

**HOULTON BAND OF MALISEET INDIANS
TRIBAL ENROLLMENT STATUTE**

PASSED BY THE GENERAL MEMBERSHIP BY REFERENDUM VOTE ON 09/23/2007

1. DEFINITIONS. For the purpose of this statute.

- A. A "Collateral Relative" means a person not in the direct line of ascent or descent such as, a biological brother or sister, niece, nephew uncle, aunt, or cousin;
- B. "Lineal Relative" means a person in the direct line of ascent or descent such as, a biological mother or father, grandparent, or great-grandparent, child or grandchild;
- C. "HBMI" means the Houlton Band of Maliseet Indians.
- D. "DAY" means any HBMI tribal business day.

2. ENROLLMENT COMMITTEE

- A. The Tribal Council shall appoint three (3) qualified members of the HBMI who are not members of the Tribal Council to serve as an Enrollment Committee. The members of the Enrollment Committee shall serve for one (1) year one member shall serve for two (2) years, and one member shall serve for three (3) years. The members of the Enrollment Committee shall designate one member as the chairperson of the committee and one member as secretary.
- B. The Enrollment Committee shall have the following responsibilities:
 - 1. To consider all applications for membership and submit them with recommendations to the Tribal Council for action;
 - 2. Maintain the official roll.

3. ENROLLED MEMBERS

Each living person whose name appears on the membership roll of the HBMI approved by Congress in the Act of October 10, 1980, Pub. L. 96-420, 25 U.S.C. 1721 et seq., and each living person accepted for enrollment is an enrolled member of the HBMI.

4. PERSONS WHO MAY APPLY FOR ENROLLMENT

- A. Eligibility. The following persons shall be eligible for enrollment:
 - 1. A living person who is a Lineal Descendant of a person whose name appears on the membership roll of the HBMI, approved by Congress in the Act of Congress of October 10, 1980, Pub. L. 96-420, 25 U.S.C. 1721 et seq.;

2. A living person who is a collateral relative of a person whose name appears on the membership roll of the HBMI, approved by Congress in the Act of Congress of October 10, 1980, Pub. L. 96-420, 25 U.S.C. 1721 et seq. provided that the applicant is a citizen of the United States.

B. Substitute Applicants. A person described in subsection 4. A. Who is a minor or is under any other legal disability or is a member the Armed Forces stationed outside the United States may apply for enrollment through a parent, recognized guardian, next of kin, spouse, or other person responsible for the applicant's care.

C. Requirements.

1. Persons listed on the October 10, 1980 Tribal Roll.

For the purpose of determining membership in the HBMI persons listed on the October 10, 1980 Tribal Membership Roll shall be deemed to possess one hundred percent(100%) Maliseet Ancestry.

2. Lineal descendants and Ancestors.

In order to qualify for membership, other than by adoption, Lineal and Collateral relatives of those persons listed on the October 10, 1980 Tribal Membership Roll must provide documentable evidence of their membership ancestry.

5. APPLICATION FOR ENROLLMENT

A. Forms. To apply for enrollment, an eligible person or a person qualified to apply on behalf of an eligible person, as provided in subsection 4. B., must complete and submit an application for enrollment. Application forms may be obtained from and submitted to the Enrollment Committee at the Tribal Office.

B. Request for application;record of requests. Each request for an application must include the name of the applicant for whom the application is sought. The secretary of the Enrollment Committee shall maintain a record of the prospective applicants for whom application forms are obtained, the dates the forms were furnished, and the addresses to which they were sent.

C. Deadlines. All applications may be submitted to the Enrollment Committee at the discretion of the applicant or person who may act on the applicant's behalf as provided in subsection 4.B.

D. Certification of application. An applicant must certify, as provided in the application, that the information in the application is true and correct. The application form shall state that if any material statement in the application is false, enrollment based on the application shall be void and, pursuant to the procedures

established in this ordinance, the enrolled is subject to removal from the roll by the Tribal Council.

6. REVIEW OF APPLICATIONS

A. Acknowledgement of applications, efficient handling.

Upon receiving an application for enrollment, the Secretary of the Enrollment Committee shall enter the date of receipt on the record of prospective applicants described in subsection 5.B. and shall send the applicant written acknowledgement that the application has been received. The secretary shall open a separate file for each application received and maintain a filing system that ensures efficient handling of applications.

B. Review by the Enrollment Committee.

The Enrollment Committee shall review each application received according to the criteria in section 4 and shall submit its recommendation, either for or against enrollment, to the Tribal Council for each application.

C. Review by the Tribal Council.

The Tribal Council shall review each application and recommendation. If the Tribal Council determines that an applicant is qualified for enrollment, the applicant shall be enrolled as a member of the HBMI.

D. Approval of Application.

An applicant approved for enrollment shall be notified by certified mail, return receipt requested.

E. Rejection.

If the Tribal Council rejects an application for enrollment, the applicant shall be notified by certified mail, return receipt requested. Notifications shall include a statement of the reasons the application was rejected.

7. APPEAL

A. Time within which to file; statement in support.

A person whose application for enrollment has been rejected may submit to the Tribal Council a written request for a hearing within thirty(30)days of the date the notice of rejection was received. The applicant may submit a statement in support of enrollment.

B. Reconsideration.

Upon receiving a request for a hearing and any statement in support of enrollment the Tribal Council shall reconsider an application it previously rejected.

