

PENOBSCOT NATION

TRIBAL CENSUS MAINTENANCE PROCEDURE



As enacted by the General Meeting of January 17, 1981, and further amended by the General Meetings of: July 23, 1984, December 08, 1992, December 11, 1999, May 04, 2002, May 05, 2007, May 2, 2015, June 1, 2019, and July 29, 2023.

CHAPTER XVI

TRIBAL CENSUS MAINTENANCE PROCEDURE

TABLE OF CONTENTS

Definitions	Pg. 1
Section 1.2 Membership	Pg. 3
Section 1.3 Penobscot Nation Tribal Census Committee.....	Pg. 3
Section 1.3.1 Confidentiality.....	Pg. 4
Section 1.4 Burden of Proof.....	Pg. 4
Section 1.5 Penalties.....	Pg. 5
Section 1.6 Qualifications for Enrollment.....	Pg. 5
Section 1.6.1 Blood Quantum of Applicant.....	Pg. 5
Section 1.6.3 Eligibility by Birth.....	Pg. 6
Section 1.7 Entitlement to Enrollment by Birthright.....	Pg. 7
Section 1.8 Eligibility by Adoption of Person.....	Pg. 8
Section 1.9 Application Procedure for Enrollment.....	Pg. 12
Section 1.10 Review of Application.....	Pg. 13
Section 1.11 Committee Vote on Applicants.....	Pg. 14
Section 1.12 Preparation of Census Roll.....	Pg. 14
Section 1.13 Census Report.....	Pg. 14
Section 1.14 Certification of Census Roll.....	Pg. 14
Section 1.15 Oath.....	Pg. 15
Section 1.16 Enrollment Certificate.....	Pg. 15
Section 1.17 Enrollment Decision.....	Pg. 15
Section 1.18 Additions and Corrections of Census Roll.....	Pg. 16
Section 1.19 Enrollment Appeals.....	Pg. 16
Section 2.0 Loss of Membership.....	Pg. 17
Section 2.1 Removal of Name from Tribal Census Roll.....	Pg. 17
Section 2.2 Relinquishment of Membership.....	Pg. 17
Section 2.3 Abandonment of Membership.....	Pg. 18
Section 2.4 Loss of Membership Due to Banishment.....	Pg. 18
Section 2.4.1 Expiration of Banishment Term.....	Pg. 18
Section 2.5 Loss of Membership Through Death or Disappearance.....	Pg. 18
Section 2.6 Loss of Membership Due to Falsification of Information.....	Pg. 19
Section 2.7 Loss of Membership Due to Invalid Adoption.....	Pg. 19
Section 2.8 Effect of Loss of Membership on Others.....	Pg. 19
Section 2.9 Restoration of Membership.....	Pg. 19
Section 3.0 Forms.....	Pg. 19
Section 4.0 Effective Date of This Act.....	Pg. 19
Section 5.0 Amendments.....	Pg. 19
Section 6.0 Closed Census.....	Pg. 19
Section 7.0 Rights of the Penobscot River.....	Pg. 20
Accepted	Pg. 21
Appendix	

CHAPTER XVI

TRIBAL CENSUS MAINTENANCE PROCEDURE

1.1 Definitions

Whenever used in this title, the following terms shall have the following meanings:

- a. **Active Membership** - Shall mean any enrolled adult, tribal member of the Penobscot Nation who is exercising membership rights in any other Indian tribe, band, or nation.
- b. **Ancestor** - A direct biological parent, grandparent, etc.
- c. **Annual Census Meeting** - The first meeting held by the Penobscot Nation Census Committee during the month of January of each year.
- d. **Banishment** - Shall be defined as the action which expels/removes the individual, adult member from the Penobscot Nation tribal census roll and discontinues the membership rights in said tribe/nation.
- e. **Applicant** - Any person who applies for membership or adoption in the Penobscot Nation.
- f. **Census** - The Census Committee's enumeration of the Penobscot Nation's membership, including a factual review of documented births, deaths, intra/inter-marriages, divorces, membership loss and restoration, census errata, geographic/demographic and other information deemed pertinent by the Census Committee.
- g. **Census Committee** - The body of tribal members, empowered to determine the membership of the Penobscot Nation. (See Sec. 1.3)
- h. **Census Report** - The account of the Annual Census Meeting issued by the Census Committee pursuant to 1.13 and including the Annual Census Roll.
- i. **Census Roll** - The membership list of the Penobscot Nation as of the first day of January of that census year.
- j. **Chairperson** - The Chairperson of the Tribal Census Committee and the Vice-Chairperson when acting as Chairperson.
- k. **Chief** - The Penobscot Tribal Chief and the Vice-Chief when acting as Chief.
- l. **Council** - The Penobscot Tribal Council.

- m. **Department** - Department of Trust Responsibilities or its successor as designated by the Chief and Council.
- n. **Director** - The Director of the Department of Trust Responsibilities, his/her authorized representative or successor.
- o. **Dual Enrollment** - Shall be defined as any tribal member of the Penobscot Nation who is also enrolled in another Indian tribe, band, or nation.
- p. **Enrollment Year** - The year beginning every year with the first of January and ending on the 31st of December of the same year.
- q. **Lineal Descendant** - The direct biological child, grandchild, etc.
- r. **Membership Rights** - Shall be defined as any right, benefit, or privilege of any other Indian tribe, band, or nation that is recognized and accorded exclusively due to an individual's status as a tribal member. Membership rights shall include, but not be limited to, the right to vote or hold political office, receive per capita distributions from tribal funds or educational stipends or scholarships, own tribal property, or exercise aboriginal or treaty rights such as hunting, fishing, or fowling.
- s. **Penobscot Nation Lands** - (a) present land, (b) newly acquired land within the Penobscot Indian territory as defined by 30 M.R.S.A. subsection 6205(2), and (c) other acquired land.
- t. **Preponderance of Evidence** - The evidence which is more convincing or persuasive.
- u. **Presumptive Evidence** - Shall be defined as evidence that is not conclusive but must be treated as true and sufficient unless rebutted by other evidence.
- v. **Relinquish Active Membership** - Shall refer to any action that removes the individual, adult member from the census roll of any other Indian tribe, band, or nation or discontinues the exercise of membership rights in such tribe.
- w. **Sponsor** - A member of the Penobscot Nation who represents an applicant for adoption before the Tribal Chief and Council or an applicant for enrollment before the Tribal Census Committee.
- x. **Tribal Clerk** - The Clerk of the Penobscot Nation appointed by the Tribal Chief with the advice and consent of the Tribal Council.
- y. **Tribal Governmental Unit** - Shall refer to any unit of tribal government of the Penobscot Nation, including the Chief and Council, the General Meeting, or any entity authorized by Tribal Resolution of the Chief and Council or General

Meeting such as the Penobscot Nation Judicial System or any department or agency directly involved with governmental matters.

z. **Verified Written Statement** - A notarized declaration in writing which is signed by the individual making it.

[NOTE: "Tribe" or "Tribal" are common terms used daily by members in defining Penobscot Nation governmental entities, members, etc.]

1.2 **MEMBERSHIP**

Membership in the Penobscot Nation is the right of any person who meets the qualifications for enrollment.

A person enrolled by birth or birthright is entitled to all the duties, rights, and privileges of membership.

Adopted individuals who have been enrolled into the Nation shall enjoy all the rights and privileges of tribal membership except that no such member shall be eligible to hold the office of Chief, Vice-Chief, Representative of the Tribe, serve on the Tribal Census Committee, act as a sponsor, or participate in the Tribal Trust Fund if the individual is adopted after December 1, 1980. These restrictions shall not apply to any individual entitled to enrollment through birth (Sec. 1.6.3) or birthright (Sec. 1.7) as determined by the Census Committee but was denied membership or not accorded full membership rights through the application of Section 6.0 (January 1, 1983, Closed Census), effective on the date of enactment by the General Meeting (December 11, 1999).

Membership may not be extinguished except as specified in Section 2.0 (Loss of Membership).

