



**Madawaska Maliseet First Nation
Membership Code**

Membership

DATE: *November 7, 2023*

*"I certify that I have seen the original documentation and
this copy is a complete and accurate copy of that original."*

Patricia Bernard
A Commissioner of Oaths
Being a Solicitor and Member of the Law Society of New Brunswick

**MEMBERSHIP CODE
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FORMS & SCHEDULES

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PREAMBLE

The Madawaska Maliseet First Nation (hereinafter MMFN) hereby enacts the following Membership Code pursuant to our inherent and inalienable aboriginal and treaty rights; our inherent right to self-government and in keeping with Maliseet customs and traditions; the spirit of harmony, well being and the principles of justice, solidarity and good governance. It is the purpose of this Code to provide future generations with continual security of the rights and obligations of the Madawaska Maliseet community; and to preserve the cultural, social, and political integrity of the MMFN.

We, the people of the MMFN assert our sovereign status as part of the Maliseet Nation. We recognize our inherent rights as confirmed in our Treaties, by National and International Law, including but not limited to, Sections 25 and 35 of the Constitution Act 1982, the *Indian Act*; International Covenant on Civil and Political Rights; International Covenant on Economic, Social and Cultural Rights; Universal Declaration of Human Rights; and United Nations Declaration on the Rights of Indigenous Peoples.

Membership as based on the *Indian Act* and specific date requirements is not acceptable. This has created inequality within the community and resulted in inconsistencies between members of the same generation. This Code is designed to eliminate these gaps, creating more equality with respect to access to membership, and bypassing any disenfranchisement created through the *Indian Act*. Membership will be generational, therefore, allowing for the perpetual continuation of the Maliseet community at Madawaska.

1. The Membership Code previously used by the MMFN and effective June 6, 1987 is hereby repealed and replaced by this Membership Code.

DEFINITIONS

2. For the purposes of this Code the following definitions apply:

"Adopted" or "Adoption" refers to legal adoption and not aboriginal custom adoption;

"Adult" refers to a person of the age of majority in New Brunswick;

"Band" refers to the membership of the MMFN and any other First Nation;

"Chief and Council" refers to the duly elected Chief and Councillors of the MMFN;

"Membership Clerk" refers to the individual appointed by the Chief and Council to oversee the membership list;

"Natural Parent" refers to biological parentage;

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"Pre-Generation" refers to those Maliseet ancestors from the Madawaska Maliseet community that First Generation members descend from.

"Representative Families" refers to the four (4) current families of the MMFN which are: Bernard, Cimon, Francis and Wallace;

"Spouse" refers to an individual who is legally married and not in a common law relationship.

MEMBERSHIP LIST

3. The MMFN hereby authorizes and delegates to the Chief and Council the authority to determine membership under the provisions of this Code.
4. The MMFN Membership List shall be maintained by the Membership Clerk in the administrative office of the MMFN. There shall be entered on the Membership List the name of every person who is a member of the MMFN, including members' birth dates, addresses, phone numbers and membership and/or band numbers.

MEMBERSHIP COMMITTEE

5. The Chief and Council shall appoint a committee on membership.
 - (1) The Membership Committee shall consist of eight (8) members; two members from each of the four (4) Representative Families of the Madawaska Maliseet First Nation.
 - (2) The Membership Committee members shall serve for such terms as the Chief and Council may determine from time to time.
 - (3) A Membership Committee member may be removed from his or her position for the following reasons:
 - (1) If the Membership Committee member resigns;
 - (2) If the Membership Committee member dies;
 - (3) If the Membership Committee member misses three (3) consecutive Membership Committee meetings without reasonable cause; or
 - (4) If any conduct by the Membership Committee member undermines the good government of the Madawaska Maliseet First Nation.

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6. The Chief and Council and the Membership Committee shall be governed in the determination of membership entitlement and approval by the rules of this Code set out herein.
7. Proceedings - The Membership Committee may determine its own schedule, location of meetings, procedures, timelines and method of conducting its meetings.
8. Quorum - The quorum for the Membership Committee is a majority of its members.
9. Chair - The members of the Membership Committee shall appoint a chair from among themselves who is responsible for:
 - (1) chairing all meetings;
 - (2) giving directions to the personnel assisting the committee to perform its responsibilities; and
 - (3) signing all recommendations and orders of the committee. The Chair shall also participate in voting and have equal status in decision making to other committee members.
10. The Membership Committee shall attempt to reach its recommendations by consensus, but if consensus is not possible, a recommendation shall be made by a motion passed by a majority of its members. In the event of a tie, Chief and Council will decide.

