

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 331

H. P. 279

House of Representatives, January 23, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Mills of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Clarify the Laws of the Passamaquoddy Tribe of Indians.

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

Sec. 1. 12 MRSA, § 2401-B, sub-§ 7, first sentence, as last repealed and replaced by PL 1973, c. 92, is amended to read:

The commissioner (Inland Fisheries and Game) shall issue a hunting, trapping and fishing license to any Indian over the age of 10 years of the Passamaquoddy, Penobscot, Maliseet or Micmac Tribes without any charge or fee, providing the Indian presents a certificate from the ~~Commissioner of Indian Affairs~~ **respective reservation governor** stating that the person described is an Indian and a member of that tribe.

Sec. 2. 20 MRSA, § 2210, first ¶, 2nd sentence, as amended by PL 1971, c. 610, § 22, is further amended to read:

The composition of the Indian Scholarship Committee shall be as follows:

The Supervisor of Indian Education of the Educational and Cultural Services; 2 ~~representatives~~ **members** of the Passamaquoddy Tribe, chosen by joint session of the tribal councils of Indian Township and Pleasant Point; 2 representatives of the Penobscot Tribe, chosen by the tribal council of the Penobscot Tribe; 2 representatives of the Association of Aroostook Indians, Inc., chosen by the board of directors of the Association of Aroostook Indians, Inc.; and a representative of the Chancellor of the University of Maine.

Sec. 3. 22 MRSA, § 4831, as last repealed and replaced by PL 1973, c. 740, § 2, is amended by adding a new sentence after the first sentence to read:

Beginning with the election in 1976, the members of the tribal council shall be appointed for terms of 4 years each, except that of those first elected, 3 shall serve for a term of 2 years.

Sec. 4. 22 MRSA, § 4831-A, 2nd sentence, as enacted by PL 1973, c. 740, § 3, is amended to read:

Vacancies in the offices of governor, lieutenant governor and representative shall be filled by a special election called by the ~~commissioner~~ **respective tribal governor.**

Sec. 4. 22 MRSA, § 4831-A, 2nd ¶, first sentence, as enacted by PL 1973, c. 740, § 3, is amended to read:

The governors shall preside over all meetings of the council and ~~be a member ex-officio~~ **shall be entitled to vote as a member only in case of a tie vote.**

Sec. 5. 22 MRSA, § 4831-A, 3rd ¶, last sentence, as enacted by PL 1973, c. 740, § 3, is amended to read:

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 **and 4 members from the other.**

Sec. 6. 22 MRSA, § 4832, sub-§ 3, as repealed and replaced by PL 1973, c. 62, is repealed and the following enacted in place thereof:

3. Birth; adoption. Membership in the Passamaquoddy Tribe of Indians at Pleasant Point may, after January 1, 1974, be acquired only by birth.

Sec. 7. 22 MRSA, § 4832, sub-§§ 4 and 5, as repealed and replaced by PL 1973, c. 62, are repealed.

STATEMENT OF FACT

The intent of this Act is to clarify the laws relating to the Passamaquoddy Tribe as authorized by their tribal council.