1.3 **PENOBSCOT NATION TRIBAL CENSUS COMMITTEE**

The Tribal Census Committee shall be composed of five (5) tribal members of voting age (18 years and older). Three (3) members shall be elected by the Nation from the general membership concurrent with the biennial tribal elections and shall serve for a period of two years. Two (2) members shall be appointed for terms of two years by the Chief with at least seven (7) affirmative votes of the Council. The appointments shall be within thirty (30) days of October 1st of the general, biennial election year, and shall be selected from those tribal members who are 50 years of age or older. In the event there are not enough elders willing to be appointed, the Chief may, at his discretion, appoint a member at large with the consent of Council, as stipulated above.

Quorum - Three (3) members during regular Quarterly meetings and all other meetings called by the Chairperson; and five (5) during the Annual Census Meeting.

Vacancies - Within sixty (60) days of any such vacancy, the Chief shall appoint with at least seven (7) affirmative votes of the Council for the remaining term(s) of office.

Removal - Any Committee member absent from any two (2) successive meetings shall be immediately removed from the Committee, provided such absence was not previously excused by the Chairperson for health or other personal reasons.

Meetings - The Chief shall call the fourth quarterly meeting of the Tribal Census Committee held after an election wherein the Committee shall elect a Chairperson and Vice-Chairperson and establish rules and procedures for the conduct of meetings.

The Chairperson shall call at least three (3) Quarterly calendar meetings, including the Annual Census Meeting and all other meetings.

The Census Committee is empowered to determine the membership of the Penobscot Nation pursuant to the provisions of this Act and to certify the publication of the Annual Census Report in its discretion.

1.3.1 CONFIDENTIALITY

All applications and documentation for adoption and enrollment are strictly confidential. All material submitted by an applicant becomes the property of the Penobscot Nation upon submittal and shall be available to the Tribal Council and Chief, Tribal Census Committee, Tribal Clerk, and the staff of the Department of Trust Responsibilities for review and authentication. Under no circumstances shall an application, the substance of the information contained thereon or accompanying it, or any memoranda or communications regarding the application be made available to any other person without the express written permission of the applicant.

The Census Committee shall establish rules and procedures for the conduct of meetings which will ensure the confidentiality of the proceedings.

Should any Committee member knowingly divulge such confidential information the action shall constitute grounds for immediate removal by the Census Committee. As such, the so-removed member shall be subject to the penalties cited in 1.5 (Penalties).

1.4 BURDEN OF PROOF

The burden of proof rests upon the applicant to establish his or her eligibility for adoption and/or enrollment by a preponderance of the evidence. Documentary evidence such as birth certificates, death certificates, marriage licenses, baptismal records, copies of probate findings, or affidavits may be used to support claims as appropriate.

1.5 PENALTIES

Any applicant knowingly filing false information regarding adoption or enrollment and any tribal member who, acting as sponsor for applicant, knowingly participates in the filing of false information, shall be subject to any civil penalties which the Penobscot Tribal Council may impose.

1.6 QUALIFICATIONS FOR ENROLLMENT

1. Any person who is listed as a member of the Penobscot Nation on the Tribal Census dated January 14, 1981, is a member of the Nation with a blood quantum of at least one-quarter Indian blood as determined by the Census Committee of that date and his name shall remain on the rolls until such time as he violates his Oath of Adoption, relinquishes or abandons his membership or his name is removed pursuant to Section 2.0 (Loss of Membership).

2. Any person not listed as a member of the Penobscot Nation on the Tribal Census dated January 14, 1981, shall become a member, upon a vote of the Census Committee pursuant to 1.14 (Certification of Census Rolls), and filing an application for enrollment which establishes that he or she:

a. Possesses at least one-quarter degree Indian blood (See Sec. 1.6.1 Blood Quantum of applicant); and;

b. Is either:

1. eligible by birth (see Sec. 1.6.3 Eligibility by Birth) or Birthright (see Sec. 1.7 Eligibility by Birthright) which birth eligibility shall include siblings and first cousins in the same Penobscot Indian Natural Biological line of descent as members who were listed on the Tribal Census dated January 14, 1981, or

2. has been duly adopted into the Tribe. (See Sec. 1.8 Eligibility by Adoption of Person).

1.6.1 BLOOD QUANTUM OF APPLICANT

1. No person shall be eligible for membership in the Penobscot Nation unless he or she possesses at least 1/4-degree Indian blood.

2. To determine Indian Blood Quantum for purposes of Membership the following rules shall apply:

a. Any member of the Penobscot Nation who was born on or before December 31, 1879, and whose name appears on any subsequent Tribal Census shall be considered a Full-Blooded Indian.

b. Any member born after December 31, 1879, and whose name appeared on the 1880 Tribal Census or on any Tribal Census subsequent to 1880 shall be considered a Full-Blooded Indian if he or she had siblings born on or before December 31, 1879, with the same natural biological parents.

c. Any Indian person who is a parent or other ancestor of a Penobscot Nation member but who is a member or was born a member of another Tribe shall be considered to have such Indian Blood Quantum as may be determined by using the same system that is used for determining blood quantum for Penobscot Nation members as specified in 2a and 2b of this section.

d. Any Indian person who wishes to become a member of the Penobscot Nation by adoption (see Sec. 1.8 Eligibility by Adoption) shall be considered to have such Indian Blood Quantum as may be determined by using the same system as specified in 2c of this section.

3. The blood quantum of a child born out of ~~wedlock~~ to a tribal member shall be figured at one-half of his parent's Indian blood quantum. To establish a greater degree of blood quantum, additional information shall be deemed as burden of proof (Sec. 1.4 Burden of Proof).

4. The Census Committee is empowered in its discretion to accept or reject any form of documentation as verification of blood quantum.

(Section 1.6.2 Non-Membership in Another Tribe - [Repealed])

1.6.3 ELIGIBILITY BY BIRTH

1. A person is entitled to enrollment in the Penobscot Nation by birth to a duly enrolled Penobscot parent (s), provided the requirements of 1.6.1 (Blood Quantum of Applicant) are met.

2. A child of a duly enrolled Penobscot Indian who has been adopted by non-Indians or by Indians of another tribe is eligible by birth for enrollment in the Penobscot Nation, provided he or she otherwise meets the requirements for enrollment.

3. A child who is born out of ~~wedlock~~, who otherwise meets the requirements for enrollment, is eligible by birth for enrollment as a member of the Penobscot Nation if he or she is born to a parent who is not a member of the Penobscot Nation and who is not eligible for enrollment under this article, but it is established that he or she is the child of a Penobscot Nation member by:

a. an affidavit filed with the Department of Trust Responsibilities by the child's mother naming the child's father and an affidavit filed with the Department of Trust Responsibilities by the child's natural father acknowledging paternity or

b. a determination of parenthood by a court of competent jurisdiction.

4. Proof of descendancy shall be made by a certified copy of the applicant's birth certificate, baptismal record, or other document which names his parent or parents, or, in the case of legal adoption; by a certified copy of his legal adoption papers. The Census Committee in its discretion is empowered to accept affidavits and other documentation as verification of descendancy.

1.7 ENTITLEMENT TO ENROLLMENT BY BIRTHRIGHT

1. Subject to the general provisions set forth in Section 1.6 (Qualifications for Enrollment), 1.6.1 (Blood Quantum of Applicant), and specific types of information described in 1.6.3 (Entitlement to Enrollment by Birth), the Census Committee, is authorized to review applications authenticating lineal descendancy and documenting historical circumstances that disallowed the applicant from enrollment.

Applicant must provide evidence of the following:

Lineal descendancy from enrolled member or members of the Penobscot Nation previously reported in any Census roll maintained by the State of Maine prior to January 14, 1981, but whose name(s) had been incorrectly omitted or removed; and,

(a) Applicant was denied enrollment through the application of Section 6.0 (Census Closure) [Repealed]; or

(b) Parent(s) or grandparent(s) was enrolled, but the applicant was not enrolled due to adverse or anomalous circumstances that obstructed the enrollment process; or,

(c) Applicant was not enrolled due to adverse or anomalous circumstances that obstructed the enrollment process.