ELIGIBILITY

11. Eligibility is based on generations. A Separate Schedules of Names, representing each of the Representative Families, shall establish those members that are First Generation. Copies of the Schedules of Names shall be maintained by the Membership Clerk at the Administrative Building of the MMFN. Subsequent generation membership (Second, Third, Fourth...) shall refer to relative descendancy from First Generation members, of which proof will be required (birth records and a paternal DNA test). The following persons shall have the right to have his or her name entered on the Membership List:
 - (1) First Generation members (See Schedules of Names);
 - (2) Second, Third, and Fourth Generation members, based on respective descendancy from First Generation members;
 - (3) Subsequent generations may be added as members by a Band Council Resolution (BCR), from time to time; and

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- (4) Anyone whose name appears on the Membership List on the date of ratification of this Code.
12. Whereas a child may be born to parents from different generations, descendency will be relative to the oldest parent, therefore, that child shall be considered to be of the same generation as the younger parent (i.e. with Second and Third generation parents – child will be considered Third generation).
13. The following persons may apply for Membership in the Nation:
- (1) "Descendant Members" – A person born of a parent who was or is entered on the Band List shall upon application be considered for membership by the Membership Committee.
- (2) "Former Band Members" - Consideration will be given to former Band Members who voluntarily enfranchised and whose spouses and children were former Band Members.
- (3) Persons whose Natural parents both of whom are, or if no longer living, were entitled to be Registered under this section. A DNA test will be required in compliance with this rule.
14. All applicants for membership as descendants must establish that the applicant is a person who is a direct descendant of a Member or Members of the MMFN, of which a paternal DNA test will be required, or a birth certificate that indicates maternal descendency.
15. The Membership Committee shall consider the following in making an assessment of a claimant's application for membership, if the claimant is an adult and:
- (1) Shares a degree of knowledge and way of life that is consistent with the common good of the Madawaska Maliseet community and allegiance to the Maliseet Nation. Knowledge refers to traditional customs, language, and history of the Madawaska Maliseet community and Maliseet Nation;
- (2) The degree of Maliseet ancestry the claimant has tied to the MMFN and the length of time they have been a part of the Madawaska Maliseet community; and
- (3) Has a commitment to learn the knowledge and way of life of the Madawaska Maliseet community and Maliseet Nation.
16. The Maliseet spouse of a MMFN member who is a member of another Maliseet band may be considered for membership in accordance with section 19.

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17. No application shall be considered by any non-Maliseet individual adopted by a member of the MMFN.
18. The Chief and Council may, at any time, add to or delete from the Membership List the name of any person who in accordance with this Code is entitled or not entitled to have their names on the Membership List.
19. There will be no dual or multiple memberships associated with the MMFN. An individual cannot be a member of the MMFN and another Indian Band as defined in the Indian Act.
20. The Membership Committee shall recommend the acceptance or rejection of any application for Membership to the Chief and Council. The Chief and Council will accept or reject the application for membership. Acceptance for membership will be based on a unanimous decision of Chief and Council.

APPLICATION PROCESS

21. An individual may apply to the Membership Committee for enrolment or re-enrolment on the MMFN Membership List by submitting an application form prescribed by this Code, as well as, all information and documentary records supporting the application. The documentary records are applicable on a case-by-case basis, they include but are not limited to:
 - (1) Paternal DNA test (if applicable);
 - (2) Birth Certificate (long form);
 - (3) Birth certificate of parents (long form).
22. An applicant, on his or her own behalf, or on behalf of a child or an adult whose affairs the applicant has the legal authority to manage, may:
 - (1) Apply to the Membership Committee to be considered for membership or reinstatement of membership; or
 - (2) Appeal a decision of the Chief and Council through the Administrative Appeals Policy.
23. The Chief and Council shall instruct the Membership Clerk to enter the name of the applicant on the Membership List if the Chief and Council determine that the applicant has provided it with satisfactory evidence that the applicant meets the eligibility criteria.
24. (1) If the Chief and Council refuses to enroll or re-enroll an applicant on the MMFN Membership List, the Membership Committee shall:

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(1) deliver to the applicant a written notice of its decision including reasons for the refusal, and

(2) act in accordance with section 25 (2) on any new information submitted under section 25 (1).

