

MAINE STATE LEGISLATURE

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(Emergency)
(After Deadline)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2440

S.P. 929 In Senate, March 3, 1988
Approved for Introduction by a Majority of the Legislative
Council pursuant to Joint Rule 27.
Reference to the Committee on Judiciary suggested and
ordered printed.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator PEARSON of Penobscot.

Cosponsored by Representative CASHMAN of Old Town,
Representative PARADIS of Augusta, Senator BRANNIGAN of
Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

AN ACT Concerning Tribal Courts.

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

6 Whereas, the current criminal jurisdiction
7 provisions of AN ACT to Implement the Maine Indian
8 Claims Settlement, the Maine Revised Statutes, Title
9 30, chapter 601, are based on the limits in the United
10 States Indian Civil Rights Act that existed at the
11 time of passage of the Maine

1 Implementing Act; and

2 Whereas, the United States Indian Civil Rights Act
3 was amended in 1986 to allow tribal courts generally
4 to impose more substantial penalties; and

5 Whereas, an immediate change in AN ACT to
6 Implement the Maine Indian Claims Settlement is
7 necessary in order that the powers of the Maine tribal
8 courts be similar to those of other courts to issue
9 witness subpoenas; and

10 Whereas, these factors impede tribal courts'
11 efforts to exercise their full jurisdiction
12 effectively; and

13 Whereas, an immediate change in AN ACT to
14 Implement the Maine Indian Claims Settlement is
15 necessary to remedy these problems; and

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

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

24 Sec. 1. 30 MRSA §6209, sub-§1, ¶A, as enacted
25 by PL 1979, c. 732, §1, is amended to read:

26 A. Criminal offenses against a person or property
27 for which the maximum potential term of
28 imprisonment does not exceed 6 months one year
29 and the maximum potential fine does not exceed
30 \$500 \$5,000 and which are committed on the Indian
31 reservation of the respective tribe or nation by a
32 member of either tribe or nation against another
33 member of either tribe or nation or against the
34 property of another member of either tribe or
35 nation.

36 Sec. 2. 30 MRSA §6209, sub-§6 is enacted to
37 read:

1 Rights Act was amended in 1986 to provide that the
2 tribal courts may impose greater penalties, namely one
3 year imprisonment and a \$5,000 fine. The tribes are
4 asking that AN ACT to Implement the Maine Indian
5 Claims Settlement be amended to be consistent with the
6 powers permitted other tribal courts under federal law.

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