2. Based upon the preponderance of evidence and review of the unique, historical circumstances, the Census Committee shall have sole, discretionary authority to determine when an entitlement to enrollment by birthright had been violated, thereby allowing for entitlement to enrollment by birthright, by majority vote of the total membership of the Committee. The decision of the Census Committee shall be final and without further recourse or review by any other tribal governmental unit of the Penobscot Nation.

3. The Census Committee and Department staff shall be responsible for verifying the genealogical and historical information, vital documents, and affidavits by potential witness relating to entitlement to enrollment by birthright applications. Applicants are responsible for providing any and all documents relating to the application. The applicant must provide signed authorizations to Department staff to access vital or historical information relating to the individual's genealogy or historical circumstances.

Limitations

Applications for enrollment by birthright are restricted, as follows:

Applicants 18 years or older on the date of enactment must submit their applications within six (6) years of this Act's enactment (December 11, 1999); and, unless extended by amendment to this Act, no application shall be accepted following such date.

Applicants found to be entitled to enrollment shall become eligible to participate and receive per capita distribution of tribal funds on the date of their enrollment but in no case shall the individual become eligible for any per capita distribution of tribal funds that occurred prior to the date of their enrollment.

1.8 ELIGIBILITY BY ADOPTION OF PERSON

1. A person who is not eligible by birth or birthright for membership in the Penobscot Nation shall become entitled for enrollment if adopted into the Penobscot Nation, provided he or she otherwise meets the standards for enrollment (see Sec. 1.6.1 Blood Quantum of Applicant). The power of adoption into the Tribe is a discretionary action by the Penobscot Nation exercised exclusively by the Chief and Council requiring at least three-fourths (3/4) of the total membership of the Council. Subject to Section 1.8.1 Review of Background Investigation by the Chief and Council, only those persons possessing at least one-quarter (1/4) Indian blood as determined by the Census Committee are eligible for adoption. The applicant must provide the Penobscot Nation with documentation of blood quantum equivalent to or more persuasive than that required of a Penobscot Indian applying for enrollment. Applicant must demonstrate to the Chief and Council by the preponderance of evidence that he or she is of good character contrary to any written objection by any tribal member when declared as valid by the Chief and Council which state circumstances as to why the applicant should not be adopted.

2. Application forms for adoption shall be available upon request from the Department which shall make a record of the persons to whom the forms were issued and the date furnished. An application for adoption shall constitute an

application for enrollment upon review and verification of applicant's genealogical information by the Census Committee, applicant's background was investigated to the satisfaction of the Chief and Council, and application was approved by vote of Council.

a. Each application must contain:

1. The name, address, date, and place of birth of the applicant and, the name and address of the applicant's sponsor, and a statement as to his or her relationship to the applicant, including a listing of each and every Indian reservation, state, territory, or possession of the United States or foreign country the applicant resided. It is the sole responsibility of the applicant to list every criminal record or activity associated with any residence or location of such activity, including approximate date(s) of each incident.

Failure by the applicant or sponsor to provide a full and complete disclosure of information regarding any criminal record or activity on the application for adoption will nullify the adoption vote by the Chief and Council. The individual's name will be permanently removed by the Census Committee from the tribal roll upon majority vote of the Tribal Council. The removal of the individual's name from the census roll will be without further recourse or review by any other tribal governmental unit of the Penobscot Nation.

2. Claimed degree of Indian blood, and the Indian tribe, band, or nation in which such blood is claimed, accompanied by the applicant's genealogy and signed release to the Penobscot Nation for verification of the genealogical and related documentation.

3. Certified copy of marriage, death, original birth certificate, baptismal record, adoption, residency permit, or any legal document which names biological parent or parents. Any applicant for adoption who knowingly withholds vital documentation or record necessary to verify their application shall not be considered for adoption by the Chief and Council. Further, should any applicant provide false information to the Penobscot Nation believing it was not true shall be subject to permanent removal by the Census Committee from the tribal roll upon majority vote of the Tribal Council without further recourse or review by any other tribal governmental unit of the Penobscot Nation.

4. Name and relationship of member or members of the Penobscot Nation, if any, to whom the applicant is related, including list of individual tribal members of the Penobscot Nation who will testify before the Chief and Council concerning any claimed familial or biological relationship.

5. Authorization signed by applicant before the Tribal Clerk as Notary Public for the release of information to the Penobscot Nation pertaining to any criminal record or activity that may have occurred while in military service of any country, if applicable, or within the boundaries of any Indian reservation, state, territory, or possession of the United States, or any foreign country, including any offense defined as criminal in the respective jurisdiction. The applicant, including minor applicant's parent or legal guardian, shall authorize and acknowledge by signature before the Tribal Clerk that the applicant's name will be publicly posted throughout the tribal community as required by the Census law.

b. Residence Requirements Prior to Application

Immediately prior to submitting application, the applicant must reside within the borders of Penobscot Nation lands or territories for a period no less than two (2) years, including the possession of a valid residency permit when required by tribal law; or applicant must reside within the State of Maine for a period no less than five (5) years. The residency requirement must be concurrent with the familial or biological relationship with tribal member(s).

d. Familial or Biological Relationship with Tribal Member(s)

Applicant must demonstrate sufficient familial or biological relationship with Penobscot tribal member(s) through marriage or parenting of Penobscot child or children within a Penobscot member household.

A copy of this Act shall be attached to each form furnished.

3. Annual Review of Eligible, Adoption Applicants

The Tribal Chief and Council at the annual review of eligible, adoption applicants conducted on the second Tuesday in November of each year, shall consider each application for adoption on their agenda and all available additional information regarding the eligibility of each applicant including testimony from any interested party present at the meeting. Members of the Council will be required to attend the annual meeting held to review adoption applications unless given previous approval by the Chief and Council. Failure or refusal to attend except when granted leave by resolution of the Chief and Council shall be grounds for removal from the Council. An Executive session

may be called at the discretion of the Chief and Council to review any information related to adoption.

When a member of the Council sponsors an applicant, that person shall abstain from voting on the disposition of the applicant. If the Chief sponsors an applicant, the Vice-Chief or Council Chair will preside over the Council's review of the sponsored applicant.

4. An application for adoption may be considered by the Chief and Council only during the annual review of eligible, adoption applicants conducted on the second Tuesday in November of each year. The application must contain any written public comment and/or objections for adoption, including certification by the Tribal Clerk that such comment was sworn and attested to by a tribal member. The Chief and Council will call a public hearing for the purpose of gathering information and testimony from tribal members regarding applicants for adoption, including the public posting of the meeting and list of adoption applicant(s). The public hearing will be held no less than fourteen (14) days but no more than twenty-one (21) days prior to the annual review of eligible, adoption applicants conducted by the Chief and Council.

5. The Tribal Clerk shall forward the completed, original application to the Department of Trust Responsibilities for verification and certification of the genealogical history of the applicant. A copy of the application will be maintained on file by the Tribal Clerk.

If the information in the application is insufficient in the opinion of the Census Committee with the recommendation of the Director, based on established requirements of burden of proof, the Department shall notify the applicant immediately and permit the applicant to supplement the application and resubmit it to the Department of Trust Responsibilities upon completion.

The Census Committee will review, verify, and determine the degree of Indian blood quantum of the applicant as provided by census law. Upon completion of the Committee's review, the Committee Chair will immediately forward a report to the Chief and Council that shall include the percentage of blood quantum for all applicants. A genealogical chart with blood quantum of the applicant's biological ancestors will be included for applicants eligible for adoption.

