

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1996

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Legislative Document

No. 1667

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H.P. 1217

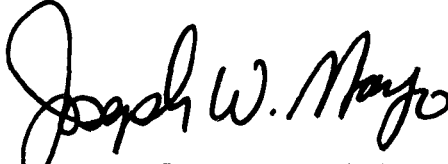
House of Representatives, January 9, 1996

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**An Act to Improve Tribal and State Relations by Strengthening the  
Maine Indian Tribal-State Commission.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative JACQUES of Waterville.  
Cosponsored by Representatives: BENEDIKT of Brunswick, BISULCA of the Penobscot  
Nation, CHICK of Lebanon, DESMOND of Mapleton, HICHBORN of Lagrange, KEANE of  
Old Town, MERES of Norridgewock, MOORE of the Passamaquoddy Tribe, SIROIS of  
Caribou, WINSOR of Norway, Senators: CASSIDY of Washington, FAIRCLOTH of  
Penobscot, RUHLIN of Penobscot.

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

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**Sec. 1. 30 MRSA §6212, sub-§§1 to 3,** as amended by PL 1993, c. 600, Pt. A, §24 and affected by §25, are further amended to read:

**1. Commission created.** The Maine Indian Tribal-State Commission is established. The commission consists of 9 13 members, 4 to be appointed by the Governor, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, 2 to be appointed by the Passamaquoddy Tribe, 2 to be appointed by the Penobscot Nation, the 2 Tribal Representatives to the Legislature, a member of the state House of Representatives to be appointed by the Speaker of the House, a member of the Senate to be appointed by the President of the Senate and a chair, to be selected in accordance with subsection 2. The members of the commission, other than the Tribal Representatives to the Legislature, the 2 State Legislators and the chair, each serve for a term of 3 years and may be reappointed. The Tribal Representatives to the Legislature and the 2 Legislators serve concurrently with their legislative terms. In the event of the death, resignation or disability of a member, the appointing authority may fill the vacancy for the unexpired term.

**2. Chair.** The commission, by a majority vote of its 8 12 other members, shall select an individual who is a resident of the State to act as chair. When 8 12 members of the commission by majority vote are unable to select a chair within 120 days of the first meeting of the commission, the Governor, after consulting with the governors of the Penobscot Nation and the Passamaquoddy Tribe, shall appoint an interim chair for a period of one year or for the period until the commission selects a chair in accordance with this section, whichever is shorter. In the event of the death, resignation or disability of the chair, the commission may select, by a majority vote of its 8 12 remaining members, a new chair. When the commission is unable to select a chair within 120 days of the death, resignation or disability, the Governor, after consulting with the governors of the Penobscot Nation and the Passamaquoddy Tribe, shall appoint an interim chair for a period of one year or for the period until the commission selects a chair in accordance with this section, whichever is shorter. The chair is a full-voting member of the commission and, except when appointed for an interim term, shall serve for 4 years.

**3. Responsibilities.** In addition to the responsibilities set forth in this Act, the commission shall continually review the effectiveness of this Act and the social, economic and legal

2 relationship between the Passamaquoddy Tribe and the Penobscot  
Nation and the State and shall make such reports and  
4 recommendations to the Legislature, the Passamaquoddy Tribe and  
the Penobscot Nation as it determines appropriate.

6 Seven members constitute a quorum of the commission and a  
decision or action of the commission is not valid unless 5 7  
8 members vote in favor of the action or decision.

10 **Sec. 2. Appropriation.** The following funds are appropriated  
from the General Fund to carry out the purposes of this Act.

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**1996-97**

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16 **MAINE INDIAN TRIBAL-STATE  
COMMISSION**

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**Maine Indian Tribal-State  
Commission**

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All Other \$7,500

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24 Provides funds to enable the commission to  
fulfill its responsibilities under a solemn  
26 treaty, the Maine Indian Claims Settlement  
Act of 1980. The commission is requesting  
28 the Passamaquoddy Tribe and the Penobscot  
Nation to match this amount, in keeping with  
a long-standing agreement to support the  
30 financing of the commission on a 50/50  
tribal-state basis.

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34 **MAINE INDIAN TRIBAL-STATE COMMISSION  
TOTAL**

\$7,500

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38 **Sec. 3. Effective date; certification.** Section 1 of this Act does  
not take effect unless, within 60 days of the adjournment of the  
Legislature, the Secretary of State receives written  
40 certification by the Governor and the Council of the Penobscot  
Nation and the Joint Tribal Council of the Passamaquoddy Tribe  
42 that the nation and the tribe have agreed to the provisions of  
this Act pursuant to 25 United States Code, Section 1725(e),  
copies of which must be submitted by the Secretary of State to  
44 the Secretary of the Senate, Clerk of the House of  
Representatives and the Revisor of Statutes; except that in no  
46 event may this Act become effective until 90 days after the  
adjournment of the Legislature.

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## STATEMENT OF FACT

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4       The purpose of this bill is to improve tribal and state  
relations by strengthening the Maine Indian Tribal-State  
Commission. It does so in 2 ways: by adding to the commission's  
6 membership and by providing a modest increase in the budget.