

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)

FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2355

H. P. 1861

House of Representatives, January 15, 1974

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Mills of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT Revising Certain Laws Relating to Indians.

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

Sec. 1. R. S., T. 22, § 4716, sub-§ 1, amended. Subsection 1 of section 4716 of Title 22 of the Revised Statutes, as amended by section 77-B of chapter 622 of the public laws of 1971, is further amended to read as follows:

1. **Appointment.** The tribal governor, with the full advice and consent of the tribal council, is authorized to appoint one or ~~more~~ 2 Indians, age 18 or over, in each of the Indian ~~tribes~~ reservations in this State, as ~~special constables~~ **Indian police officers** with like powers and duties of constables and police officers within towns and cities, in the enforcement of the laws of the State, within the limits of the reservation of his ~~tribe~~ **appointment**, with authority to take any offender before any court of competent jurisdiction within his county. Such ~~constables~~ **Indian police officers** shall act as school attendance officers for their respective ~~tribes~~ **reservations**. They shall receive such compensation as may be determined by the department.

Sec. 2. R. S., T. 22, § 4716, sub-§ 2, amended. Subsection 2 of section 4716 of Title 22 of the Revised Statutes is amended to read as follows:

2. **Term of office.** Said ~~constables~~ **Indian police officers** shall be appointed for a term of 2 years from the date of their appointments or until their successors have been duly appointed and qualified. Any ~~constable~~ **Indian police officer** may be removed by the tribal governor and ~~upon recommendation of the department~~ **full council of each reservation of the Passamaquoddy Tribe.**

Sec. 3. R. S., T. 22, § 4721, additional. Title 22 of the Revised Statutes is amended by adding a new section 4721, to read as follows:

§ 4721. Baptismal records in lieu of birth certificates

Any Indian whose birth is not recorded pursuant to Title 22 relating to the registration of live births may, in lieu of such birth certificate, present an official copy of the baptismal record from the files of the mission where such Indian was baptized, and such baptismal record shall have the same evidentiary character as an unamended and undelayed birth certificate under section 2707.

Sec. 4. R. S., T. 22, § 4831, amended. The 2nd sentence of the first paragraph of section 4831 of Title 22 of the Revised Statutes, as last repealed and replaced by chapter 104 of the public laws of 1973, is repealed.

Sec. 5. R. S., T. 22, § 4831, amended. The first paragraph of section 4831 of Title 22 of the Revised Statutes, as last repealed and replaced by chapter 104 of the public laws of 1973, is amended by adding at the end the following new sentence:

Only Passamaquoddies residing at either reservation shall be eligible to vote at tribal elections.

Sec. 6. R. S., T. 22, § 4831, amended. The first 2 sentences of the 2nd paragraph of section 4831 of Title 22 of the Revised Statutes, as last repealed and replaced by chapter 104 of the public laws of 1973, are amended to read as follows:

The governors with the tribal representative 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~~ The lieutenant governor shall be a member of the council with full voting privileges.

STATEMENT OF FACT

The purpose of this bill is to:

Sections 1 and 2. To change the name of tribal law enforcement officials from "constables" to "Indian police officers," and further to clarify their relationship to the various tribal governments.

Section 3. This would make it easier when applying for a driver's test and for social security purposes. The law now requires proof of age for those under 25 years of age applying for drivers' licenses and other types of certificates are not acceptable. This would also help those who were born at their homes without a doctor.

Sections 4 and 5. To eliminate the statutory restriction which prevents the Passamaquoddy Indians from returning an experienced representative to successive Legislatures. It further attempts to clarify the role of the tribal representative and the tribal members who shall be eligible to vote in his election.

Section 6. To provide tribal lieutenant governors of the Passamaquoddy Tribe with voting privileges.