

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **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**

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

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

**1. Commission created.** The Maine Indian Tribal-State Commission is established. The commission consists of 913 members, ~~46~~ to be appointed by the Governor, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, 2 to be appointed by the Houlton Band of Maliseet Indians, 2 to be appointed by the Passamaquoddy Tribe, 2 to be appointed by the Penobscot Nation and a chair, to be selected in accordance with subsection 2. The members of the commission, other than the chair, each serve for a term of 3 years and may be reappointed. In the event of the death, resignation or disability of a member, the appointing authority may fill the vacancy for the unexpired term.

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

**2. Chair.** The commission, by a majority vote of its 812 members, shall select an individual who is a resident of the State to act as chair. When 812 members of the commission by majority vote are unable to select a chair within 120 days of the first meeting of the commission, the Governor, after consulting with the governorschiefs of the Houlton Band of Maliseet Indians, the Penobscot Nation and the Passamaquoddy Tribe, shall appoint an interim chair for a period of one year or for the period until the commission selects a chair in accordance with this section, whichever is shorter. In the event of the death, resignation or disability of the chair, the commission may select, by a majority vote of its 812 remaining members, a new chair. When the commission is unable to select a chair within 120 days of the death, resignation or disability, the Governor, after consulting with the governorschiefs of the Houlton Band of Maliseet Indians, the Penobscot Nation and the Passamaquoddy Tribe, shall appoint an interim chair for a period of one year or for the period until the commission selects a chair in accordance with this section, whichever is shorter. The chair is a full-voting member of the commission and, except when appointed for an interim term, shall serve for 4 years.

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

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

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

**Sec. 4. Contingent effective date.** This Act does not take effect unless, within 60 days after the adjournment of the First Regular Session of the 123rd Legislature, the Secretary of State receives written certification from the Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to the provisions of this Act, written certification by the Tribal Chief and the Council of the Penobscot Nation that the nation has agreed to the provisions of this Act and written certification by the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e)(2), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes, except that in no event may this Act take effect until 90 days after adjournment of the Legislature.

## SUMMARY

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