C. Approval upon review or reconsideration.

If after reconsidering an application it previously rejected, the Tribal Council finds that the applicant is qualified for enrollment, the applicant shall be notified by certified mail, return receipt requested.

D. Hearing Required.

If after reconsidering an application it previously rejected, the Tribal Council determines that the applicant does not appear qualified for enrollment the Tribal Council shall set a date, place, and time for a hearing at which the applicant can demonstrate that he/she is qualified for enrollment. The applicant shall be notified of the date, place, and time by certified mail, return receipt requested.

E. Hearing Procedure.

1. Presentation of evidence by the applicant. At a hearing on enrollment, the applicant shall have the right to present evidence in support of his/her application personally or through legal counsel retained at the applicant's expense. Evidence may include, for example, the oral or written testimony of witnesses under oath or certified records demonstrating familiar relationships. Members of the Tribal Council may question the applicant, under oath, regarding statements in the application or the evidence presented, or question any witness called on the applicant's behalf.

2. Presentation of evidence; Tribal Council.

The Tribal Council may present evidence through a member of the Tribal Council or through Tribal Counsel. The applicant may challenge the validity of any evidence presented by the Tribal Council.

3. Administration of oath.

The Tribal Council shall have the power to administer oaths to witnesses.

4. Admissibility of evidence.

The formal rules of evidence shall not apply in the hearing but evidence which is irrelevant, cumulative, unduly prejudicial, or would otherwise be unfair if admitted shall be excluded, within the discretion of the Tribal Council.

F. Final Decision.

After the hearing, the Tribal Council shall issue a final decision on the application for enrollment. The applicant shall be notified of the decision by certified mail, return receipt requested. If the application is accepted, the applicant shall be enrolled as a member of the HBMI.

8. REMOVAL FROM ROLL

A. False Statement

A member whose application for enrollment was granted in reliance on information that is false shall be removed from the roll as provided in this subsection.

1. Notice. If the Tribal Council has reason to believe that the information contained in an application approved for enrollment was false, the Tribal Council shall notify the member of its belief and the reasons for its belief, by certified mail, return receipt requested. The last known address of the person who applied for the enrollee shall be conclusive for the purpose of service of the notice.

2. Time for response; hearing. As stated in the notice, a member shall have ten (10) days from the date notice was actually received, or sixty (60) days from the date notice was attempted as provided in subsection 8 A. (1), to submit to the Tribal Council evidence that the information in question is not false or to request a hearing to present such evidence. A hearing shall be set whenever a request is received. Notice of the date, time and place of the hearing shall be given by certified mail, return receipt requested, not less than fifteen (15) days before the hearing. The hearing shall be conducted in accordance with subsection 7.E.

3. Decision on allegation of false statement. If after the time for responding has expired, or if after evidence has been presented in writing or at a hearing, the Tribal Council finds that an approved application for enrollment was based on false information, the Tribal Council shall remove the member from the tribal roll. The member shall be informed of the Tribal Council's decision to remove or retain, by certified mail, return receipt requested, within ten (10) days of the date the decision was made.

B. Voluntary Withdrawal.

An enrolled member may, at any time, voluntarily dissolve his/her membership. A member who voluntarily withdraws shall be removed from the tribal roll and shall not be permitted to reapply for membership.

C. Enrollment in another tribe.

A member who enrolls as a member of another federally recognized tribe shall be deemed to have voluntarily dissolved his/her membership in the HBMI as of the date of the enrollment in the other federally recognized tribe. The member will be removed from the tribal roll as of the date of enrollment in the other federally recognized tribe and shall not be permitted to reapply for membership.

D. Death.

Upon receipt of a death certificate, the name of the deceased member shall be so noted on the tribal roll.

E. Minors.

Any member of the HBMI who is an unemancipated minor or other person subject to the legal guardianship or another shall not be removed from the tribal roll, even if:

1. His/her parent or guardian is removed from the tribal roll pursuant to Section 8. A,B, or C and;
2. No other parent or guardian of the unemancipated minor or person subject to a guardianship remains on the tribal roll; unless the Tribal Council is notified, in writing, by the parent or guardian. However, all persons removed from the tribal roll under this subsection shall be permitted to reapply for membership.

9. RECORD OF ENROLLMENT

A. "OFFICIAL" roll; security.

The roll approved by Congress in the Act of October 10, 1980, Pub.L.960-420, 25 U.S.C. 1721 et seq., shall be stamped "OFFICIAL" on each page. It shall be the official tribal roll and shall be kept under security in a safe-deposit box held by the HBMI in a local bank. The box shall be opened only in the presence of the chairperson of the Tribal Council and the chairperson of the Enrollment Committee.

B. List of Enrollees.

The Tribal Council shall maintain a list of persons whose applications for enrollment have been granted according to the criteria set forth in this statute.

C. Adding and removing enrollees on the official list.

In the presence of the Chief of the Tribal Council and the Chairperson of the Enrollment Committee, the Secretary of the Enrollment Committee shall open the safe-deposit box, remove the official roll, and add to the official roll the name of each member enrolled in the HBMI since the official roll was last amended and remove from the official roll the name of each member who has lost membership since the official roll was last amended.

D. Duplicates.

Duplicates of the official roll and the list of enrollees shall be maintained at the Tribal Office. A copy of the official roll, as amended, shall be furnished periodically to the Eastern Area Office of the Bureau of Indian Affairs.