

Good morning Senator Carney and Representative Kuhn and honorable members of the Judiciary Committee. My name is Patricia Houghton I am a Passamaquoddy Tribal member on the Pleasant Point Tribal Census.

I am in support of LD 785 "An Act to Enact the Remaining Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act".

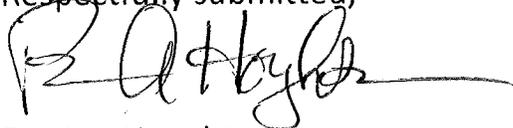
I'm here today to ask consideration be given to add an amendment to protect an inherent right of individual Native Sovereignty. Far too long Passamaquoddy voters have been shut out of meaningful representation in shaping policies that affect our natural resources, constitutional rights and enterprises with our future generations in mind. All Passamaquoddy Tribal members have a right to have a seat at the table.

There are about 3,300 Passamaquoddy Tribal members of which about 700-750 reside at Indian Township and about 680-750 at Pleasant Point. According to Indian Health Service (IHS) 42 CFR 136.23 (see handout no. 1), Indian Township has added Hancock County to Indian Township's Health Center service area adding 257 newly enrolled members for health services. The health service areas requested by Tribal governments has been used to determine the voting roles for elections. Will they now qualify? The present system allows a minority group to dominate present polices and elections by excluding out-of-service area and off reservation members.

Considering that tribal voting is a sovereign issue I have tried all available avenues to have my voting rights restored as well as other disenfranchised tribal members to no avail. (See handout no. 2.)

Thank you for your time and attention if you have any questions I will be happy to answer them.

Respectfully submitted,



Patricia Houghton

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LEGAL STATUS

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LEGAL STATUS

Re-designation of the Delivery Area for the Passamaquoddy Tribe at Indian Township

A Notice by the Indian Health Service on 10/10/2017

PUBLISHED CONTENT - DOCUMENT DETAILS

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DOCUMENT HEADINGS

Department of Health and Human Services
Indian Health Service

AGENCY:

Indian Health Service, Department of Health and Human Services.

ACTION:

Final Notice.

SUMMARY:

This final notice advises the public that the Indian Health Service (IHS) has decided to expand the geographic boundaries of the Purchased/Referred Care Delivery Area (PRCDA) for the Passamaquoddy Tribe's reservation at Indian Township (Passamaquoddy at Indian Township or Tribe) in the State of Maine.

DATES:

October 10, 2017.

Inspection of Public Comments: The IHS published a **Federal Register** Notice entitled, "Notice To Propose the Re-Designation of the Service Delivery Area for the Passamaquoddy Tribe at Indian Township," on March 8, 2017 (82 FR 12968 (/citation/82-FR-12968)), and did not receive any comments regarding the notice.

FOR FURTHER INFORMATION CONTACT:

Terri Schmidt, Acting Director, Office of Resource Access and Partnerships, Indian Health Service, 5600 Fishers Lane, Mailstop: 10E85C, Rockville, Maryland 20857. Telephone (301) 443-2694 (This is not a toll free number).

SUPPLEMENTARY INFORMATION:

The Passamaquoddy PRCDA previously covered Aroostook and Washington Counties in the State of Maine. The expanded PRCDA for the Tribe's reservation at Indian Township includes Hancock County in the State of Maine. This notice only relates to the expansion of the Tribe's PRCDA for the Indian Township reservation.

The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96-420; H. Rept. 96-1353) includes the intent of Congress to fund and provide Purchased/Referred Care (PRC) to the Passamaquoddy Tribe. The Passamaquoddy Tribe has two reservations: Indian Township

and Pleasant Point. The PRCDA for the Indian Township reservation is Aroostook County, Maine, and Washington County, Maine. The PRCDA for the Pleasant Point reservation is Washington County, Maine, south of State Route 9, and Aroostook County, Maine.

Background: The IHS currently provides services under regulations codified at 42 CFR part 136, subparts A (<https://www.ecfr.gov/current/title-42/part-136/subpart-A>) through C (<https://www.ecfr.gov/current/title-42/part-136/subpart-C>). Subpart C defines a PRCDA, formerly referred to as a Contract Health Service Delivery Area or Purchased/Referred Care Service Delivery Area, as the geographic area within which PRC will be made available by the IHS to members of an identified Indian community who reside in the area. Residence in a PRCDA by a person who is within the scope of the Indian health program, as set forth in 42 CFR 136.12 (<https://www.ecfr.gov/current/title-42/section-136.12>), creates no legal entitlement to PRC, only potential eligibility for services. Services needed but not available at an IHS or Tribal facility are provided under the PRC program depending on the availability of funds, the person's relative medical priority, and the actual availability and accessibility of alternate resources in accordance with the regulations.

As applicable to the Tribes, these regulations provide that, unless otherwise designated, a PRCDA shall consist of a county that includes all or part of a reservation and any county or counties that have a common boundary with the reservation, 42 CFR 136.22(a)(6) ([https://www.ecfr.gov/current/title-42/section-136.22#p-136.22\(a\)\(6\)](https://www.ecfr.gov/current/title-42/section-136.22#p-136.22(a)(6))). The regulations also provide that after consultation with the Tribal governing body or bodies on those reservations included within the PRCDA, the Secretary may from time to time, re-designate areas within the United States for inclusion in or exclusion from a PRCDA. The regulations require that certain criteria must be considered before any re-designation is made. The criteria are as follows:

- (1) The number of Indians residing in the area proposed to be so included or excluded;
- (2) Whether the Tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the Tribe;
- (3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and (□ printed page 46998)

(4) The level of funding which would be available for the provision of PRC, 42 CFR 136.22(b) ([https://www.ecfr.gov/current/title-42/section-136.22#p-136.22\(b\)](https://www.ecfr.gov/current/title-42/section-136.22#p-136.22(b))).

