

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

ONE HUNDRED AND SIXTH LEGISLATURE

---

---

Legislative Document

No. 972

H. P. 827

House of Representatives, February 21, 1973

Reported by Mrs. Murchison from Committee on Marine Resources. Printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

---

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

---

**AN ACT Relating to Biennial Elections of the Passamaquoddy Tribes.**

---

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

R. S., T. 22, § 4831, repealed and replaced. Section 4831 of Title 22 of the Revised Statutes, as repealed and replaced by section 63 of chapter 544 of the public laws of 1967, and as amended, is repealed and the following enacted in place thereof:

§ 4831. Biennial elections

Biennially on the even-numbered years, on the Tuesday following Labor Day in September, the Passamaquoddy Tribe of Indians shall hold their election for the choice of governor and lieutenant governor of each reservation of said tribe, a representative at the Legislature of this State and a tribal council to consist of 6 members of said tribe from each reservation, all of whom must be at least 18 years of age. The representative at the Legislature of this State shall be chosen alternately between the 2 reservations. Only certified Indian members of the tribe who are 18 years of age or older shall be eligible to vote. All persons 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 respective tribal governor with the advice and consent of the respective tribal council.

The governors 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. Four members of such council from each reservation shall constitute

a quorum thereof for the purpose of conducting the affairs of the tribe on each reservation and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. At joint meetings of the tribal councils from both reservations, a total of 7 council members shall constitute a quorum, with at least 3 members being present from one reservation.

The tribal governor of each reservation shall call a general meeting of all tribal members residing on the reservation for the purpose of affirming or rejecting legislative proposals prepared by the representative of the tribe for submission to the Legislature. The time and place of such meeting shall be posted 7 or more days prior to the meeting day at the office of the tribal governor and at one other conspicuous place on the reservation. All legislative proposals receiving an affirmative vote of a majority of those present and voting at such general meeting shall be given to the tribal representative to the State Legislature for submission to the Legislature.

On the first Tuesday of August biennially on the even-numbered years, the Passamaquoddy Tribe of 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. The commissioner shall give notice of the time and place, 7 days before the day of election, by posting notices thereof in some conspicuous place on the reservations at Pleasant Point and Indian Township. Said commissioner or his authorized representative shall receive, sort and count the votes given in said election, in the presence of members of the tribe, and those elected shall be given certificates therefor, except that no certificate of election shall be issued less than 10 days after the election.

On the written application of a candidate in said election within 7 days after election day, the commissioner shall permit him or his counsel to recount the ballots under proper protective regulations. Upon the receipt of the application, the commissioner shall send written notice of the recount to the candidates for the office in question, stating the time and place of the recount. The commissioner or his authorized representative shall preside at the recount and shall segregate any disputed ballots. Ballots may be disputed for any or all of the following reasons:

- A. If more names are marked for an office than there are vacancies to be filled;
- B. If there are any distinguishing marks on the ballot;
- C. If the ballot is marked in such a way as to make the voter's choice impossible to determine.

In no case, however, shall a ballot be disputed solely because of the type of mark used to indicate the voter's choice, and all votes shall be counted where the voter's intention can be clearly seen and no other reason for challenging the ballot but its type of marking, exists. If any mistake was made in counting the ballots on election day, the commissioner shall correct his tabulation. If the corrected tabulation changes the result declared on election

day, the commissioner shall declare the winner as determined by the recount. The commissioner shall issue his certificate of election to the winner of a recount unless within 4 days of the said recount, the loser appeals its results in writing to the Governor and Council of the State of Maine, addressed to the Secretary of State. In all cases the determination of the winner by the Governor and Council shall be final.