

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 1333

H.P. 944

House of Representatives, April 13, 1995

An Act to Clarify the Jurisdiction of the Passamaquoddy Tribal Court.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative MOORE of the Passamaquoddy Tribe.
Cosponsored by Representatives: ADAMS of Portland, AHEARNE of Madawaska, AULT of Wayne, BAILEY of Township 27, BENEDIKT of Brunswick, BERRY of Livermore, BIGL of Bucksport, BIRNEY of Paris, BOUFFARD of Lewiston, BRENNAN of Portland, BUCK of Yarmouth, BUNKER of Kossuth Township, CARLETON of Wells, CLOUTIER of South Portland, CROSS of Dover-Foxcroft, DAVIDSON of Brunswick, DESMOND of Mapleton, DEXTER of Kingfield, DONNELLY of Presque Isle, DRISCOLL of Calais, DUNN of Gray, FARNUM of South Berwick, FISHER of Brewer, GATES of Rockport, GIERINGER of Portland, GOOLEY of Farmington, GWADOSKY of Fairfield, HARTNETT of Freeport, HATCH of Skowhegan, HEESCHEN of Wilton, JACQUES of Waterville, JONES of Bar Harbor, KEANE of Old Town, LAYTON of Cherryfield, LINDAHL of Northport, LOOK of Jonesboro, MADORE of Augusta, MARSHALL of Eliot, McALEVEY of Waterboro, MERES of Norridgewock, MITCHELL of Vassalboro, MITCHELL of Portland, MORRISON of Bangor, NICKERSON of Turner, PINKHAM of Lamoine, PLOWMAN of Hampden, POULIOT of Lewiston, POVICH of Ellsworth, ROBICHAUD of Caribou, ROSEBUSH of East Millinocket, SAMSON of Jay, SIROIS of Caribou, STEDMAN of Hartland, STROUT of Corinth, TRUE of Fryeburg, TRUMAN of Biddeford, TUFTS of Stockton Springs, VIGUE of Winslow, VOLENIK of Sedgwick, WATERHOUSE of Bridgton, WHEELER of Bridgewater, WHITCOMB of Waldo, WINGLASS of Auburn, YACKOBITZ of Hermon, Senators: CASSIDY of Washington, KIEFFER of Aroostook, LAWRENCE of York, O'DEA of Penobscot, STEVENS of Androscoggin.

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 tribe or nation, except when committed against a person who is not a member of either tribe or nation or against the property of a person who is not a member of 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 matters concerning the effect of this subparagraph.

(2) The Passamaquoddy Tribe 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 tribe by a member of either tribe or nation, except when committed against a person who is not a member of either tribe or nation or against the property of a person who is not a member of either tribe or 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

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

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STATEMENT OF FACT

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Current law allows the Passamaquoddy Tribal Court to
16 prosecute certain Class D crimes committed on the Passamaquoddy
Reservation until September 30, 1995. This bill removes that
date and extends that authority indefinitely.

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