

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 651

H.P. 481

House of Representatives, February 17, 2011

An Act To Improve Tribal-State Relations

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative PRIEST of Brunswick.
Cosponsored by Senator BLISS of Cumberland and
Representatives: BEAULIEU of Auburn, MITCHELL of the Penobscot Nation, MOULTON of
York, NASS of Acton, ROCHELO of Biddeford, SOCTOMAH of the Passamaquoddy Tribe,
Senator: GERZOFKY of Cumberland.

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

2 **Sec. 1. 30 MRSA §6206, sub-§4** is enacted to read:

3 **4. Freedom of access laws not applicable.** The requirements of the State's freedom
4 of access laws, Title 1, chapter 13, do not apply to the Passamaquoddy Tribe or the
5 Penobscot Nation if the tribe or nation adopts and has in force a freedom of access
6 ordinance certified by the Secretary of State to be equivalent to Title 1, chapter 13 with
7 respect to the tribe or nation's meetings and documents. Upon passing a freedom of
8 access ordinance, the Passamaquoddy Tribe or the Penobscot Nation may submit the
9 ordinance to the Secretary of State, who shall review the ordinance and either certify it as
10 meeting the requirements of this subsection or provide to the tribe or nation a description
11 of how the ordinance may be modified to satisfy the requirements of this subsection.

12 This subsection is repealed July 1, 2016.

13 **Sec. 2. 30 MRSA §6206-C** is enacted to read:

14 **§6206-C. Freedom of access laws not applicable**

15 The Houlton Band of Maliseet Indians is not subject to any requirements of the
16 State's freedom of access laws, Title 1, chapter 13, if the band adopts and has in force a
17 freedom of access ordinance certified by the Secretary of State to be equivalent to Title 1,
18 chapter 13 with respect to the band's meetings and documents. Upon passing a freedom
19 of access ordinance, the Houlton Band of Maliseet Indians may submit the ordinance to
20 the Secretary of State, who shall review the ordinance and either certify it as meeting the
21 requirements of this section or provide to the band a description of how the ordinance
22 may be modified to satisfy the requirements of this section.

23 This section is repealed July 1, 2016.

24 **Sec. 3. Contingent effective date; certification.** The provisions of this Act do
25 not take effect except as follows.

26 **1. Penobscot Nation; Passamaquoddy Tribe.** That section of this Act that enacts
27 the Maine Revised Statutes, Title 30, section 6206, subsection 4 does not take effect
28 unless, within 60 days of the adjournment of the First Regular Session of the 125th
29 Legislature, the Secretary of State receives written certification by the Tribal Chief and
30 Council of the Penobscot Nation and the Joint Tribal Council of the Passamaquoddy
31 Tribe that the nation and tribe have agreed to the provision of this Act that enacts Title
32 30, section 6206, subsection 4 pursuant to 25 United States Code, Section 1725(e), copies
33 of which must be submitted by the Secretary of State to the Secretary of the Senate, the
34 Clerk of the House of Representatives and the Revisor of Statutes, except that in no event
35 may that section of this Act that enacts Title 30, section 6206, subsection 4 become
36 effective until 90 days after the adjournment of the First Regular Session of the 125th
37 Legislature.

38 **2. Houlton Band of Maliseet Indians.** That section of this Act that enacts the
39 Maine Revised Statutes, Title 30, section 6206-C does not take effect unless, within 60

1 days of the adjournment of the First Regular Session of the 125th Legislature, the
2 Secretary of State receives written certification by the Houlton Band Council of the
3 Houlton Band of Maliseet Indians that the band has agreed to the provision of this Act
4 that enacts Title 30, section 6206-C pursuant to 25 United States Code, Section 1725(e),
5 copies of which must be submitted by the Secretary of State to the Secretary of the
6 Senate, the Clerk of the House of Representatives and the Revisor of Statutes, except that
7 in no event may that section of this Act that enacts Title 30, section 6206-C become
8 effective until 90 days after the adjournment of the First Regular Session of the 125th
9 Legislature.

10

SUMMARY

11 This bill allows the Passamaquoddy Tribe, the Penobscot Nation and the Houlton
12 Band of Maliseet Indians to adopt ordinances, determined by the Secretary of State to be
13 equivalent to the State's freedom of access laws, that will exempt them from the State's
14 freedom of access laws. The authorization is subject to approval of the respective tribe,
15 nation or band and is repealed July 1, 2016.