

Penobscot Nation Constitution Working Group

Minutes of January 12, 2017 Meeting

Participating: June Sapiel, Theodore Mitchell, Jill Tompkins

Absent: Phillip Attean, Mark Chavaree, Sherrie Mitchell, Henry Sockbeson, Charlene Virgilio, Lisa Montgomery

Guests: Shawn Walsh, Esq., Michael Murphy, Esq., and Scott Silverman

Meeting started at 6:25 P.M.

Introductions were made.

Minutes of December 13, 2016

Agenda item of approving December 13, 2016 minutes had to be postponed as the November 2, 2016 minutes had been included in the materials instead erroneously.

Approval of Drafting Contract

Jill reported that the Tribal Council approved the contract with The Jacobson Law Group. The vote was 7 in favor, 2 opposed and 1 abstaining. The one objection voiced at the Council meeting was to the idea of the contract itself as being "too much" (as in being too formal) and that there was a concern that somehow using an attorney would negatively impact our tribal character/culture (this is a paraphrase). Jill explained that the attorney(s) would be working at the direction of the Working Group and that the Group is committed to including as much tribal input as possible. There was a concern that our timeline was too short, but assurances were made that the document would not be rushed, if it took more time then so be it. Other Council members discussed the idea that the Constitution draft would have to be approved by Council before going to a Special General Meeting that they would have to set.

Meeting with Walsh, Murphy and Silveman

Shawn Walsh and Michael Murphy of the Jacobson Law Group and Scott Silverman, 2L, University of Maine School of Law Intern joined the Group by telephone and introduced themselves. A general discussion of how to get started on the drafting process was had. Jill agreed to send links to the Dropbox folder to them so that they could review prior drafts and see the minutes.

It was suggested that we start by documenting what exists. We would then move on to seeing what we would like changed. Discussion about how to engage the tribal membership ensued

and a survey and interviews with elders, etc. was discussed. A couple of possible model constitutions were noted including Pokagon Band and Grand Traverse Band's.

Discussion Regarding Respective Powers

An interesting discussion was had concerning the respective powers of the General Meeting and the powers of the Tribal Council. The suggestion was made that there was a shift and the power of the Tribal Council seems to have increased since the Maine Indian Land Claims Settlement. Interviewing elders to see what changes in the governmental structure they have witnessed was a suggested activity.

There are 3 existing tribal laws that govern the Nation's legislative process, 22 M.R.S.A. Sec. 4717 (repealed by the State of Maine but adopted by the tribe in 1979), P.N.T.L. Ch. 2, General Meeting Law, and P.N.T.L., Ch. 21, General Petition Standards and Procedures. Scott will write a memo for the Working Group giving an overview of how the tribal legislative process is set out in these laws and to see if there are any inconsistencies. He will also look at the section of the earlier draft constitution, Article V, Section A. Legislative.

Discussion Regarding Tribal Membership

In trying to determine what aspects of the Penobscot Nation's government structure were undisputed, it was suggested that perhaps membership was the place to start. A lively discussion then followed regarding whether the current membership criteria should be embedded in the Constitution or is this the time to see if changes are warranted? It was suggested that this would make an interesting survey question.

At 7:30 p.m. a motion was made by Theodore to adjourn, June seconded.

Respectfully submitted by Jill E. Tompkins.