

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 812

H.P. 614

House of Representatives, February 12, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Binnette of Old Town.

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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 Adoption of Persons into the  
Penobscot Tribe of Indians.

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

R. S., T. 22, §§ 4762 - 4764, repealed and replaced. Sections 4762 to 4764 of Title 22 of the Revised Statutes, as amended, are repealed and the following enacted in place thereof:

§ 4762. Adoption of person into tribe; rights conferred upon adopted members; exclusion from certain offices

1. Adoption. The tribal council at any regularly held meeting may, by  $\frac{3}{4}$  vote of its total membership, adopt into said tribe any person who is of at least  $\frac{1}{4}$  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. An adoption by any member of the tribe under ordinary legal process shall not of itself confer tribal membership upon such adopted person. The power of adoption into the tribe shall rest exclusively with the tribal council. The decision of said council shall be conclusive and upon an affirmative decision by the tribal council, the adoption shall be effective immediately.

2. Rights. Every person adopted into the tribe pursuant to subsection 1 shall be deemed and accepted to be a member of said tribe for all intents and purposes, except as set forth in subsection 3, and shall be entitled to have their name enrolled upon the tribal census as a member of said tribe.

3. Ineligibility to office. No person adopted into the tribe shall be eligible to hold the office of governor, lieutenant governor or representative of said tribe.

§ 4763. Filing certificate of adoption

Whenever said tribal 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 forthwith be forwarded to the Commissioner of Indian Affairs, who shall forthwith record such adopted person's name upon the official census or tribal membership roll.

§ 4764. Oath of adopted persons

Every person adopted as provided in section 4762 shall, within one month after such adoption, or if a minor at the time of adoption, within one month after reaching the age of 18 years, make oath before the governor of the tribe that they will demean themselves as discreet, industrious and good members of said tribe, will abide by the laws of the State of Maine and ordinances of the tribe relating to tribal membership and will faithfully fulfill the duties incumbent upon them as such members.

STATEMENT OF FACT

The purpose of this bill is to revise the laws regulating the adoption of persons into the Penobscot Tribe of Indians.