

# MAINE STATE LEGISLATURE

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(New Title)  
New draft of H. P. 1861, L. D. 2355  
FIRST SPECIAL SESSION

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 2559

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H. P. 2017 House of Representatives, March 6, 1974  
Reported by Mr. Albert from the Committee on Human Resources and  
printed under Joint Rules No. 18.

E. LOUISE LINCOLN, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FOUR

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AN ACT Revising Certain Laws Relating to Passamaquoddy Indians.

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

Sec. 1. 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 this Title 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. 2. R. S., T. 22, § 4831, repealed and replaced. Section 4831 of Title 22 of the Revised Statutes, as last repealed and replaced by chapter 104 of the public laws of 1973, is repealed and the following enacted in place thereof:

§ 4831. Passamaquoddy tribal 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 to 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 to 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.

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 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.

Sec. 3. R. S., T. 22, § 4831-A, additional. Title 22 of the Revised Statutes is amended by adding a new section 4831-A to read as follows:

**§ 4831-A. Passamaquoddy tribal government**

The governors, lieutenant governors, representative to the Legislature and councillors of the Passamaquoddy Tribe of Indians 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. Vacancies in the offices of governor, lieutenant governor and representative shall be filled by a special election called by the commissioner. Whenever the office of governor shall become vacant, the lieutenant governor shall act as governor until the office is filled by election. Vacancies in the tribal council shall be filled through appointment by the respective tribal governor with the advice and consent of the respective tribal council at a meeting called for that purpose.

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 but shall be allowed to vote in council on all occasions when he is not the presiding officer.

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.

The governor, lieutenant governor and council members of each reservation of said tribe may be removed from office by the voters of their respective reservations qualified to vote in tribal elections. The procedure for removal shall be as follows:

Upon receipt of a petition signed by 50 persons qualified to vote at the reservation concerned, seeking removal of the governor, lieutenant governor or a council member of that reservation, the commissioner shall call a special election to vote on removal of the official in question. Only persons qualified to vote in tribal elections at Pleasant Point Reservation shall be eligible to vote in a removal election of an official of that reservation and only persons qualified to vote in tribal elections at Indian Township Passamaquoddy Reservation shall be eligible to vote in a removal election of an official of that reservation and said removal election shall be held in the same manner as general tribal elections. Removal shall be accomplished by a majority vote of those voting. Before any such removal election is held, the commissioner

shall call a general meeting on the reservation from which he received the removal petition and at such meeting the official whose removal is sought shall have an opportunity to hear the charges against him and present evidence on his own behalf. Any petition seeking removal of an official shall set forth the reasons for seeking removal of such official and the official in question shall be advised of such reason prior to the meeting called by the commissioner.