

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1928

H.P. 1431

House of Representatives, December 20, 2001

**An Act to Authorize the Trial of Child Custody Cases Involving the
Houlton Band of Maliseet Indians in the Penobscot Nation Tribal Court.**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2001. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LORING of the Penobscot Nation.
Cosponsored by Senator EDMONDS of Cumberland and
Representatives: BRUNO of Raymond, COTE of Lewiston, DORR of Camden, HALL of
Bristol, SCHNEIDER of Durham, SNOWE-MELLO of Poland, SOCTOMAH of the
Passamaquoddy Tribe, TWOMEY of Biddeford.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
 become effective until 90 days after adjournment unless enacted
 as emergencies; and

4
 6 **Whereas,** this Act must take effect before the expiration of
 the 90-day period in order to protect the welfare of Maliseet
 children; and

8
 10 **Whereas,** in the judgment of the Legislature, these facts
 create an emergency within the meaning of the Constitution of
 Maine and require the following legislation as immediately
 necessary for the preservation of the public peace, health and
 safety; now, therefore,

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

16 **Sec. 1. 30 MRSA §6209-B, sub-§1, ¶D,** as enacted by PL 1995, c.
 18 388, §6 and affected by §8, is amended to read:

20 D. Indian child custody proceedings, including proceedings
 22 that involve a member of the Houlton Band of Maliseet
Indians until such time as the Houlton Band of Maliseet
 24 Indians has its own tribal court, to the extent authorized
 by applicable federal law; and

26 **Sec. 2. Effective date; certification.** This Act does not take
 effect unless the Secretary of State receives written
 28 certification by the Tribal Chief and the Council of the
 Penobscot Nation that the nation has agreed to the provisions of
 30 this Act pursuant to 25 United States Code, Section 1725(e), and
 written certification by the Tribal Chief and Council of the
 32 Houlton Band of Maliseet Indians that the band has agreed to the
 provisions of this Act. Copies of both certifications must be
 34 submitted by the Secretary of State to the Secretary of the
 Senate, the Clerk of the House of Representatives and the Revisor
 36 of Statutes.

38 **Emergency clause.** In view of the emergency cited in the
 preamble, this Act takes effect when approved, except as
 40 otherwise indicated.

42
 44 **SUMMARY**

46 This bill grants exclusive jurisdiction to the Penobscot
 Nation Tribal Court over Indian child custody proceedings that
 involve a member of the Houlton Band of Maliseet Indians until
 48 such time as the Houlton Band of Maliseet Indians has its own
 tribal court.