6. The names of the person or persons requesting adoption shall be posted for public inspection and comment by the Department upon approval of the Census Committee. Posting of the applicant's name may include placing such listing in at least two public areas, displayed in a community flyer distributed in the tribal community, or similar notice to adult, tribal members at the discretion of the Census Committee. The Committee will post in at least two public areas the applicant's name and a statement that the applicant's blood quantum has been

determined to be at least one-quarter (1/4) Indian blood quantum as required by Sec. 1.6.1 (Blood Quantum of Applicant). Applicants determined not eligible for adoption may review the results of the Committee's research, but shall be responsible for additional documentation to establish sufficient Indian blood quantum of any biological ancestor.

7. The Tribal Chief shall ensure that the application of each eligible applicant whose name is so posted shall be processed in a timely, expeditious manner and brought before the Council immediately following the completed investigation of the applicant's background.

8. The discretionary action or decision of the Council to adopt an applicant into the Penobscot Nation shall be conclusive, effective immediately, and will constitute an entitlement to enrollment. Whenever the Council votes to adopt a person, the adopted individual shall be required to attend and make an oath of adoption, administered by the Tribal Clerk, before the Chief and Council. The Chief and Council shall issue the newly adopted Penobscot a certificate of adoption, signed by the person presiding at the meeting. Following the oath of adoption, the Tribal Clerk shall forward an authenticated copy of the adoption certificate to the Census Committee.

Individuals eligible for adoption but who were not adopted may reapply for adoption to any succeeding Chief and Council. The individual may receive a transcript of the recorded session at the discretion of the Chief and Council but must make the request at their review. Costs incurred will be at the expense of the individual requesting the transcript and shall be calculated using the currently applicable cost per page for transcription used by the Tribal Court, including any applicable administrative fee. Individuals not adopted may not appeal the decision to any other tribal governmental unit of the Penobscot Nation; nor, shall the individual have any right to appeal the matter before any federal or state court.

9. Adoption of an individual by a tribal member by ordinary legal process shall not of itself confer tribal membership upon such adopted person. Eligibility for enrollment acquired through adoption shall not of itself cause the children of the adopted person, born prior to the adoption, to be eligible for membership.

1.9 APPLICATION PROCEDURE FOR ENROLLMENT

1. The power to determine membership rests exclusively with the Penobscot Nation Tribal Census Committee. At the Annual Census Meeting held in January and quarterly meetings each calendar year, the Tribal Census Committee shall consider each application for enrollment.

2. Application forms for enrollment as a member of the Penobscot Nation shall be available upon request from the Department of Trust Responsibilities. The Department shall make a record of the persons to whom the forms were issued, and the date furnished. The original adoption application and the authenticated copy of the adoption certificate forwarded to the Committee by the Tribal Clerk will be considered an application for enrollment.

a. Each application must contain:

1. The name, address, date and place of birth of the applicant and, if the application is filed on behalf of a minor, a mental incompetent or other person in need of assistance, a person residing outside the State of Maine, or a member of the Armed Forces or other service of the United States, the name, and address of the applicant's sponsor and a statement as to his or her relationship to the applicant.
2. Name and relationship of the member or members through whom eligibility is claimed if eligibility is claimed through birth or birthright.
3. Claimed degree of Indian blood, and the Indian tribe, band, or nation in which such blood is claimed, accompanied by the individual's genealogy.
4. Certified copy of the original birth certificate, baptismal record, adoption or other legal document which names the biological parent or parents of the applicant.
5. Certification as to whether the applicant is the natural child or legally adopted child of the parents.

A copy of this Act shall be attached to each form furnished.

3. Applications for enrollment shall be filed with the Penobscot Indian Nation, Department of Trust Responsibilities, 12 Wabanaki Way, Indian Island, Maine 04468, and may be filed at any time for review by the Census Committee as provided by the Census law.

1.10 REVIEW OF APPLICATION

1. The Department shall review each application that is timely submitted and make a preliminary determination of whether the application is complete in accordance with the required documentation of this section and whether there is sufficient documentation of eligibility.

If the information in the application is insufficient in the opinion of the Director, he or she shall notify the applicant immediately in writing and permit the applicant to supplement the application and resubmit it by a date no later than two weeks prior to the Annual Census Meeting or Quarterly meeting.

Once the application is complete the Department of Trust Responsibilities shall verify and certify the genealogical history of the applicant.

2. The Chairperson of the Census Committee shall ensure that all information regarding each completed application for enrollment is transmitted to the Tribal Census Committee prior to the first Wednesday of December. The Chairperson shall also ensure that each application for enrollment, timely submitted, is scheduled for hearing at the first subsequent Annual Census Committee Meeting.

1.11 COMMITTEE VOTE ON APPLICANTS

Approval of an applicant for enrollment must be by a majority of the total membership of the Committee. When a member of the Committee sponsors an applicant, that member shall be required to abstain from voting on the disposition of that application.

1.12 PREPARATION OF CENSUS ROLL

At the close of the Census Meeting, after the vote is completed, the Census Committee shall prepare a tentative list Census Roll of applicants and post it with the Census Roll of the prior year for two weeks in one or more conspicuous places and be delivered by the U.S. Mail Service, upon request, to all tribal members, who have reported their mailing address to the Tribal Clerk, for public inspection and comment. Thirty (30) days after the Annual Census Meeting, the Committee shall meet to review any new information received about the Census Roll from tribal members. Once the committee has made its final determination on membership, it shall authorize the preparation and distribution of the final Census Roll.

1.13 CENSUS REPORT

The Census Report shall include the Census proceedings subject to the provisions of 1.3.1 (Confidentiality) and the Census Roll for that year, listing each enrolled member of the Penobscot Nation, his or her roll number, full name, date of birth, sex, and blood quantum by fraction.

1.14 CERTIFICATION OF CENSUS ROLL

The Census Committee Chairperson and the Tribal Chief shall each certify that the census roll is complete and accurate. The Tribal Clerk shall certify the signatures of the Chairperson of the Census Committee and the Chief of the Penobscot Nation on the accuracy of the roll.

Certification Shall Read:

“As Chairperson of the Penobscot Nation Tribal Census Committee, I hereby report that to the best of the Committee’s ability the 20__ Census List is a complete and precise document, listing all Penobscot Members.”

Census Committee Chairperson

“I hereby certify that the foregoing Census List is correct as reported by the Tribal Census Committee of the Penobscot Nation as of the ____ day of _____, 20__.”

Chief

“The above-named _____, Chief of the Penobscot Nation, personally appeared before me and made oath that the foregoing returned statement is true according to his best knowledge and belief.”

Tribal Clerk

1.15 OATH

Each adopted person accepted for enrollment as a tribal member, shall within one month after enrollment, or in the case of one who is a minor at the time of enrollment should he desire to retain membership, within one month after reaching eighteen (18) years of age, make an oath before the Chief of the Nation that he will abide by the laws and ordinances of the Tribe and will faithfully fulfill the duties incumbent upon him as such a member. Under no circumstances shall such a member exercise his right to vote in a tribal election for the first time without having made the oath.

1.16 ENROLLMENT CERTIFICATE

(Section deleted at General Meeting 07/29/2023)

1.17 ENROLLMENT DECISION

Decisions by the Census Committee to include an applicant in the Census Roll shall become conclusive.

1.18 ADDITIONS AND CORRECTIONS OF CENSUS ROLL

The Tribal Census Committee shall have the authority and obligation to remove from the Penobscot Tribal Census Roll anyone who does not possess at least one-quarter degree Indian blood. The Census Committee is further empowered to meet from time to time during the census year at the discretion of its Chairperson to make additions and corrections to the Census Roll.

Each change to the Census Roll made under this section shall be certified by the Tribal Clerk pursuant to Section 1.14 (Certification of Census Roll) upon presentation to the Clerk by the Chairperson.

1.19 ENROLLMENT APPEALS

Decisions by the Census Committee to enroll an applicant on the census shall become conclusive after final review. The Census Committee shall notify an applicant in writing of a decision adverse to him within ten (10) days of final review of the Census roll. An applicant who has been denied enrollment may file, or have filed on his behalf, a written appeal for reconsideration to the Census Committee within thirty (30) days of receipt of a letter of denial, except where the letter of denial is delivered outside the continental United States, in which case the appellant shall have sixty (60) days within which to file an appeal.

