

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 191
6

7 S.P. 80

In Senate, January 17, 1983

8 Received by the Secretary of the Senate on January 17, 1983. Referred to
9 the Committee on Judiciary, and ordered printed pursuant to Joint Rule 14.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Pearson of Penobscot.

Cosponsor: Representative Cashman of Old Town.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT Relating to Criminal Offenses by
18 Indians on the Penobscot Reservation.
19

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

22 30 MRSA §6209, sub-§1, as enacted by PL 1979, c.
23 732, §§1 and 31, is amended to read:

24 1. Exclusive jurisdiction in tribes over certain
25 matters. Except as provided in subsections 3 and 4,
26 the Passamaquoddy Tribe and the Penobscot Nation
27 shall have the right, within their respective reser-
28 vations, to exercise exclusive jurisdiction separate
29 and distinct from the State over:

30 A. Criminal offenses against a person or prop-
31 erty for which the maximum potential term of
32 imprisonment does not exceed 6 months and the

1 maximum potential fine does not exceed \$500 and
2 which are committed on the Indian reservation of
3 the respective tribe or nation by a member of
4 either tribe or nation against another member of
5 either tribe or nation or against the property of
6 another member of either tribe or nation Criminal
7 offenses against a person or property which are
8 committed on the Passamaquoddy Indian Reservation
9 by a member of either tribe or nation against
10 another member of either tribe or nation or
11 against the property of another member or tribe
12 or nation for which the maximum potential term of
13 imprisonment does not exceed 6 months and the
14 maximum potential fine does not exceed \$500 and
15 criminal offenses against a person or property
16 which are committed on the Penobscot Indian
17 Reservation by a member of either tribe or nation
18 against another member of either tribe or nation
19 or against the property of another member of
20 either tribe or nation for which the maximum
21 potential term of imprisonment is less than one
22 year and the maximum potential fine does not
23 exceed \$1,000;

24 B. Juvenile crimes against a person or property
25 involving conduct which, if committed by an
26 adult, would fall, under paragraph A, within the
27 exclusive jurisdiction of the Passamaquoddy Tribe
28 or the Penobscot Nation, and juvenile crimes as
29 defined in Title 15, section 3103, subsection 1,
30 paragraphs B to D committed by a juvenile member
31 of either tribe or nation on the Indian reserva-
32 tion of the respective tribe or nation;

33 C. Civil actions between members of either tribe
34 or nation arising on the Indian reservation of
35 the respective tribe or nation and which are cog-
36 nizable as small claims under the laws of the
37 State and civil actions against a member of
38 either tribe or nation under Title 22, section
39 2383 involving conduct on the Indian reservation
40 of the respective tribe or nation by a member of
41 either tribe or nation;

42 D. Indian child custody proceedings to the
43 extent authorized by applicable federal law; and

1 E. Other domestic relations matters including
2 marriage, divorce and support between members of
3 either tribe or nation both of whom reside on the
4 Indian reservation of the respective tribe or
5 nation.

6 The decision to exercise or terminate the exercise of
7 the jurisdiction authorized by this subsection shall
8 be made by the tribal governing body. Should either
9 tribe or nation choose not to exercise, or choose to
10 terminate its exercise of, jurisdiction over the
11 criminal, juvenile, civil and domestic matters de-
12 scribed in this subsection, the State shall have
13 exclusive jurisdiction over those matters. Except as
14 provided in paragraphs A and B, all laws of the State
15 relating to criminal offenses and juvenile crimes
16 shall apply within the Passamaquoddy and Penobscot
17 Indian reservations and the State shall have exclu-
18 sive jurisdiction over those offenses and crimes.

19

STATEMENT OF FACT

20 This bill changes the Revised Statutes, Title 30,
21 section 6209, subsection 1, paragraph A, to extend
22 the jurisdiction of the Penobscot Tribal Court to
23 allow it to set fines up to \$1,000 and to set maximum
24 terms of imprisonment of not more than one year.

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