

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1769

H. P. 1274

House of Representatives, April 3, 1975

Speaker laid before the House and on Motion of Mr. Talbot of Portland referred to the Committee on Human Resources. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Binnette of Old Town. By Request.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

AN ACT to Establish the Department of Indian Police.

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

Sec. 1. 22 MRSA § 4716, as amended by PL 1971, c. 622, § 77-B, is repealed.

Sec. 2. 22 MRSA c. 1356 is enacted to read:

CHAPTER 1356

DEPARTMENT OF INDIAN POLICE

§ 4901. Title

This chapter shall be known and cited as the Department of Indian Police Act.

1. Definitions. As used in this chapter, unless the context clearly indicates otherwise, the following words shall have the following meanings:

- A. Department. "Department" shall mean the Department of Indian Police;
- B. Board. "Board" shall mean the Indian Police Governing Board;
- C. Indian. "Indian" shall mean Maine Indians as defined in section 4701;
- D. Reservations. "Reservations" shall mean the 3 Maine Indian reservations located on Indian Island, Indian Township and Pleasant Point.

§ 4902. Department

There is established a Department of Indian Police separate and autonomous from the Department of Indian Affairs and whose jurisdiction shall be confined to the Indian reservations in Maine. The Department of Indian Police and its employees shall have full police authority to enforce local and state laws consistent with the laws of this State upon the 3 reservations in Maine.

§ 4903. Organization

The Department of Indian Police shall be composed of the Indian Police Governing Board, the Chief of Indian Police, and as many employees as the Indian Police Governing Board may designate from time to time. The employees and Chief of Indian Police shall be unclassified state employees subject to benefits comparable to benefits granted to classified state employees under the Personnel Law. The employees and the Chief of Police of the Department of Indian Police shall have the same right to appeal decisions to the State Employees Appeals Board as classified state employees.

1. **Indian Police Governing Board.** The Indian Police Governing Board shall be composed of the 3 reservation governors, a popularly elected member of the tribal council from each of the 2 Maine Indian Tribes, who shall serve for a 2-year term and who may not serve for more than 2 successive terms, and 2 law enforcement professionals from areas outside the reservations, who shall be appointed by the Governor of Maine for a 2-year term and who shall not serve for more than 2 successive terms. The Indian Police Governing Board shall elect a chairman from among the Indian members of the board, who shall serve for a 2-year term but who may not serve for more than 2 successive terms as chairman of the board.

A. **Powers and duties.** The Indian Police Governing Board shall have full authority to promulgate rules and regulations for the department, to establish department policy and to establish department powers and duties that are consistent with the laws of this State. The Indian Police Governing Board, in consultation with the Chief of Indian Police, shall establish qualification standards for and screen applicants, appoint full and part-time law enforcement officers, formulate job descriptions for all positions in the department, establish a Personnel Practices Code, formulate a promotion policy, and discipline and dismiss law enforcement officers for cause. The Indian Police Governing Board shall delegate administrative duties and responsibility for the operation of the department to a Chief of Indian Police, who shall be directly responsible to the board.

B. **Compensation.** The members of the Indian Police Governing Board shall be compensated for any traveling expenses incurred in the performance of their duties and \$30 per day for every day the board convenes to conduct department business.

C. **Records.** The board shall keep records of each meeting to include the time of convention and adjournment, the matters discussed before the board and the decisions rendered in each matter. All records of each meeting shall be open to the public.

2. **Chief of Indian Police.** The Chief of Indian Police shall be appointed by the Indian Police Governing Board to a 4-year term and may be dismissed by the board for cause.

A. **Eligibility.** The Chief of Indian Police shall meet the following minimum requirements:

- (1) A minimum of 5 years' experience as a full-time law enforcement officer including some supervisory and administrative experience, and who preferably has had some experience with ethnic and minority groups;
- (2) A graduate of the Maine Criminal Justice Academy or its equivalent and who has completed the training requirements with a passing grade;
- (3) A high school graduate or its equivalent;
- (4) A United States citizen;
- (5) No physical or mental disabilities and impairments that will interfere with the performance of the duties of office;
- (6) No convictions of felonies; and
- (7) Possess a valid and current Maine driver's license.

B. **Powers and duties.** The Chief of Indian Police shall have full authority to administer the Department of Indian Police with the approval of the Indian Police Governing Board. The Chief of Indian Police shall, with the approval of the board, prepare a department budget, establish and monitor a records system, and perform any additional duties deemed proper and necessary by the Indian Police Governing Board as are consistent with the laws of this State.

3. **Law enforcement personnel.** The law enforcement personnel of the department shall have full authority as is consistent with the laws of this State to enforce local and state laws on the 3 Maine Indian Reservations.

A. **Eligibility.** The members of the Indian police force shall be subject to the requirements in Title 25, sections 2803, 2805 and 2806 and any additional requirements that are consistent with the laws of this State and deemed necessary by the Indian Police Governing Board and the Chief of Indian Police.

B. **Powers and duties.** The law enforcement personnel shall enforce local and state laws on the Maine Indian Reservations and shall perform the duties established by the Indian Police Governing Board as are consistent with the laws of this State.

Sec. 3. Appropriation. There is appropriated from the General Fund the sum of \$186,120 to the Department of Indian Police to carry out the purposes of this Act. The breakdown shall be as follows:

	1975-76	1976-77
INDIAN POLICE, DEPARTMENT OF		
Personal Services	(10) \$ 52,080	(10) \$ 90,040
All Other	13,000	11,000
Capital Expenditures		20,000
	\$ 65,080	\$121,040

STATEMENT OF FACT

The intent of this bill is to upgrade and improve law enforcement on Maine Indian reservations.