

SENATE No. 1832

The Commonwealth of Massachusetts

PRESENTED BY:

Viriato M. deMacedo, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to Native American tribal recognition.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Mrs. Linda Morales-Morceau (Woman
Chief Yellow Feather)*

*The Chappiquiddic Tribe of The
Massachuset Nation*

SENATE No. 1832

By Mr. deMacedo (by request), a petition (accompanied by bill, Senate, No. 1832) of Mrs. Linda Morales-Morceau (Woman Chief Yellow Feather) and The Chappiquiddic Tribe of The Massachuset Nation for legislation relative to Native American tribal recognition. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to Native American tribal recognition.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. There shall be a process for the state recognition of Native American Tribes
2 in the Commonwealth of Massachusetts. In order to be eligible for recognition, an applicant must
3 file an application and demonstrate compliance with clauses (1) through (8) of this section which
4 may be supplemented by clause (9) of this section:- (1) The applicant’s governing body must
5 currently be located within Massachusetts. (2) A substantial number of the applicant’s members
6 are related to each other by kinship and trace their ancestry to a kinship group through genealogy
7 or other methods. Genealogical documents shall be limited to those that show descendency from
8 identified Massachusetts or regional native people. (3) The applicant has a connection with
9 Native American Indian tribes and bands that have historically inhabited Massachusetts. (4) The
10 applicant has historically maintained an organizational structure that exerts influence and
11 authority over its members that is supported by documentation of the structure, membership
12 criteria, the names and residential addresses of its members, and the methods by which the

13 applicant conducts its affairs. (5) The applicant has an enduring community presence within the
14 boundaries of Massachusetts that is documented by archaeology, ethnography, physical
15 anthropology, history, folklore, or any other applicable scholarly research and data. (6) The
16 applicant is organized in part: (i) to preserve, document, and promote its Native American Indian
17 culture and history, and this purpose is reflected in its bylaws; (ii) to address the social,
18 economic, political or cultural needs of its members with ongoing educational programs and
19 activities. (7) The applicant can document traditions, customs, oral stories, and histories that
20 signify the applicant's Native American heritage and connection to their historical homeland. (8)
21 The applicant has not been recognized as a tribe in any other state, province, or nation. (9)
22 Submission of letters, statements, and documents from: (i) municipal, state, or federal authorities
23 that document the applicant's history of tribe-related business and activities; (ii) tribes in and
24 outside Massachusetts that attest to the Native American Indian heritage of the applicant.

25 SECTION 2. There shall be a special task force to conduct an investigation and study
26 concerning compliance with the terms of the treaties between the Commonwealth and the Native
27 American Tribes of the Commonwealth and the implementation of the process for state
28 recognition of Native American Tribes. The task force shall consist of 2 members appointed by
29 the senate, one of whom shall be appointed by the minority leader; 2 members appointed by the
30 house of representatives, one of whom shall be appointed by the minority leader; and 5 persons
31 to be appointed by the governor: 3 of whom shall be representatives of Native American Tribes
32 in the Commonwealth; 2 of whom shall be experts with academic qualifications in Native
33 American history with specific focus on the Commonwealth of Massachusetts.

34 SECTION 3. The task force shall: study and make recommendations for the
35 implementation of the state recognition process described in section 1 of this resolution; research

36 and make recommendations on the status of historical treaties between the Commonwealth of
37 Massachusetts and Native American Tribes; review the Commonwealth's compliance with said
38 treaties; and make recommendations for best practices and procedures, if necessary, to bring the
39 Commonwealth into compliance with any treaties with Native American Tribes.

40 SECTION 4. The special task force shall submit a report to the Governor, the speaker of
41 the House of representatives, and the senate president, setting forth the task force findings,
42 recommendations, and proposals, by December 31, 2019. The special task force shall dissolve
43 upon completion of its duties and obligations, as indicated by submission of its findings and
44 recommendations, unless the General Court, in advance of that date, extends its term for a set
45 period or indefinitely.