

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 503

H. P. 393

House of Representatives, January 29, 1969

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Casey of Baileville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

AN ACT Relating to Police Officers of Indian Tribes.

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

R. S., T. 22, § 4716, repealed and replaced. Section 4716 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4716. Tribal police officers

1. **Appointment.** The tribal governor, with the advice and consent of the tribal council of each reservation, is authorized to appoint, subject to the Personnel Law, as classified employees, one or more reliable Indians as tribal police officers.

2. **Powers and duties.** Such tribal police officers shall have like powers and duties of constables and police officers within municipalities in the enforcement of the laws of the State and the ordinances, rules and regulations of their respective reservation, within the limits of such reservation, with authority to take any offender before any court of competent jurisdiction.

3. **Removal.** For inefficiency or neglect of duty or misconduct in office, a tribal police officer may be removed after a hearing by the appointing tribal governor, with the advice and consent of the respective tribal council, provided he shall have been given a copy of the charge at least 10 days prior to the hearing and had an opportunity to be heard in person or by counsel. The decision of the tribal governor and council shall be final. In the event of the removal of a police officer, a record of the proceedings shall be filed in the office of the respective tribal council and with the Department of Indian Affairs.

STATEMENT OF FACTS

This Act would place tribal police officers under the State Personnel Law, thereby upgrading their positions and helping to attract the best qualified persons to these vital positions on all 3 reservations. Appointment powers and removal powers, with necessary safeguards, would appropriately remain with the tribal governors and councils.

At present, the department expends \$13,200 annually for salaries of tribal constables, paid from its "All Other" allotment on a contractual basis. It is estimated an additional \$8,500 would be required for the classification of 3 tribal police officers, depending upon the classification level established by the State Department of Personnel.

Funds requested by the department in its Part II budget request would cover this increase. Three budget line positions, as requested by the department, would have to be reinstated in the Part II budget request.