

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 394

H.P. 269

House of Representatives, February 12, 2013

**An Act To Add Members of the Aroostook Band of Micmacs to the
Maine Indian Tribal-State Commission and Add Corresponding
Members for the State**

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative WILLETTE of Mapleton.
Cosponsored by Senator JACKSON of Aroostook.

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 2009, c. 384, Pt. F, §1 and
3 affected by §4, is further amended to read:

4 **1. Commission created.** The Maine Indian Tribal-State Commission is established.
5 The commission consists of ~~13~~ 17 members, ~~6~~ 8 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 Aroostook Band of Micmacs, 2 to be appointed by
8 the Houlton Band of Maliseet Indians, 2 to be appointed by the Passamaquoddy Tribe, 2
9 to be appointed by the Penobscot Nation and a chair, to be selected in accordance with
10 subsection 2. The members of the commission, other than the chair, each serve for a term
11 of 3 years and may be reappointed. In the event of the death, resignation or disability of a
12 member, the appointing authority may fill the vacancy for the unexpired term.

13 **Sec. 2. 30 MRSA §6212, sub-§2**, as amended by PL 2009, c. 384, Pt. F, §2 and
14 affected by §4, is further amended to read:

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

26 **Sec. 3. 30 MRSA §6212, sub-§3**, as amended by PL 2009, c. 384, Pt. F, §3 and
27 affected by §4, is further amended to read:

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

35 ~~Nine~~ Twelve members constitute a quorum of the commission and a decision or action of
36 the commission is not valid unless ~~7~~ 9 members vote in favor of the action or decision.

37 **Sec. 4. 30 MRSA §6212, sub-§6, ¶¶B and C**, as enacted by PL 2009, c. 636, Pt.
38 C, §3 and affected by §4, are amended to read:

39 B. The Passamaquoddy Tribe; ~~and~~

40 C. The Penobscot Nation; ~~and~~

1 **Sec. 5. 30 MRSA §6212, sub-§6, ¶D** is enacted to read:

2 D. The Aroostook Band of Micmacs.

3 **Sec. 6. Contingent effective date.** This Act takes effect October 1, 2013 only if,
4 within 90 days after the adjournment of the First Regular Session of the 126th
5 Legislature, the Secretary of State receives written certification from the Council of the
6 Aroostook Band of Micmacs that the band has agreed to the provisions of this Act,
7 written certification from the Houlton Band Council of the Houlton Band of Maliseet
8 Indians that the band has agreed to the provisions of this Act, written certification from
9 the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the
10 provisions of this Act and written certification from the Governor and Council of the
11 Penobscot Nation that the nation has agreed to the provisions of this Act pursuant to 25
12 United States Code, Section 1725(e), copies of which must be submitted by the Secretary
13 of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes.

14 **SUMMARY**

15 This bill adds to the Maine Indian Tribal-State Commission 2 members of the
16 Aroostook Band of Micmacs and 2 members appointed by the Governor.