

MAINE STATE LEGISLATURE

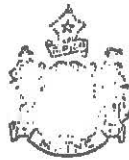
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JAMES S. ERWIN
ATTORNEY GENERAL



GEORGE C. WEST
DEPUTY ATTORNEY GENERAL

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04330

June 25, 1968

Edward C. Hinckley, Commissioner
Department of Indian Affairs
State Office Building
Augusta, Maine 04330

Dear Commissioner Hinckley:

You have inquired whether a Passamaquoddy tribal constable has jurisdiction to enforce the laws of the State on that portion of state highway 190 which crosses the Pleasant Point Passamaquoddy Indian Reservation. Our answer is: Yes.

You correctly cite 22 M.R.S.A. § 4716 (1964) as governing the answer. This statute gives Indian constables "like powers and duties of constables and police officers within towns and cities, in the enforcement of the laws of the State, within the limits of the reservation of his tribe, with authority to take any offender before any court of competent jurisdiction within his county." Since the powers of Indian constables are, by the cited statute, co-extensive with those of "constables and police officers within towns and cities", we turn to 30 M.R.S.A. § 2402 (1964) for the definition of the extent of authority of these latter officials. Section 2402 is drafted in exclusionary terms and states that the authority of municipal peace officers ends at the town line except in certain limited areas.

We conclude that the Passamaquoddy tribal constable has jurisdiction, concurrent with all other duly authorized

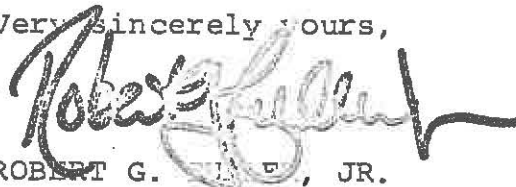
Edward C. Hinckley, Commissioner
Department of Indian Affairs

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June 25, 1968

peace officers, to enforce the laws of the State on that portion of state highway 190 crossing the Pleasant Point Passamaquoddy Indian Reservation, subject to the limitations of 30 M.R.S.A. § 2402 (1964).

Very sincerely yours,



ROBERT G. [unclear], JR.
Assistant Attorney General

RGFjr/p