

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 632

H.P. 448

House of Representatives, February 16, 2017

**Resolve, To Recognize and Provide for the Right of Members of the
Houlton Band of Maliseet Indians To Hunt Moose throughout
Aroostook County**

Reference to the Committee on Inland Fisheries and Wildlife suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BEAR of the Houlton Band of Maliseet Indians.

1 **Preamble. Whereas,** Indian tribes and their members have legal status under the
2 United States Constitution, including under Article 1, Section 8, the Constitution of
3 Maine, including Article X, Section 5, and various treaties affecting Indian tribes in this
4 State, including the Treaty of Watertown of 1776; and

5 **Whereas,** Maine laws and rules reflect the legal status of Indian tribes, including
6 provisions relating to child welfare, tribal representation in the Legislature, mortgage
7 insurance for Indian housing and hunting and fishing rights and privileges; and

8 **Whereas,** these Maine laws and rules treat members of a federally recognized
9 Indian tribe in this State in a manner consistent with the legal status that Indian tribes
10 possess under the United States Constitution; and

11 **Whereas,** tribal members of the Houlton Band of Maliseet Indians consider lean
12 protein, which is preferred to be taken naturally from animals indigenous to the State
13 such as moose, to be a medicine with important uses and benefits in preventing obesity
14 and high mortality; now, therefore, be it

15 **Sec. 1. Commissioner of Inland Fisheries and Wildlife to allocate moose**
16 **permits to the Houlton Band of Maliseet Indians. Resolved:** That, pursuant to
17 the Maine Revised Statutes, Title 12, section 1152, the Commissioner of Inland
18 Fisheries and Wildlife shall allocate 25 moose permits to the Houlton Band of Maliseet
19 Indians that may be used during the 2017 moose hunting season throughout Aroostook
20 County. The Houlton Band of Maliseet Indians Tribal Council may issue up to 25 of the
21 moose permits under this section to a person who holds a valid tribal moose permit under
22 section 2. A tribal moose permit issued by the Houlton Band of Maliseet Indians Tribal
23 Council under this section must be filed with the commissioner; and be it further

24 **Sec. 2. Members of Houlton Band of Maliseet Indians exempt from State**
25 **moose permit requirements. Resolved:** That a member of the Houlton Band of
26 Maliseet Indians who is a resident of the State is not required to hold a state permit issued
27 under the Maine Revised Statutes, Title 12, section 11154 to hunt or possess a moose if
28 that member holds a valid moose permit issued by the Houlton Band of Maliseet Indians.
29 A member of the Houlton Band of Maliseet Indians issued a tribal permit pursuant to this
30 section to hunt and possess moose is subject to all laws and rules applicable to a person
31 who holds a state license or permit under Title 12, section 11154; and be it further

32 **Sec. 3. Enforcement; suspension. Resolved:** A violation of a hunting law or
33 rule by a member of the Houlton Band of Maliseet Indians issued a tribal moose permit
34 under section 1 must be enforced pursuant to the Maine Revised Statutes, Title 12,
35 chapter 907. If a member of the Houlton Band of Maliseet Indians issued a tribal moose
36 permit under section 1 is convicted or adjudicated of a violation for which a license
37 suspension is mandatory under Title 12, chapter 913, subchapter 4, the Commissioner of
38 Inland Fisheries and Wildlife shall suspend that member's tribal moose permit for the
39 specified period. If a member of the Houlton Band of Maliseet Indians issued a tribal
40 moose permit under section 1 is convicted or adjudicated of a violation for which the
41 commissioner may suspend a license, the commissioner may suspend that member's
42 license or permit in accordance with Title 12, chapter 913, subchapter 4.

SUMMARY

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This resolve directs the Commissioner of Inland Fisheries and Wildlife to allocate 25 moose permits for the 2017 hunting season that may be used throughout Aroostook County to the Houlton Band of Maliseet Indians to be issued by the Houlton Band of Maliseet Indians Tribal Council to members of the tribe who have received tribal moose permits.