The Census Committee shall review timely submitted appeals at the next available quarterly meeting, provided that the notice of appeal is made at least two (2) weeks prior to that quarterly meeting. Notices of appeal made within two (2) weeks prior to a quarterly meeting shall be reviewed at a subsequent quarterly meeting as provided herein.

Appeals shall be considered only if accompanied by supporting evidence not previously furnished. The names of appellants shall be posted for public inspection and comment for two (2) weeks prior to the quarterly meeting. The Committee shall receive comments, if any, from tribal members regarding the eligibility of the appellant before taking a final vote. Any appeals/complaints/contests concerning an applicant(s) application for enrollment must be made in writing via a "verified written statement."

Decisions by the Census Committee on appeals shall be final and conclusive, provided, however, that there has been adherence to the appeals procedure. In cases where it is alleged that the appeals procedure has not been followed, the claimant may request the Chief and Council to review the appeals process to investigate the allegations. The Chief and Council shall investigate such allegations within thirty (30) days of the request to ensure the appeals procedure is followed. Upon a finding that the procedure was not followed, the Chief and Council shall notify the Committee of the deficiency and corrective action to be taken. The Committee shall then take such corrective action.

A written notice of a decision by the Census Committee setting forth the reasons for the acceptance or rejection of an appeal shall be provided to the appellant.

2.0 LOSS OF MEMBERSHIP

2.1 REMOVAL OF NAME FROM TRIBAL CENSUS ROLL

Tribal Census Committee, pursuant to the procedure of Section 1.18 (Additions and Corrections of Census Roll) may remove from the Tribal Census Roll the name of any member who has lost his membership under the circumstances set out in this section.

A person adopted into this tribe who violates the oath of adoption prescribed in section 1.15 (Oath) as determined upon the preponderance of evidence by the Chief and Council, acting upon a petition submitted by at least fifty (50) adult Penobscot members, may be removed by a three-quarters vote of the total membership of the Council.

Prior to removal under this section, a list of those members to be taken off the Census Roll shall be posted for two weeks in two conspicuous public places for comment by members. Further, pursuant to Provisions 2.3 (Abandonment of Membership) and 2.4 (Loss of Membership Through Death or Disappearance), a list of those members failing to report in a span of three years will be likewise posted and shall be posted for each successive year until the 8th year when their names shall be removed.

2.2 RELINQUISHMENT OF MEMBERSHIP

Any member of the Penobscot Nation, eighteen years of age or older, may relinquish his tribal membership by filing with the Census Committee a verified written statement that he or she no longer desires to be enrolled as a member of the Penobscot Nation. Upon receipt of said notice by the Committee, the name of such member shall be stricken from the Census roll and he or she shall no longer be considered a member of the Penobscot Nation nor be entitled to any of the duties, benefits, or privileges of membership in the Penobscot Nation. Any adult member of the Penobscot Nation will be allowed to relinquish his or her tribal membership **only twice**. After the first relinquishment, a letter will be sent stating that he or she will be allowed to relinquish only one more time after being reinstated. When said adult member of the Penobscot Nation relinquishes a second time, said person **will not be** reinstated as a member of the Penobscot Nation.

In the case where a parent, legal guardian, or sponsor requests that a minor child be taken off the Penobscot Census Roll, the Census Committee shall not act without first holding a hearing in which all interested parties shall be invited to testify. In exercising its full range of discretion, the Committee may defer the removal of the child's name from the Census Roll until the child reaches eighteen (18) years of age.

2.3 ABANDONMENT OF MEMBERSHIP

1. Adult, tribal members shall report to the Census Committee the following applicable information: current address, meaning actual physical location and mailing address, if different, births, deaths, marriages, divorces, and adoptions.

2. Whenever any adult, tribal member fails to report as requested, the Census Committee shall serve notice to the non-reporting, tribal member, the Chief and Council, and any interested party of a hearing conducted for the purpose of determining the status of the tribal member. The Chief and Council shall suspend the individual's distribution of per capita funds until such time as the tribal member has completed the reporting form and forwarded it to the Census Committee. Failure to report for a period exceeding seven consecutive years shall be deemed as abandonment of his or her membership.

2.4 LOSS OF MEMBERSHIP DUE TO BANISHMENT

The loss of membership due to banishment shall be carried out by the Tribal Council of the Penobscot Nation. Upon notification of banishment from the Tribal Council, the name of such member shall be stricken from the Census roll and he or she shall no longer be considered a member of the Penobscot Nation nor be entitled to any of the duties, benefits, or privileges of membership in the Penobscot Nation.

2.4.1 EXPIRATION OF BANISHMENT TERM

If the loss of membership due to banishment is based on a given time frame then upon the expiration of the term of banishment, the banished person shall be restored all rights forfeited during the banishment and shall thereafter be treated as if the banishment had never been imposed and the name of such member shall be restored onto the Census roll.

2.5 LOSS OF MEMBERSHIP THROUGH DEATH OR DISAPPEARANCE

When there is proof such as a death certificate or sworn testimony submitted to the Census Committee that a member has died or has been deceased, but his death not previously reported, the name of that deceased person shall be removed from the Census Roll. A public notice to be published in local and tribal newspapers for one week and/or notification of next of kin of the decedent shall be done to indicate the intention of the Census Committee.

When the Census Committee has initiated an investigation and is satisfied that reasonable and diligent efforts have been made to locate a member whose name is on the roll and that that member cannot be located at the last known address of his place of business or residence and for a period of not less than seven (7) years has not contacted or communicated with the Tribal Clerk of the Nation, the Committee may presume the person to be dead or to have abandoned the Tribe.

2.6 LOSS OF MEMBERSHIP DUE TO FALSIFICATION OF INFORMATION

Any member who knowingly filed false information regarding his or her enrollment shall be subject to loss of membership.

2.7 LOSS OF MEMBERSHIP DUE TO INVALID ADOPTION

Any member who knowingly filed false information regarding his or her adoption into the Nation shall be subject to loss of membership.

2.8 EFFECT OF LOSS OF MEMBERSHIP ON OTHERS

Loss of membership by a tribal member shall not affect the tribal membership of his family members. Children born to him or her after loss of membership shall be eligible for enrollment pursuant to Section 1.6 (Qualifications for Enrollment).

2.9 RESTORATION OF MEMBERSHIP

Any person who has lost their membership rights under this section and whose name was removed from the Census Roll may regain such rights by petition to the Census Committee filed with the Chairperson.

The names of persons requesting restoration of membership rights shall be posted for public inspection and comment for two weeks prior to the scheduled quarterly meeting of the Census Committee at which a petition will be considered.

Appeals from a denial of reinstatement shall be made in the same manner as appeals under Section 1.19 and shall not be subject to review by any other tribal governmental unit of the Penobscot Nation.

Any restoration of rights shall have no retroactive effect.

3.0 FORMS

See appendix.

4.0 EFFECTIVE DATE OF THIS ACT

Upon acceptance of the Census Maintenance Procedure by a majority of the total membership present at a Tribal General Meeting, duly called by the Chief, these laws shall be in full force and effect, having an effective date of the date of the Tribal General Meeting at which a vote was taken to accept the Census Maintenance Procedure as law.

5.0 AMENDMENTS

Future changes, additions, modifications, or amendments to the Census Maintenance Procedure shall only be incorporated at a Tribal General Meeting.

6.0 JANUARY 1, 1983, CLOSED CENSUS

Section 6.0 enacted on January 1, 1983, is repealed effective December 11, 1999.

7.0 RIGHTS OF THE PENOBSCOT RIVER

1. Authority

- a. This law is adopted pursuant to the inherent sovereign authority of the Penobscot Nation to determine membership in the Penobscot Nation, which is an internal matter of the Nation.

