

# MAINE STATE LEGISLATURE

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(EMERGENCY)

New Draft of: H. P. 377, L. D. 506

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1887

H. P. 1462

House of Representatives, April 26, 1973

Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10. Referred to the Committee on Marine Resources. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**AN ACT to Establish within the Department of Indian Affairs a Bureau of Indian Police.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the following legislation is vitally necessary in order to qualify for federal law enforcement funds for the coming year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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**R. S., T. 22, § 4716, repealed and replaced.** Section 4716 of Title 22 of the Revised Statutes, as amended by section 77-B of chapter 622 of the public laws of 1971, is repealed and the following enacted in place thereof:

**§ 4716. Bureau of Indian Police**

There is established within the Department of Indian Affairs a Bureau of Indian Police. The jurisdiction of said bureau shall extend only within the boundaries of the Penobscot and Passamaquoddy reservations. Such jurisdiction shall not be deemed exclusive but shall be concurrent with the jurisdiction of the Maine State Police and the applicable county sheriff's department.

The Commissioner of Indian Affairs shall appoint, subject to approval of the Indian law enforcement advisory board, a chief of police who shall have the rank of lieutenant.

1. Powers and duties. The Chief of Indian Police shall act as executive head of the Bureau of Indian Police and shall, under the direction and subject to the approval of the Commissioner of Indian Affairs, perform the duties of his office. The chief may designate an Indian police officer to act as his deputy with the rank of sergeant and may enlist other suitable persons as members of the Indian police force, on each of the Indian reservations in this State, with all the powers and duties of municipal police officers in the enforcement of the laws of the State and tribal ordinances and with authority to take any offender before any court of competent jurisdiction within his county.

2. Rules and regulations; manual. The Commissioner of Indian Affairs, subject to the approval of the Indian law enforcement advisory board, shall be authorized to promulgate all rules and regulations necessary for the proper administration and conduct of the Bureau of Indian Police and shall publish such rules in a "Manual for the Bureau of Indian Police."

3. Advisory board. An Indian law enforcement advisory board shall be organized to assist the Bureau of Indian Police and shall be comprised of: The 3 tribal governors; sheriffs of Penobscot and Washington Counties; the Commissioner of Public Safety and the chiefs of Old Town and Calais police departments. The board shall have such powers and duties as are published in the "Manual for the Bureau of Indian Police" not inconsistent with those powers and duties hereinbefore granted it in this section.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### STATEMENT OF FACT

This legislation will upgrade and improve law enforcement on the Indian reservations.