

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 966

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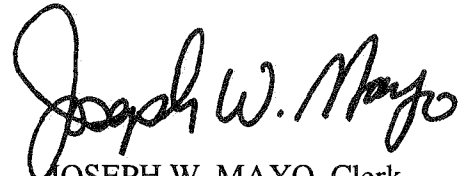
H.P. 702

House of Representatives, February 11, 1997

**An Act to Make All Persons within Passamaquoddy Indian Territory  
Subject to Tribal Court Jurisdiction.**

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Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative MOORE of the Passamaquoddy Tribe.

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

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3       **Sec. 1. 30 MRSA §6209-A, sub-§1**, as enacted by PL 1995, c.  
4 388, §6 and affected by §8, is amended to read:

6       **1. Exclusive jurisdiction over certain matters.** Except as  
7 provided in subsections 3 and 4, the Passamaquoddy Tribe has the  
8 right to exercise exclusive jurisdiction, separate and distinct  
9 from the State, over:

10       A. Criminal offenses for which the maximum potential term  
11 of imprisonment is less than one year and the maximum  
12 potential fine does not exceed \$5,000 and that are committed  
13 en within the Passamaquoddy Indian reservation ~~of the~~  
14 ~~Passamaquoddy Tribe by a member of either the Passamaquoddy~~  
15 ~~Tribe or the Penobscot Nation, except when committed against~~  
16 ~~a territory any person who is not a member of either the~~  
17 ~~Passamaquoddy Tribe or the Penobscot Nation or against the~~  
18 ~~property of a person who is not a member of either the~~  
19 ~~Passamaquoddy Tribe or the Penobscot Nation;~~

22       B. Juvenile crimes against a person or property involving  
23 conduct that, if committed by an adult, would fall within  
24 the exclusive jurisdiction of the Passamaquoddy Tribe under  
25 paragraph A, and juvenile crimes, as defined in Title 15,  
26 section 3103, subsection 1, paragraphs B to D, committed by  
27 a any juvenile member of either the Passamaquoddy Tribe or  
28 ~~the Penobscot Nation on the reservation~~ of within the  
29 Passamaquoddy Tribe Indian territory;

30       C. Civil actions ~~between members of either the~~  
31 ~~Passamaquoddy Tribe or the Penobscot Nation~~ arising en  
32 within the Passamaquoddy Indian reservation ~~of the~~  
33 ~~Passamaquoddy Tribe territory~~ and cognizable as small claims  
34 under the laws of the State, and civil actions against ~~a~~  
35 ~~member of either the Passamaquoddy Tribe or the Penobscot~~  
36 ~~Nation under Title 22, section 2383 involving conduct en~~  
37 within the Passamaquoddy Indian reservation ~~of the~~  
38 ~~Passamaquoddy Tribe by a member of either the Passamaquoddy~~  
39 ~~Tribe or the Penobscot Nation territory;~~

42       D. Indian child custody proceedings to the extent  
43 authorized by applicable federal law; and

44       E. Other domestic relations matters, including marriage,  
45 divorce and support, ~~between members of either the~~  
46 ~~Passamaquoddy Tribe or the Penobscot Nation, both of whom~~  
47 when the parties reside within the Indian reservation ~~of the~~  
48 Passamaquoddy Tribe territory.

2 The governing body of the Passamaquoddy Tribe shall decide  
4 whether to exercise or terminate the exercise of the exclusive  
6 jurisdiction authorized by this subsection. If the Passamaquoddy  
8 Tribe chooses not to exercise, or chooses to terminate its  
10 exercise of, jurisdiction over the criminal, juvenile, civil and  
12 domestic matters described in this subsection, the State has  
exclusive jurisdiction over those matters. Except as provided in  
paragraphs A and B, all laws of the State relating to criminal  
offenses and juvenile crimes apply within the Passamaquoddy  
Indian reservation territory and the State has exclusive  
jurisdiction over those offenses and crimes.

14 **Sec. 2. Effective date.** This Act does not take effect unless,  
16 within 60 days of the adjournment of the First Regular Session of  
18 the 118th Legislature, the Secretary of State receives written  
20 notification by the Joint Tribal Council of the Passamaquoddy  
22 Tribe that the Passamaquoddy Tribe has agreed to the provisions  
of this Act pursuant to 25 United States Code, Section  
1725(e)(1), copies of which must be submitted by the Secretary of  
State to the Secretary of the Senate and the Clerk of the House  
of Representatives.

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## 26 SUMMARY

28 This bill expands the jurisdiction of the Tribal Court of  
30 the Passamaquoddy Tribe to include Class D and Class E crimes and  
32 many civil actions arising within the Passamaquoddy Indian  
territory. The jurisdiction includes any person within the  
Passamaquoddy Indian territory, not just those who are members of  
a federally recognized tribe.