

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 373

S.P. 117

January 25, 2007

**An Act To Change the Membership of the Maine Indian Tribal-
State Commission To Add Seats for the Houlton Band of Maliseet
Indians and the State**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator SHERMAN of Aroostook.
Cosponsored by Representative SIMPSON of Auburn and
Senators: BENOIT of Sagadahoc, RAYE of Washington, Representatives: CLEARY of
Houlton, LORING of the Penobscot Nation.

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

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

4 **1. Commission created.** The Maine Indian Tribal-State Commission is established.
5 The commission consists of ~~9~~ 13 members, ~~4~~ 6 to be appointed by the Governor, subject
6 to review by the Joint Standing Committee on Judiciary and to confirmation by the
7 Legislature, 2 to be appointed by the Houlton Band of Maliseet Indians, 2 to be appointed
8 by the Passamaquoddy Tribe, 2 to be appointed by the Penobscot Nation and a chair, to
9 be selected in accordance with subsection 2. The members of the commission, other than
10 the chair, each serve for a term of 3 years and may be reappointed. In the event of the
11 death, resignation or disability of a member, the appointing authority may fill the vacancy
12 for the unexpired term.

13 **Sec. 2. 30 MRSA §6212, sub-§2**, as amended by PL 1993, c. 600, Pt. A, §24 and
14 as affected by §25, is further amended to read:

15 **2. Chair.** The commission, by a majority vote of its ~~8~~ 12 members, shall select an
16 individual who is a resident of the State to act as chair. When ~~8~~ 12 members of the
17 commission by majority vote are unable to select a chair within 120 days of the first
18 meeting of the commission, the Governor, after consulting with the ~~governors~~ chiefs of
19 the Houlton Band of Maliseet Indians, the Penobscot Nation and the Passamaquoddy
20 Tribe, shall appoint an interim chair for a period of one year or for the period until the
21 commission selects a chair in accordance with this section, whichever is shorter. In the
22 event of the death, resignation or disability of the chair, the commission may select, by a
23 majority vote of its ~~8~~ 12 remaining members, a new chair. When the commission is
24 unable to select a chair within 120 days of the death, resignation or disability, the
25 Governor, after consulting with the ~~governors~~ chiefs of the Houlton Band of Maliseet
26 Indians, the Penobscot Nation and the Passamaquoddy Tribe, shall appoint an interim
27 chair for a period of one year or for the period until the commission selects a chair in
28 accordance with this section, whichever is shorter. The chair is a full-voting member of
29 the commission and, except when appointed for an interim term, shall serve for 4 years.

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

32 **3. Responsibilities.** In addition to the responsibilities set forth in this Act, the
33 commission shall continually review the effectiveness of this Act and the social,
34 economic and legal relationship between the Houlton Band of Maliseet Indians, the
35 Passamaquoddy Tribe and the Penobscot Nation and the State and shall make such
36 reports and recommendations to the Legislature, the Houlton Band of Maliseet Indians,
37 the Passamaquoddy Tribe and the Penobscot Nation as it determines appropriate.

38 ~~Seven~~ Nine members constitute a quorum of the commission and a decision or action of
39 the commission is not valid unless ~~5~~ 7 members vote in favor of the action or decision.

40 **Sec. 4. Contingent effective date.** This Act does not take effect unless, within
41 60 days after the adjournment of the First Regular Session of the 123rd Legislature, the

1 Secretary of State receives written certification from the Houlton Band Council of the
2 Houlton Band of Maliseet Indians that the band has agreed to the provisions of this Act,
3 written certification by the Tribal Chief and the Council of the Penobscot Nation that the
4 nation has agreed to the provisions of this Act and written certification by the Joint Tribal
5 Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act
6 pursuant to the United States Code, Title 25, Section 1725(e)(2), copies of which must be
7 submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House
8 and the Revisor of Statutes, except that in no event may this Act take effect until 90 days
9 after adjournment of the Legislature.

10

SUMMARY

11 This bill expands membership in the Maine Indian Tribal-State Commission to create
12 2 new seats for the Houlton Band of Maliseet Indians and to add 2 additional seats for the
13 State in order to maintain parity between the tribes and the State. The bill also establishes
14 a new quorum and decision threshold reflecting the increase in its membership. The bill
15 will not take effect until approved by the Legislature, the Houlton Band of Maliseet
16 Indians, the Passamaquoddy Tribe and the Penobscot Nation.