(2) Written notice of a decision under this section is sufficiently delivered to the applicant if it is:

(1) personally given to the applicant; or

(2) sent by registered mail to the applicant's address shown in the application for enrolment or re-enrolment.

25. (1) An applicant whose application for enrolment or re-enrolment has been refused under section 24 may submit new information to the committee for its consideration at any time.

(2) If, based on the new information submitted under subsection (1), the Chief and Council determines that its decision to refuse to enroll or re-enroll the applicant was made in error it may direct the Membership Clerk to enroll or re-enroll that applicant.

APPEALS

26. Persons denied membership or any other person who is a member may apply for review of the decision of the Chief and Council. All appeals will be pursuant to the MMFN Administrative Appeals Policy. The Appeals Board shall be made up of different members than the Membership Committee to avoid a conflict of interest.

AMENDMENTS

27. The MMFN Membership Code may be amended from time to time by a majority vote, of which thirty (30) days notice is given.

RENOUNCING / REVOKING

28. An individual's name may not be removed from the MMFN Membership List as a Member except in accordance with this Code.

29. On instruction from the Chief and Council, the Membership Clerk shall remove the name of a MMFN member from the Membership List. A member's name shall be removed from the Membership List based on the following criteria:

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- (1) On receiving satisfactory evidence that the MMFN Member has died;
- (2) Whereas the member has become enrolled on the basis of false representation, fraud or by knowingly concealing material facts or circumstances;
- (3) A member who is enrolled is not entitled to be enrolled;
- (4) Whereas a member becomes a member of another band.

The Membership Committee shall send a written notice to that individual advising the individual that their name has been removed from the Membership List.

30. Procedure for Revoking:

- (1) The Membership Committee shall send a written notice to that individual advising that it has removed the name of the individual from the MMFN Membership List.
- (2) A hearing shall convene thirty (30) days after notice has been issued to the individual, whereby, the individual may present any evidence or arguments to the Membership Committee.
- (3) The Membership Committee shall make a recommendation to the Chief and Council.
- (4) A final decision shall be handed down by Chief and Council within sixty (60) days.

ACCESS TO INFORMATION

31. Access to information shall comply with federal and provincial privacy laws. There will be copies of the Membership List and the Schedules of Names kept at the Administrative Office of the MMFN. No copies of the Schedules of Names will be distributed to anyone at any time, paper or electronic. An applicant may, at any time, request to access information from either the Membership List or a Schedule of Names based on the following criteria:

- (1) A Request Form will be provided by the Membership Clerk where the requester must provide valid reasons for accessing the information. Only requests related to membership claims will be considered. Requesters shall receive a response within fifteen (15) business days from the date that the Request Form was submitted to the Membership Clerk;
- (2) Applicants may only have access to the Schedule of Names of the respective family to which they are a member. The Schedule of Names shall be viewed by

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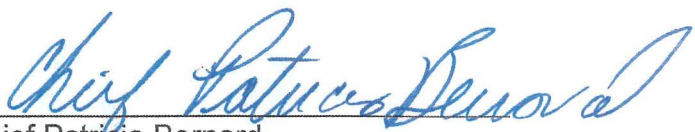
the applicant at the Administrative Building of the MMFN in the presence of the Membership Clerk alone;

(3) Applicants and band members may have access to names from the Membership List. Addresses will only be provided upon valid and good reasoning and on the basis of information sharing only. This information will be sent by mail to the requester upon approval of the request. Phone numbers, birth dates and band/membership numbers shall not be provided under any circumstance.

- 32. If a band member does not wish to receive any mail, email or be contacted, the onus is on that band member to inform the Membership Clerk.

REVIEW

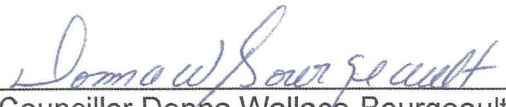
- 33. This Membership Code shall be reviewed by the Membership Committee and Chief and Council within five (5) years from the date of its ratification.



Chief Patricia Bernard



Councillor Diane Pelletier



Councillor Donna Wallace-Bourgeault