

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 271

7 H.P. 223

House of Representatives, January 25, 1983

8 Received by the Clerk of the House on January 25, 1983. Referred to the
9 Committee on Judiciary, and ordered printed pursuant to Joint Rule 14.

10 EDWIN H. PERT, Clerk

Presented by Representative Cashman of Old Town.

Cosponsor: Senator Pearson of Penobscot.

11 STATE OF MAINE
12
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14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to Certifying Indian
18 Representatives.
19

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

22 Sec. 1. 3 MRSA §1, as amended by PL 1975, c.
23 771, §9, is further amended by adding at the end a
24 new paragraph to read:

25 The Tribal Clerk of the Penobscot Indian Nation
26 shall, on or before the day preceding the meeting of
27 the Legislature, furnish to the Clerk of the pre-
28 ceding House of Representatives a certification,
29 under the seal of the Nation, of the name and resi-
30 dence of the Representative-elect of the Penobscot
31 Indian Nation to the Legislature. The Tribal Clerk
32 of the Passamaquoddy Tribe of the reservation from
33 which the Representative-elect of that tribe has been
34 chosen shall, on or before the day preceding the

1 meeting of the Legislature, furnish the Clerk of the
2 preceding House of Representatives a certification of
3 the name and residence of the Representative-elect of
4 the Passamaquoddy Tribe to the Legislature.

5 Sec. 2. 30 MRSA §6206, sub-§1, as enacted by PL
6 1979, c. 732, §§1 and 31, is amended to read:

7 1. General powers. Except as otherwise provided
8 in this Act, the Passamaquoddy Tribe and the
9 Penobscot Nation, within their respective Indian ter-
10 ritories, shall have, exercise and enjoy all the
11 rights, privileges, powers and immunities, including,
12 but without limitation, the power to enact ordinances
13 and collect taxes, and shall be subject to all the
14 duties, obligations, liabilities and limitations of a
15 municipality of and subject to the laws of the State,
16 provided ~~however~~ that internal tribal matters,
17 including membership in the respective tribe or
18 nation, the right to reside within the respective
19 Indian territories, tribal organization, tribal gov-
20 ernment, tribal elections and the use or disposition
21 of settlement fund income shall not be subject to
22 regulation by the State. The Passamaquoddy Tribe and
23 the Penobscot Nation shall designate such officers
24 and officials as are necessary to implement and ad-
25 minister those laws of the State applicable to the
26 respective Indian territories and the residents
27 thereof, and shall each choose a nonvoting Repre-
28 sentative to the Legislature, elected in accordance
29 with their respective tribal laws. Any resident of
30 the Passamaquoddy Indian territory or the Penobscot
31 Indian territory who is not a member of the respec-
32 tive tribe or nation nonetheless shall be equally
33 entitled to receive any municipal or governmental
34 services provided by the respective tribe or nation
35 or by the State, except those services which are pro-
36 vided exclusively to members of the respective tribe
37 or nation pursuant to state or federal law, and shall
38 be entitled to vote in national, state and county
39 elections in the same manner as any tribal member
40 residing within Indian territory.

41 STATEMENT OF FACT

42 Section 1 adds a paragraph to the present law to
43 provide official notification to the Clerk of the

1 House of Representatives of the election of the
2 Indian Representatives to the Legislature. This was
3 formerly done by the Commissioner of Indian Affairs,
4 a position that no longer exists.

5 Section 2 reestablishes the manner of electing
6 Indian Representatives to the Legislature, which was
7 inadvertently repealed by the Maine Implementing Act.

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