

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 462

H. P. 373

House of Representatives, February 16, 1977

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

EDWIN H. PERT, Clerk

Presented by Mr. Pearson of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT Permitting the Removal of Certain Nonmembers from the Tribal
Reservation of the Penobscot Indians.**

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

Sec. 1. 22 MRSA § 4770, 1st sentence, is amended to read:

Any person residing or commorant upon the tribal reservation of the Penobscot Tribe of Indians, not being a member nor the husband, wife or ~~legally adopted child~~ of a member of said tribe, may be required to remove therefrom by a written notice given to him in hand under the signature of the governor or, in his absence, the lieutenant governor, and the commissioner.

Sec. 2. 22 MRSA § 4770, 5th sentence, is amended to read:

If the respondent fails to obey said order, or if within one year after the service of said notice he shall again become resident or commorant upon any reservation of said tribe without the consent of said commissioner and said governor or lieutenant governor, said judge may cause such person to be apprehended and brought before said court and may punish him by fine of not more than ~~\$20~~ \$100 or by imprisonment for not more than 30 days, or by both.

STATEMENT OF FACT

Enactment of this bill would give the Penobscot Indian Tribe the power to remove from the reservation certain nonmembers even when those nonmembers are the adoptive children of tribal members. Title 22, section 4762, pro-

vides for adoption of nonmembers into the tribe and repeal of the prohibition against removal of adoptive children allows the tribe to have greater control over tribal membership.

The bill also increases from \$20 to \$100 the fine which may be imposed for failure to comply with an order of removal. The \$20 fine had little or no effect on deterring nonmembers from ignoring removal notices.