

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 409

H. P. 309

House of Representatives, January 27, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Mills of Eastport.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**AN ACT** Relating to Indian Tribal Police Officers.

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R. S., T. 22, § 4716, repealed and replaced. Section 4716 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof: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

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, constables.

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 of Maine 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, constable, 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 with counsel. The removal of a police officer, constable, and 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 FACT

This Act would place tribal police officers, constables, under the State of Maine 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 of Indian Affairs expends \$20,760 annually for salaries of tribal constables, paid from its "All Other" allotment on a contractual basis. It is estimated an additional \$11,600 would be required for the classification of 2 tribal police officers, depending upon the classification level established by the State Department of Personnel.

It would be necessary to request transfer funds within the Part II budget "All Other" category to "Personal Services" category if this Act is enacted.