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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2036

H.P. 1445

House of Representatives, January 15, 1998

An Act to Amend the Act to Implement the Maine Indian Claims Settlement.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Judiciary suggested and ordered printed.

MOSEPH W. MAYO, Clerk

Presented by Representative LORING of the Penobscot Nation. Cosponsored by Senator CATHCART of Penobscot and Representatives: BROOKS of Winterport, CHICK of Lebanon, DAVIDSON of Brunswick, Senator: KILKELLY of Lincoln.

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

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Sec. 1. 30 MRSA §6209-B, sub-§1, $\P A$, as enacted by PL 1995, c. 388, §6 and affected by §8, is amended to read:

A. Criminal offenses for which the maximum potential term of imprisonment does not exceed one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Indian reservation of the Penobscot Nation by a member of any federally recognized Indian tribe, nation, band or other group, except when committed against another a <u>person who is not a</u> member of any federally recognized Indian tribe, nation, band or other group or against the property of another a person who is not a member of any federally recognized Indian tribe, nation, band or other group;

Sec. 2. Effective date; certification. 18 This Act does not take effect unless, within 60 days of the adjournment of the Second Regular Session of the 118th Legislature, the Secretary of State 20 receives written certification by the Tribal Chief and the Council of the Penobscot Nation that the nation has agreed to the 22 provisions of this Act pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of 24 State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes; except that in no 26 event may this Act become effective until 90 days after the Second Regular 28 adjournment of the Session of the 118th Legislature.

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SUMMARY

This bill amends the Act to Implement the Maine Indian Claims Settlement by defining the jurisdiction of the Penobscot
Nation over certain crimes committed on their reservation. An omission of legislative language in Public Law 1995, chapter 388
created the need to restore the original intent of Public Law 1991, chapter 766.