

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

FIRST REGULAR SESSION

---

ONE HUNDRED AND NINTH LEGISLATURE

---

**Legislative Document**

**No. 505**

---

H. P. 398

House of Representatives, February 13, 1979

Referred to the Committee on Legal Affairs. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Pearson of Old Town.

---

STATE OF MAINE

---

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

---

**AN ACT Concerning Removal of Unattached Nonmembers from Indian Reservations.**

---

Be it enacted by the People of the State of Maine, as follows:

22 MRSA § 4770, is repealed and the following enacted in its place:

**§ 4770. Removal of nonmembers from reservation**

Any person who shall reside or be commorant upon the tribal reservation of the Penobscot Tribe of Indians, not being a member nor the husband, wife or legally adopted child of a member of the tribe, under 18 years of age, or a person of religious organizations having permanent domicile as determined by the governor and council, shall appear before the governor and council for a special hearing on residency. The governor, or lieutenant governor in his absence, shall be required to remove, that person, therefrom by a written notice given to him in hand under the signature of the governor or lieutenant governor in his absence, as a result of the hearing. A copy of that notice attested by the tribal clerk, with a return of service thereon by any officer qualified to serve criminal precepts, or an affidavit of service by any other person, shall be filed with the tribal clerk and be sufficient evidence of that service. If a person so notified shall not remove from the reservation within 2 days after service of the notice upon him, the governor or lieutenant governor in his absence or any member of the tribe may make

**complaint to the proper officer of the District Court for Southern Penobscot, who shall cause a certified copy of that complaint with a notice of time and place of court hearing thereon to be given in hand to the person or left at his place of last and usual abode at least 2 days before the time fixed for the court hearing, before the court. After due hearing, the judge with the recommendation of the tribal governor and council may order the respondent to remove within a specified time beyond the tribal reservation limits. If the respondent fails to obey the order, or if within one year after the service of the notice he shall again become resident or commorant upon any reservation of the tribe without the consent of the governor or lieutenant governor and council, the judge shall cause the person to be apprehended and brought before the court and shall punish him by a fine of not more than \$100 or by imprisonment for not more than 60 days, or by both. The costs of the court proceeding under this section may be included in the order or sentence of the judge. If the respondent fails to pay the same, he may be committed to jail for not more than 30 days additional to any imprisonment otherwise imposed upon him. Court costs shall be taxed as in ordinary proceedings upon complaint.**

#### STATEMENT OF FACT

There exists a need to strengthen the existing tribal law to prohibit unattached nonmembers from taking up residency on the tribal reservation. There may be exceptions for reasons of health or religious organizations which the amended law takes into account.