2. Recognition of Personhood for the Penobscot River

- a. In recognition that the Penobscot River is an ancestor of all members of the Penobscot Nation, the Penobscot River is granted the recognition of legal personhood under the laws of the Nation and is a legal tribal member of the Penobscot Nation that has all rights, powers, duties, and liabilities of a member of the Penobscot Nation by birth.
- b. The Penobscot River is an indivisible and living whole encompassing the Penobscot River Basin from Penobscot Lake and the East Branch Pond to Penobscot Bay and includes all of the dependent ecological systems within that riverine system and the spiritual and cultural components entwined with the Penobscot Nation and its culture.
- c. The Penobscot River possesses inherent rights to exist, flourish, regenerate, and evolve, as well as inherent rights to restoration, recovery, and preservation. These rights include, but are not limited to, the right to pure water and riverine habitat; the right to a healthy riverine system and a natural environment free from human-caused harm; and the right to spiritual and cultural relationships with the Penobscot Nation and its members including their ancestors and progeny.

3. Establishment of the Voice of the Penobscot River

- a. In order that the Penobscot River may participate in the affairs of the Penobscot Nation and otherwise exercise its rights as a member of the Nation, the Nation hereby authorizes the creation of the Voice of the Penobscot River.
- b. Purpose: The purposes of the Voice of the Penobscot River shall be to act as a guardian of the Penobscot River with a trust obligation to act on its behalf, including as follows:
 - i. To safeguard the rights, privileges, health, and welfare of the Penobscot River

- ii. To act and speak on behalf of the Penobscot River in the affairs of the Nation and with respect to the exercise of the rights, privileges, health, and welfare of the Penobscot River
 - iii. To promote in any and all ways the general welfare of the Penobscot River.
- c. Composition, Powers, Duties, and Liabilities. The Tribal Council shall create a Board of Trustees to operate The Voice of the Penobscot River, including determining its composition, powers, duties, and liabilities. The Tribal Council shall perform such further and additional actions as may be necessary or convenient in order to effectuate this law and meet the requirements of and conform in all respects to the laws of the Nation.

ACCEPTED

General Meeting, 1/17/1981, 1:00 p.m., Penobscot Nation Community Building “Penobscot Nation Tribal Census Maintenance Procedure” consisting of Title page, Table of Contents, and pages 1 through 29 - Section 1 through 5.

General Meeting, 7/23/1984, 7:00 p.m., Penobscot Nation Community Building accepted the amendment to Section 6.0 (Closed Census).

General Meeting, 12/08/1992, Resolution Number 12-8-92-01 accepted the amendments to Section 1.3 (Penobscot Nation Tribal Census Committee) as well as the addition of a subsection entitled, Transitional Provisions.

General Meeting, 12/11/1999, 1:00 p.m., Penobscot Nation Community Building accepted the addition of new Definitions. Amendments to the following sections were also accepted: Section 2.3 (Abandonment of Membership), Section 2.8 (Restoration of Membership), Section 1.8 (Eligibility by Adoption of Person), and Section 1.9 (Application Procedure for Enrollment) were amended. Repealed at this General Meeting were the following Sections: Section 1.6.2 (Non-Membership in Another Tribe) was repealed and replaced with Section 1.6.2 (Non-Membership in Another Tribe [Dual Enrollment Status]), Section 1.7 (Eligibility by Birthright) was repealed and replaced with Section 1.7 (Entitlement to Enrollment by Birthright), and Section 6.0 (Closed Census) was repealed.

General Meeting, 05/04/2002, 9:00 a.m., Penobscot Nation Community Building repealed Section 1.6.2 (Non-Membership in Another Tribe [Dual Enrollment Status]).

General Meeting, 05/05/2007, 9:00 a.m. Penobscot Nation Community Building voted to strike out the word “wedlock” wherever it appears within the Penobscot

Nation Census Maintenance Procedure (including the policies). [It was not replaced with any other language.]

General Meeting, 05/02/2015, 9:00 a.m. Penobscot Nation Community Building accepted additional language to Section 1.19 (Enrollment Appeals) and Section 2.2 (Relinquishment of Membership).

General Meeting, 06/01/2019, 9:00 a.m., Penobscot Nation Arena voted to add Section 7.0 (Rights of the Penobscot River).

General Meeting, 07/29/2023, 9:00 a.m., Penobscot Nation Arena voted to amend the definition of Annual Census Meeting, add the definition of Banishment, amend Section 1.3 (Penobscot Nation Tribal Census Committee), eliminate Section 1.16 (Enrollment Certificate), add Section 2.4 (Loss of Membership Due to Banishment) and add Section 2.4.1 (Expiration of Banishment Term).

PENOBSCOT NATION

TRIBAL CENSUS MAINTENANCE PROCEDURE

APPENDIX - FORMS



PENOBSCOT NATION

CENSUS COMMITTEE



COMMUNITY BUILDING
12 WABANAKI WAY
INDIAN ISLAND, ME 04468
TEL: (207) 817-7338
FAX: (207) 827-6322

**APPLICATION FOR
MEMBERSHIP**

1. **APPLICANT'S FULL NAME:** _____

2. **SEX: MALE / FEMALE (Circle One)**

3. **BIRTHDATE:** _____

4. **PLACE OF BIRTH:** _____
CITY COUNTY STATE

5. **MAILING ADDRESS:** _____
NUMBER AND STREET
CITY STATE ZIP CODE

6. **TELEPHONE NUMBER OF APPLICANT:** (____) _____
AREA CODE

7. **WHAT IS THE NAME AND RELATIONSHIP OF THE PENOBSCOT TRIBAL MEMBER(S) THROUGH WHOM ELIGIBILITY IS CLAIMED?** _____

8. **WHAT IS THE CLAIMED DEGREE OF INDIAN BLOOD, AND THE TRIBE (S) IN WHICH SUCH BLOOD IS CLAIMED?** _____

9. **PLEASE ATTACH A CERTIFIED COPY OF AN ORIGINAL BIRTH CERTIFICATE WHICH NAMES PARENTS.**

10. **IS THE APPLICANT THE BIOLOGICAL OR ADOPTED CHILD OF THE PARENTS THROUGH WHOM ELIGIBILITY IS CLAIMED?** _____

PLEASE NOTE:

A. THE BURDEN OF PROOF RESTS UPON THE APPLICANT TO ESTABLISH HIS OR HER ELIGIBILITY FOR ENROLLMENT, AND THE APPLICANT MUST ESTABLISH HIS OR HER ELIGIBILITY FOR ENROLLMENT BY A PREPONDERANCE OF THE EVIDENCE. DOCUMENTARY EVIDENCE SUCH AS BIRTH CERTIFICATES, DEATH CERTIFICATES, MARRIAGE LICENSES, BAPTISMAL RECORDS, COPIES OF PROBATE FINDINGS, OR AFFIDAVITS MAY BE USED TO SUPPORT CLAIMS FOR ENROLLMENT.

B. SECTIONS 2.5 AND 2.6 OF THE CENSUS MAINTENANCE PROCEDURE STATE THAT ANY MEMBER WHO KNOWINGLY FILES FALSE INFORMATION REGARDING MEMBERSHIP OR ADOPTION SHALL BE SUBJECT TO LOSS OF MEMBERSHIP.

C. ALL DOCUMENTATION SUBMITTED CONCERNING MEMBERSHIP IN THE PENOBSCOT INDIAN NATION SHALL BECOME THE PROPERTY OF THE PENOBSCOT INDIAN NATION.

IMPORTANT:

I (WE) CERTIFY THAT I (WE) HAVE READ THIS APPLICATION AND THAT IT IS ACCURATE AND COMPLETE TO THE BEST OF MY (OUR) KNOWLEDGE.

