

MAINE STATE LEGISLATURE

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August 14, 1972

John B. Leet
Executive Director
Maine Law Enforcement Planning
and Assistance Agency
295 Water Street
Augusta, Maine

Dear Mr. Leet:

Your letter of July 17, 1972, to Deputy Attorney General George West has been referred to me for reply.

You have asked whether the three Indian reservations in Maine are "units of general local government" as defined in Public Law 90-301, § 601 sub-§D, the federal Omnibus Crime Control and Safe Streets Act of 1968. I conclude that they are.

Although the reservations have never been declared to be political subdivisions of Maine, and are anomalous in that they evidently fall into no usual category of local government, it is my opinion that the reservations factually are local governmental units for the purposes of the Omnibus Crime Control Act.

In the pertinent area of crime control and law enforcement, it is to be noted that the two Maine Indian tribes have constables whose powers and duties are the same as police officers within the towns and cities. 22 M.R.S.A. § 4716. This is but one of the many examples of autonomy sanctioned by the Legislature. The statutes covering both the Penobscot and the Passamaquoddy Indian tribes and reservations (22 M.R.S.A. §§ 4701-4840) certainly allow a great measure of self-government.

NOT A FORMAL OPINION

Additionally, it might be noted that the examples within the Act of units of general local government (city, county, township, town, borough, parish, village) point up the units general jurisdiction over its inhabitants. In other words a port authority, a school district, or other quasi-municipal corporation would not qualify. Maine Indian reservations do exercise general jurisdiction, and indeed, possess local legislative power. 22 M.R.S.A. § 4717.

For the above stated reasons it is my opinion that the three Indian reservations in Maine are "units of general local government" as that term is used in the Omnibus Crime Control and Safe Streets Act of 1968.

Very truly yours,

JK/mf

John Kendrick
Assistant Attorney General