

# 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)

M  
R.O.S.

STATE LAW LIBRARY  
AUGUSTA, MAINE

L.D. 415

DATE: 5.9.05

(Filing No. S-138)

JUDICIARY

Reported by:

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE  
SENATE  
122ND LEGISLATURE  
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 139, L.D. 415, Bill, "An Act To Ensure Compliance with the Federal Indian Child Welfare Act"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978 should be established to examine the extent to which the State complies with the federal Indian Child Welfare Act of 1978 and to identify ways in which to improve compliance; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

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, be it

COMMITTEE AMENDMENT

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 139, L.D. 415 .

2           **Sec. 1. Committee established. Resolved:** That the Committee To  
Study State Compliance with the Federal Indian Child Welfare Act  
4 of 1978, referred to in this resolve as "the committee," is  
established; and be it further

6           **Sec. 2. Committee membership. Resolved:** That the committee  
consists of the following members:

8           1. Two members of the Senate, appointed by the President of  
10 the Senate;

12           2. Three members of the House of Representatives, appointed  
by the Speaker of the House;

14           3. The Governor of the Passamaquoddy Tribe, or a designee;

16           4. The Governor of the Penobscot Nation, or a designee;

18           5. The Tribal Chief of the Houlton Band of Maliseet  
20 Indians, or a designee;

22           6. The Tribal Chief of the Aroostook Band of Micmacs, or a  
designee;

24           7. The Commissioner of Health and Human Services, or the  
26 commissioner's designee; and

28           8. The Attorney General, or the Attorney General's designee.

30 The Chief Justice of the Supreme Judicial Court is requested to  
designate a representative of the judicial branch to serve as a  
32 voting member of the committee; and be it further

34           **Sec. 3. Chairs. Resolved:** That the first-named Senate member  
is the Senate chair of the committee and the first-named House of  
36 Representatives member is the House chair of the committee; and  
be it further

38           **Sec. 4. Appointments; convening of committee. Resolved:** That  
40 all appointments must be made no later than 30 days following the  
effective date of this resolve. The appointing authorities shall  
42 notify the Executive Director of the Legislative Council once all  
appointments have been completed. Within 15 days after  
44 appointment of all members, the chairs shall call and convene the  
first meeting of the committee, which must be no later than July  
46 1, 2005; and be it further

48           **Sec. 5. Duties. Resolved:** That the committee shall study state  
compliance with the federal Indian Child Welfare Act of

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 139, L.D. 415

1978. The committee may hold up to 2 public hearings to collect public testimony; and be it further

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the committee; and be it further

**Sec. 7. Compensation. Resolved:** That the legislative members of the committee are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the committee; and be it further

**Sec. 8. Report. Resolved:** That, no later than December 1, 2005, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Judiciary and the Legislative Council. The committee is authorized to introduce legislation related to its report to the Second Regular Session of the 122nd Legislature at the time of submission of its report; and be it further

**Sec. 9. Extension. Resolved:** That, if the committee requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

**Sec. 10. Committee budget. Resolved:** That the chairs of the committee, with assistance from the committee staff, shall administer the committee's budget. Within 10 days after its first meeting, the committee shall present a work plan and proposed budget to the Legislative Council for its approval. The committee may not incur expenses that would result in the committee's exceeding its approved budget. Upon request from the committee, the Executive Director of the Legislative Council shall promptly provide the committee chairs and staff with a status report on the committee budget, expenditures incurred and paid and available funds.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.'

H. OF S.

**SUMMARY**

2  
4  
6  
8  
10  
12  
14  
16  
18  
20

This amendment replaces the bill with a resolve to create the Committee To Study State Compliance with the Federal Indian Child Welfare Act of 1978. The committee consists of 12 members, including Legislators, representatives of the 4 tribes and bands recognized in this State, the Attorney General or the Attorney General's designee and the Commissioner of Health and Human Services or the commissioner's designee. The Chief Justice of the Supreme Judicial Court is asked to appoint a representative of the judicial branch who will serve as a voting member of the committee. The committee will study compliance by the State with the federal Indian Child Welfare Act of 1978 and report to the Joint Standing Committee on Judiciary by December 1, 2005. The committee may introduce legislation in the Second Regular Session of the 122nd Legislature.

**FISCAL NOTE REQUIRED**  
**(See attached)**



Approved: 04/07/05 *MAC*

# 122nd MAINE LEGISLATURE

LD 415

LR 0069(02)

An Act To Ensure Compliance with the Federal Indian Child Welfare Act

Fiscal Note for Bill as Amended by Committee Amendment **A**

Committee: Judiciary

Fiscal Note Required: Yes

---

## Fiscal Note

Current Costs - Legislative Study

### Legislative Study

The projected costs to fund the general operating expenses of the Committee to Study State Compliance with the Indian Child Welfare Act are \$6,580 in fiscal year 2005-06. The Legislature's proposed Part I budget includes \$30,000 in fiscal year 2005-06 and \$20,000 in fiscal year 2006-07 for legislative studies. Whether the amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.