APPLICANT

GUARDIAN/PARENT

DATE

Office of the Chief and Council

Kirk E. Francis
Chief

Mark Sockbeson
Vice-Chief

Maulian Dana
Tribal Ambassador



Penobscot Nation
12 Wabanaki Way
Indian Island, Maine 04468
(207) 817-7349

FAX (207) 827-6042

APPLICATION FOR ADOPTION

1. APPLICANT'S FULL NAME: _____

2. SEX: MALE/FEMALE (Circle One) _____

3. BIRTHDATE: _____

4. PLACE OF BIRTH: _____
CITY COUNTY STATE

5. MAILING ADDRESS: _____
NUMBER AND STREET
CITY STATE ZIP CODE

6. TELEPHONE NUMBER OF APPLICANT: (____) _____
AREA CODE

7. SPONSOR'S NAME AND HIS/HER RELATIONSHIP TO APPLICANT?

8. SPONSOR'S MAILING ADDRESS: _____
NUMBER AND STREET
CITY STATE ZIP CODE

9. SPONSOR'S TELEPHONE NUMBER: (____) _____
AREA CODE

10. WHAT IS THE NAME AND RELATIONSHIP OF THE PENOBSCOT TRIBAL MEMBER(S), IF ANY, TO WHOM THE APPLICANT IS RELATED, INCLUDING LIST OF INDIVIDUAL TRIBAL MEMBERS OF THE PENOBSCOT NATION WHO WILL TESTIFY BEFORE THE CHIEF AND COUNCIL CONCERNING ANY CLAIMED FAMILIAL OR BIOLOGICAL RELATIONSHIP?

11. WHAT IS THE CLAIMED DEGREE OF INDIAN BLOOD, AND THE TRIBE (S) IN WHICH SUCH BLOOD IS CLAIMED? _____

12. IS THE APPLICANT THE BIOLOGICAL OR ADOPTED CHILD OF THE PARENTS THROUGH WHOM ELIGIBILITY IS CLAIMED? _____

13. PLEASE LIST EACH PLACE OF RESIDENCE INCLUDING EVERY: INDIAN RESERVATION, STATE, TERRITORY, POSSESSION OF THE UNITED STATES OR FOREIGN COUNTRY.

14. PLEASE LIST EVERY CRIMINAL RECORD OR ACTIVITY ASSOCIATED WITH ANY RESIDENCE OR LOCATION OF SUCH ACTIVITY INCLUDING APPROXIMATE DATE(S) OF EACH INCIDENT. (IF NONE PLEASE STATE "NONE".)

***PLEASE INCLUDE WITH THIS APPLICATION: APPLICANT'S GENEALOGY, CERTIFIED COPIES OF MARRIAGE, DEATH, ORIGINAL BIRTH CERTIFICATE, ADOPTION, RESIDENCY PERMIT, OR ANY LEGAL DOCUMENTS WHICH NAMES BIOLOGICAL PARENT OR PARENTS.

PLEASE NOTE:

A. THE BURDEN OF PROOF RESTS UPON THE APPLICANT TO ESTABLISH HIS OR HER ELIGIBILITY FOR ENROLLMENT, AND THE APPLICANT MUST ESTABLISH HIS OR HER ELIGIBILITY FOR ENROLLMENT BY A PREPONDERANCE OF THE EVIDENCE. DOCUMENTARY EVIDENCE SUCH AS BIRTH CERTIFICATES, DEATH CERTIFICATES, MARRIAGE LICENSES, BAPTISMAL RECORDS, COPIES OF PROBATE FINDINGS, OR AFFIDAVITS MAY BE USED TO SUPPORT CLAIMS FOR ENROLLMENT.

B. SECTIONS 2.5 AND 2.6 OF THE CENSUS MAINTENANCE PROCEDURE STATE THAT ANY MEMBER WHO KNOWINGLY FILES FALSE INFORMATION REGARDING MEMBERSHIP OR ADOPTION SHALL BE SUBJECT TO LOSS OF MEMBERSHIP.

C. ALL DOCUMENTATION SUBMITTED CONCERNING MEMBERSHIP IN THE PENOBSCOT INDIAN NATION SHALL BECOME THE PROPERTY OF THE PENOBSCOT INDIAN NATION.

D. BY SIGNING THIS APPLICATION FOR ADOPTION, YOU ARE AUTHORIZING THE PENOBSCOT INDIAN NATION TO VERIFY YOUR GENEALOGY AND OTHER RELATED DOCUMENTS.

IMPORTANT:

I (WE) CERTIFY THAT I (WE) HAVE READ THIS APPLICATION AND THAT IT IS ACCURATE AND COMPLETE TO THE BEST OF MY (OUR) KNOWLEDGE.

APPLICANT

SPONSOR

DATE

PENOBSCOT NATION
CENSUS COMMITTEE



COMMUNITY BUILDING
6 RIVER ROAD
INDIAN ISLAND, MAINE 04468
TEL.: 207/827-7776
EXT. 378

OATH OF ADOPTION

I, _____, do swear

before the Penobscot Chief and Council that I will be a discreet, industrious
and good member of the Penobscot Indian Nation and will abide by the laws
and ordinances of the Tribe and will faithfully fulfill the duties incumbent upon
me as a Tribal member.

DATE: _____

SIGNATURE

Personally appeared the above named _____

and declared this oath to be his/her free act and deed.

PENOBSCOT TRIBAL CLERK

Office of the Chief and Council

Kirk E. Francis
Chief

Mark Sockbeson
Vice-Chief

Maulian Dana
Tribal Ambassador



Penobscot Nation
12 Wabanaki Way
Indian Island, Maine 04468
(207) 817-7349

FAX (207) 827-6042

CERTIFICATE OF ADOPTION

This is to certify that on the _____ day of _____

20_____, at a _____ meeting of the Penobscot

Chief and Council that _____
(Insert Name of Adoptee)

was duly adopted into the Penobscot Indian Nation.

DATE: _____, 20_____.

PENOBSCOT TRIBAL CHIEF

PENOBSCOT NATION

CENSUS COMMITTEE



COMMUNITY BUILDING
12 WABANAKI WAY
INDIAN ISLAND, ME 04468
TEL.: (207) 817-7378

April 02, 2018

TO ALL TRIBAL MEMBERS:

The Penobscot Nation Census Committee dictated by Chapter XVI, Tribal Census Maintenance Procedure, Section 1.3 subsection 7, determines tribal Membership. These laws being adopted by General Meeting on January 17, 1981 and further amended on July 23, 1984, December 8, 1992, December 11, 1999 and May 05, 2007.

One of the primary responsibilities of the Census Committee is to maintain an accurate and current Census Roll, Section 1.1 subsection d. Sections 2.1, 2.2, 2.3, and 2.4 summarize the procedure for the Census Committee to determine loss of membership through death, disappearance, relinquishment, and abandonment. Failure to report is one cause to consider abandonment. The enclosed form will satisfy this requirement for reporting. All completed and notarized forms are to be returned to the Census Committee by **September 30, 2018** or sooner. Failure to report by **September 30, 2018** will result in the suspension of that individual's per capita payment as well as constitute grounds for posting of that individual's name on grounds of abandonment.


Cheryl A. Kelly, Chairperson

CC: cwb

Penobscot Indian Nation - Tribal Membership Reporting Form

Purpose: The purpose of this form is to maintain an accurate listing of our Tribal Membership. Your cooperation would be greatly appreciated by returning this completed and **notarized** form. Please be advised that by **not completing** this form, your per capita may be suspended pursuant to section 2.3 [subsections 2 and 3] of the Census Maintenance Procedure.

Instructions: Please provide the following information in the spaces provided below. Have a notary public validate this form. **Please remember to have proper identification (picture ID).**

1. Current Name: _____

2. Date of Birth: _____

Physical Address:

Mailing Address(if different):

3. Telephone Number _____

4. Names and birthdates and place of residence of minor children (if more space is necessary, write on other side):

5. Please list any of the following changes that may have occurred:

Births: _____

Deaths: _____

Marriages: _____

Divorces: _____

Adoptions: _____

PLEASE NOTE: Sections 2.5 and 2.6 of the Census Maintenance Procedure state that any member who knowingly files false information regarding membership shall be subject to loss of membership.

I, _____ (print), do hereby certify that the above information is true and accurate to the best of my knowledge. *A parent or legal guardian may sign for children under 18 years of age.*

Member (Parent) signature: X _____ Date: _____
(sign in the presence of a notary public)

Notary Public Certification

I, _____, being a Notary Public, hereby certify that the person signing above did appear before me and presented proper identification and documentation to verify that they are the person as presented.