Additionally, the regulations require that any re-designation of a PRCDA must be made in accordance with the Administrative Procedures Act (5 U.S.C. 553 (<https://www.govinfo.gov/link/uscode/5/553>)). See 42 CFR 136.22(c) ([https://www.ecfr.gov/current/title-42/section-136.22#p-136.22\(c\)](https://www.ecfr.gov/current/title-42/section-136.22#p-136.22(c))). In compliance with this requirement, we are publishing this final notice.

The Passamaquoddy Tribe is a federally recognized Tribe with two separate reservations, Indian Township and Pleasant Point, located approximately 50 miles apart. Each respective reservation elects its own governing body and each reservation has a separate PRCDA. The Indian Township reservation of the Passamaquoddy Tribe has a PRCDA consisting of Aroostook and Washington Counties in the State of Maine. The PRCDA for the Passamaquoddy Tribe's reservation at Pleasant Point is Washington County, Maine, south of State Route 9, and Aroostook County, Maine. The IHS adopted a PRCDA for each of the Passamaquoddy Tribe's reservations for the purposes of administering benefits under the IHS PRC program. Thus, members of the Tribe who reside outside of Aroostook and Washington Counties do not reside within the PRCDA of the Passamaquoddy Tribe and they are currently not eligible for PRC services from the Tribe.

The Passamaquoddy Tribe has a significant number of members who are not residents of Aroostook and Washington Counties. According to Tribal estimates, 257 enrolled Passamaquoddy members reside in Hancock County in the State of Maine and remain actively involved with the Tribe, but they are not currently eligible for PRC services. The Tribe provides direct services to its members by operating a clinic in Washington County.

Under 42 CFR 136.23 (<https://www.ecfr.gov/current/title-42/section-136.23>), those otherwise eligible Indians who do not reside on a reservation but reside within a PRCDA must be either members of the Tribe or maintain close economic and social ties with the Tribe. In this case, in applying the aforementioned PRCDA re-designation criteria required by operative regulations, the following findings are made:

1. By expanding, the Tribe estimates the current eligible population will be increased by 257.

2. The Tribe has determined that these 257 individuals are socially and economically affiliated with the Tribe.

3. The expanded area, Hancock County, Maine, maintains a common boundary with Washington County, Maine, the county in which the Tribe's Indian Township reservation is located.

4. The Tribe will use its existing Federal allocation for PRC funds to provide services to the expanded population. No additional financial resources will be allocated by the IHS to the Tribe to provide services to Tribal members residing in Hancock County.

The IHS did not receive comments in response to the notice proposing to expand the Tribe's PRCDA. Accordingly, the purpose of this **Federal Register** notice is to notify the public that the IHS has decided to expand the PRCDA of the Passamaquoddy Tribe's Indian Township reservation to include Hancock County in the State of Maine. This final notice will expand the current PRCDA for the Tribe's reservation at Indian Township to include Hancock County in the State of Maine. This final notice does not change or expand the PRCDA for the Tribe's Pleasant Point reservation. No additional financial resources will be allocated by the IHS to the Tribe to provide services to Tribal members residing in Hancock County in the State of Maine.

Purchased/Referred Care Delivery Areas

Tribe/reservation	County/state
Ak Chin Indian Community	Pinal, AZ.
Alabama-Coushatta Tribes of Texas	Polk, TX. ¹
Alaska	Entire State. ²
Arapahoe Tribe of the Wind River Reservation, Wyoming	Hot Springs, WY, Fremont, WY, Sublette, WY.
Aroostook Band of Micmacs	Aroostook, ME. ³
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana	Daniels, MT, McCone, MT, Richland, MT, Roosevelt, MT, Sheridan, MT, Valley, MT.

Handout no. 2

1. I have attended Joint Tribal Council (JTC) meetings over the years and every time I state to chiefs and councils the injustice done to out-of-service area and off reservation Passamaquoddies when our inherent right to vote was taken away. We can't vote for our non-voting Passamaquoddy State Tribal Representative that represents the entire Passamaquoddy Tribe. We can't vote for our Joint Tribal Council elected officials who are charged with stewarding our natural resources. They have the authority to restore it and I hope they will do the right thing.
2. I attended a Pleasant Point tribal council meeting via Zoom as voting rights were on the agenda. The council voted to restore voting rights to Pleasant Point tribal members regardless of residency. (I sent a request for information to the tribal clerk on February 2, 2026 for a copy of the minutes, and as of this date I have not received a copy yet.) At the meeting, it was advised by attendee Craig Francis this should be brought before the Joint Tribal Council before enactment. As of this date, the JTC has not added this item to the agenda. Our inherent right to participate in the voting process for referendums, petitions and elections have been disenfranchised by tribal government.
3. Currently, Pleasant Point is amending their constitution, my constitution. In the past, a constitution committee had representation from an out-of-service area Passamaquoddy. The current committee does not. Below is an excerpt that applies to all Passamaquoddies regardless of residency. It clearly states the constitution applies to out-of-service area and off-reservation Passamaquoddies but our inherent right to representation has been disenfranchised.

ARTICLE II. TRIBAL JURISDICTION

Section 1. Scope.

The authority of the government established by this Constitution shall extend over all Sipayik members of the Passamaquoddy Tribe, and