

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2106

H.P. 1494

House of Representatives, January 7, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative CASHMAN of Old Town.

Cosponsored by Representative LAWRENCE of Kittery and Representative KETTERER of  
Madison.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

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An Act Concerning Tribal Courts.

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

2           Sec. 1. 30 MRSA §6209, sub-§1, as amended by PL 1987, c. 756,  
4       §§1 and 2, is further amended to read:

6           1. **Exclusive jurisdiction in tribes over certain matters.**  
8       Except as provided in subsections 3 and 4, the Passamaquoddy  
10       Tribe and the Penobscot Nation shall have the right to exercise  
12       exclusive jurisdiction separate and distinct from the State over:

14           A. Criminal offenses ~~against-a-person-or-property~~ for which  
16       the maximum potential term of imprisonment does not exceed 6  
18       months and the maximum potential fine does not exceed \$500  
20       and which that are committed en within the Indian  
22       reservation territory of the respective tribe or nation by a  
24       member of either tribe or nation, except when committed  
26       against another any person who is not a member of either  
28       tribe or nation or against the property of another any  
30       person who is not a member of either tribe or nation.

32           (1) The Passamaquoddy Tribe and the Penobscot Nation  
34       shall also have the right to exercise exclusive  
36       jurisdiction separate and distinct from the State over  
38       criminal offenses ~~against--a--person--or--property~~ for  
40       which the maximum potential term of imprisonment is  
42       less than one year and the maximum potential fine does  
44       not exceed \$5,000 and which that are committed en--the  
46       Penobscot---Indian---Reservation within the Indian  
48       territory of the respective tribe or nation by a member  
50       of the--Penobscot-Nation either tribe or nation, except  
      when committed against another any person who is not a  
      member of the--Penobscot-Nation either tribe or nation  
      or against the property of another any 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  
      having jurisdiction over judiciary concerning the  
      effect of this subparagraph. ;

      B. Juvenile crimes ~~against-a-person-or-property~~ involving  
      conduct which that, if committed by an adult, would fall,  
      under paragraph A, within the exclusive jurisdiction of the  
      Passamaquoddy Tribe or the Penobscot Nation, and juvenile  
      crimes as defined in Title 15, section 3103, subsection 1,  
      paragraphs B to D committed by a juvenile member of either



lands of the respective tribes, instead of just their  
2 reservations, over those criminal, civil and domestic matters  
that fall within the exclusive jurisdiction of the tribal  
4 courts. Together, the trust lands and the reservations are  
referred to as the Indian territory of the respective tribes.  
6 The bill also extends the jurisdiction of the Passamaquoddy  
Tribal Court to include Class D offenses committed by tribal  
8 members. In addition, the bill makes clear that the tribal  
courts have jurisdiction over all Class D and Class E offenses  
10 committed within Indian territory by tribal members unless the  
person or property of a nonmember of either tribe is the victim  
12 of the crime. Offenses committed by or against nonmembers of  
either tribe, or against the property of nonmembers, would  
14 continue to be brought in state courts.