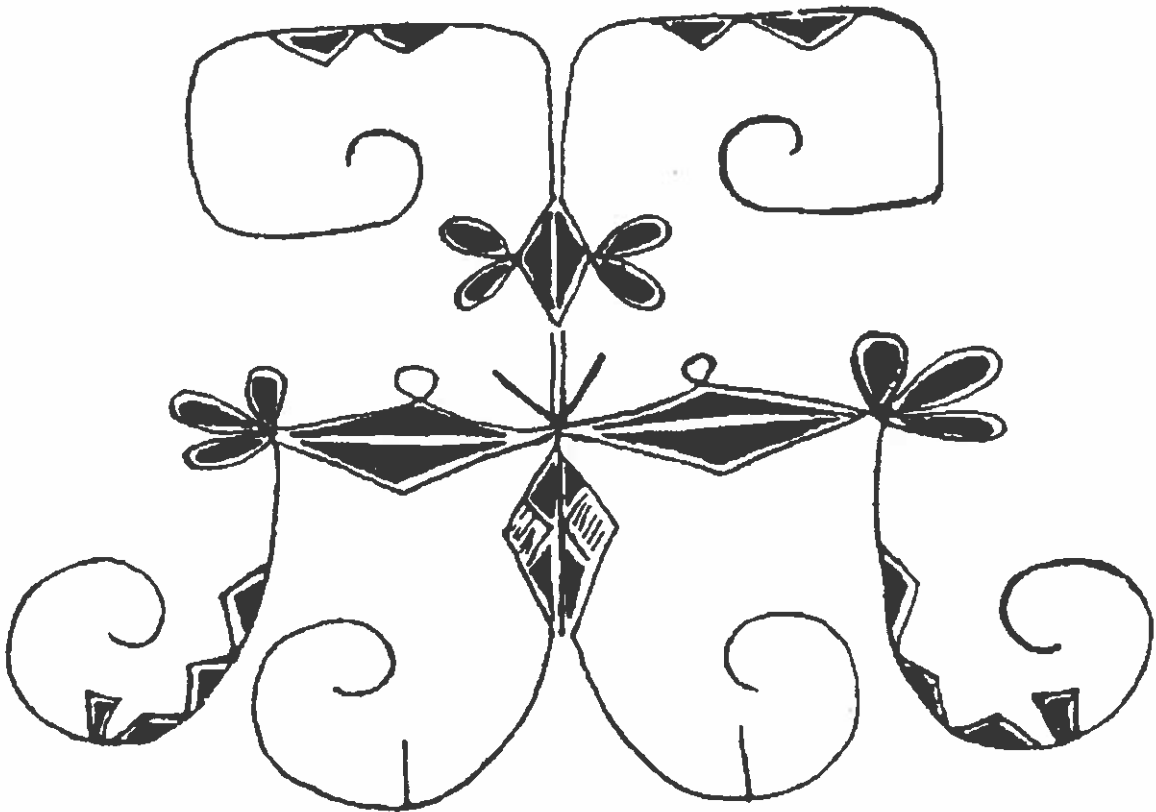
Date: _____ Notary Public: _____

Date Commission Expires: _____

Please return this completed form to:

**Penobscot Indian Nation
Census Committee
12 Wabanaki Way
Indian Island, ME 04468**

PENOBSCOT NATION
TRIBAL CENSUS COMMITTEE
POLICIES



PENOBSCOT NATION

CENSUS COMMITTEE



COMMUNITY BUILDING
12 WABANAKI WAY
INDIAN ISLAND, ME 04468
TEL.: (207) 817-7378

CENSUS COMMITTEE POLICIES

(POLICIES CANNOT BE IN CONFLICT WITH CENSUS MAINTENANCE PROCEDURE)

12-06-00A

All applications and other documentation shall be dated by DTR upon submittal or dated by postmark. This date shall constitute the date to be recognized by DTR on behalf of the Census Committee. All applications and documentation shall be submitted to the committee at its next meeting.

12-06-00B

All persons applying for membership after the first meeting in January, if accepted, shall be published on the following year's census list and shall become a member as of the first day of the quarter in which they receive final approval for membership.

Should this policy cause difficulty in obtaining emergency PIN-HHS services in the case of newborns, the Director of DTR or the Census Committee Chairperson shall canvas committee members to obtain permission for releasing the names of tentatively accepted members. The committee shall make the final decision at the next following meeting.

12-06-00C

On questions of paternity conflicts in documentation, the Census Committee retains the right to request sufficient accurate documentation including but not limited to blood tests by qualified hematologist in the field of genetics for verification of paternity. The expense for all documentation in regard to an application, appeal, or adoption leading to tribal membership shall be borne by the applicant. The Census Committee reserves the right to have a representative be present and oversee any required action concerning documentation verification.

12-06-00D

All meeting agenda are to be posted in conspicuous public places at least two (2) weeks prior to the meeting date. Quarterly and emergency meetings may be called at the discretion of the Chairperson with the advice and consent of the Vice-Chairperson and Secretary. Meetings may be cancelled due to lack of business or other reasonable causes.

12-06-00E

Membership into the Penobscot Nation must be by an affirmative vote of three (3).

12-06-00F

A majority vote of the committee members present and voting at a duly called meeting is necessary for a quantum change. Any member shall not abstain from voting unless there is a direct conflict of interest as defined in the tribal census law.

12-06-00G

When an enrollment conflict exists concerning children of a Penobscot parent and a parent of another tribe over which tribe the child (ren) should be enrolled in; the biological parents must agree on which tribe will be chosen. (Amended January 14, 2009)

12-06-00H

All new applicants for membership must include marriage certificates for the parents of the applicant. If the parents are not married and the name of the father appears on the birth certificate, then a sworn, notarized paternity affidavit must accompany the application. This can be, but is not limited to, a copy of the affidavit filed with the State of birth or the hospital in which such birth occurred.

12-06-00I

Any changes in census records involving birth dates or names must be accompanied with proper documentation.

12-06-00J

Any Census Committee member who appears at a regularly scheduled meeting or workshop who has been drinking and is obviously intoxicated or is under the influence of drugs shall be sent home and not participate in Census Committee business. The member sent home shall not be paid for that session and shall be considered absent without permission.

12-06-00K

It will be the policy of the Census Committee to review applications for adoption into the Penobscot Nation on a case-by-case basis. Each application for adoption must contain a written and signed request by the applicant stating his/her reasons for requesting adoption. A personal appearance by the applicant to the Census Committee shall be requested.

12-06-00L

The Census Committee will no longer accept photocopies of documents required for tribal membership applications. All documents submitted to this committee must be a certified, original record.

01-07-04M

~~It will be the policy of the Census Committee to allow any adult member of the Penobscot Nation to relinquish his or her tribal membership **only once**. When said adult member of the Penobscot Nation relinquishes a second time, said person will not be reinstated as a member of the Penobscot Nation.~~ This policy was made into law on May 2, 2015. See Section 2.2.

01-24-06N

When a DNA test is submitted, it shall be the policy of the Census Committee to accept only an AABB (American Association of Blood Banks) Accredited DNA legal paternity test. The DNA test used must be one that is designed to be presented as evidence in court proceedings. The test must be able to stand up in court, legal counsel, judges and a jury must be confident that: (1) evidentiary samples were collected properly, with a strict "chain-of-custody" being established and (2) an accredited Laboratory, using sound procedures performed the tests and analyzed the results accurately. (Amended January 14, 2009)

01-24-06O

~~It shall be the policy of the Census Committee to require DNA legal paternity tests in all cases of unmarried couples where the putative Father of the applicant is the alleged Native parent. (Policy deleted per General Meeting of May 05, 2007.)~~

11-28-12P

When a question of paternity arises and another person states that he is the biological father, this statement must be made in writing and presented to the Census Committee as a notarized paternity affidavit or statement.