe, and will faithfully fulfill the duties incumbent upon him as such member.

#### STATEMENT OF FACT

At the present time there is no set statement of who can or cannot be a member of the Passamaquoddy tribe, nor is there any law on adoption. As a result, several cases now exist where persons are on both, Passamaquoddy and Penobscot census lists. There have been instances where individuals have attempted to vote in elections of both tribes because of their dual memberships. The above legislation is proposed to correct this problem.