

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1494, L.D. 2106, Bill, "An Act Concerning Tribal Courts"

Amend the bill by striking out all of section 1 and inserting in its place the following:

Sec. 1. 30 MRSA §6209, sub-§1, ¶A, as amended by PL 1987, c. 756, §§1 and 2, is further amended to read:

A. Criminal offenses against a person or property for which the maximum potential term of imprisonment does not exceed 6 months and the maximum potential fine does not exceed \$500 \$1,000 and which that are committed on the Indian reservation of the respective tribe or nation by a member of either tribe or nation against another member of either tribe or nation or against the property of another member of either tribe or nation.

(1) The Passamaquoddy Tribe and the Penobscot Nation shall also have the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses against--a--person--or--property for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and which that are committed on the Penobscot Indian Reservation or the Passamaquoddy Indian Reservation by a member of the-Penobscot-Nation either tribe or nation, except when committed against another a person who is not a member of the-Penobscot Nation either tribe or nation or against the property of another a person who is not a member of the Penobscot-Nation either tribe or nation.

(a) This subparagraph is repealed on September 30, 1995. Before that date, the Penobscot Nation, the Passamaquoddy Tribe and the Department of the Attorney General may each submit written reports to the joint standing committee of the Legislature

COMMITTEE AMENDMENT

2 having jurisdiction over judiciary matters
concerning the effect of this subparagraph.

4
6
8
10
12
14
16
18
STATEMENT OF FACT

The amendment replaces the bill. The amendment retains the portion of the bill that gives the Passamaquoddy Tribe the same jurisdiction over Class D crimes that the Penobscot Nation currently holds. It also retains the provisions of the bill expanding jurisdiction to so-called "victimless" Class D and Class E crimes, but provides for that jurisdiction to be repealed on September 30, 1995, the same date that jurisdiction over other Class D crimes will repeal under current law. The amendment also deletes portions of the bill that expand jurisdiction of the Tribal Court to conduct on trust lands. Finally, the amendment makes a technical change to reflect the fact that the maximum potential fine for a Class E crime was increased in 1991 from \$500 to \$1,000.

Reported by the Committee on Judiciary
Reproduced and distributed under the direction of the Clerk of the
House
3/9/92 (Filing No. H-1065)