

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 471

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H.P. 351

House of Representatives, February 9, 1995

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### **An Act Concerning the Jurisdiction of the Penobscot Nation Tribal Court.**

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Received by the Clerk of the House on February 7, 1995. Referred to the Committee on Judiciary and ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative KEANE of Old Town.

Cosponsored by Representative: ATTEAN of Penobscot Nation, Senator: O'DEA of Penobscot.

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

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**Sec. 1. 30 MRSA §6209, sub-§1, ¶A**, as amended by PL 1991, c. 766, §1 and affected by §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 \$1,000 and 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 also---have~~ has the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Indian reservation of the ~~respective tribe or nation~~ by a member of either the tribe ~~or nation~~, except when committed against a person who is not a member of ~~either the~~ tribe ~~or nation~~ or against the property of a person who is not a member of ~~either the~~ 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(a) This subparagraph is repealed on September 30, 1995.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 matters concerning the effect of this subparagraph.

(2) The Penobscot Nation has the right to exercise exclusive jurisdiction separate and distinct from the State over criminal offenses for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Indian reservation of the nation by a member of the nation, except when committed against a person who is not a member of the nation or against the property of a person who is not a member of the nation;

**Sec. 2. Effective date; certification.** This Act does not take effect unless, within 60 days of the adjournment of the Legislature, the Secretary of State receives written certification by the Governor and Council of the Penobscot Nation and the Joint Tribal Council

2 of the Passamaquoddy Tribe that the nation and tribe have agreed  
to the provisions of this Act pursuant to 25 United States Code,  
4 Section 1725(e), copies of which must be submitted by the  
Secretary of State to the Secretary of the Senate and the Clerk  
6 of the House of Representatives; except that in no event may this  
Act become effective until 90 days after the adjournment of the  
Legislature.

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## 12 **STATEMENT OF FACT**

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14 Current law allows the Penobscot Nation Tribal Court to  
prosecute Class D crimes committed on the Penobscot Reservation  
16 between members of the Penobscot Nation or by one tribal member  
against another tribal member's property only until September 30,  
1995. This bill removes that date and extends that authority  
18 indefinitely.