

MAINE STATE LEGISLATURE

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L.D. 693

DATE: 5.23.05

(Filing No. S-229)

JUDICIARY

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**STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to S.P. 230, L.D. 693, Bill, "An Act To Increase Public Safety through the Enhancement of Law Enforcement for the Houlton Band of Maliseet Indians"

Amend the bill by striking out everything after the enacting clause and inserting in its place the following:

'Sec. 1. 30 MRSA §6206-B is enacted to read:

§6206-B. Law enforcement powers of Houlton Band of Maliseet Indians

1. Appointment of tribal law enforcement officers. The Houlton Band of Maliseet Indians may appoint law enforcement officers who have the authority to enforce all the laws of the State within the Houlton Band Trust Land. This section does not limit the existing authority of tribal officers under tribal law or affect the performance of federal duties by tribal officers.

2. Authority of state, county and local law enforcement officers. State and county law enforcement officers and law enforcement officers appointed by the Town of Houlton have the authority to enforce all laws of the State within the Houlton Band Trust Land.

3. Agreements for cooperation and mutual aid. The Houlton Band of Maliseet Indians and any state, county or local law enforcement agency may enter into agreements for cooperation and mutual aid.

COMMITTEE AMENDMENT

2 4. Powers, duties and training requirements. Law
4 enforcement officers appointed by the Houlton Band of Maliseet
6 Indians pursuant to this section possess the same powers, enjoy
8 the same immunities and are subject to the same duties,
10 limitations and training requirements as other corresponding law
12 enforcement officers under the laws of the State.

14 5. Report to Legislature. By January 1, 2010, the Houlton
16 Band of Maliseet Indians shall file a report with the joint
18 standing committee of the Legislature having jurisdiction over
20 judiciary matters detailing the band's experience with the
22 exercise of law enforcement authority under this section. The
24 report must include observations and comments from the state and
26 county law enforcement agencies providing law enforcement
28 services in Aroostook County and from the Houlton Police
30 Department.

32 6. Repeal. This section is repealed July 1, 2010.

34 **Sec. 2. Contingent effective date.** This Act does not take effect
36 unless, within 60 days after the adjournment of the Legislature,
38 the Secretary of State receives written certification from the
40 Houlton Band Council of the Houlton Band of Maliseet Indians that
42 the band has agreed to the provisions of this Act pursuant to the
44 United States Code, Title 25, Section 1725(e)(2), copies of which
46 must be submitted by the Secretary of State to the Secretary of
48 the Senate, the Clerk of the House and the Revisor of Statutes,
50 except that in no event may this Act take effect until 90 days
after adjournment of the Legislature.'

SUMMARY

This amendment replaces the bill.

This amendment authorizes the Houlton Band of Maliseet
Indians to appoint law enforcement officers who will have
authority to enforce all the laws of the State within the Houlton
Band Trust Land, as defined in the Maine Revised Statutes, Title
30, chapter 601 and in the federal Houlton Band of Maliseet
Indians Supplementary Claims Settlement Act of 1986, Public Law
99-566 (1986). Law enforcement officers of the State, Aroostook
County and the Town of Houlton have authority to enforce all laws
of the State within the Houlton Band Trust Land.

This amendment provides that the Houlton Band of Maliseet
Indians may enter into cooperation and mutual aid agreements with
other state, county or local law enforcement agencies.

COMMITTEE AMENDMENT "A" to S.P. 230, L.D. 693

2 This amendment provides that law enforcement officers of the
Houlton Band of Maliseet Indians have the same powers, enjoy the
4 same immunities and are subject to the same duties, limitations
and training requirements as other law enforcement officers in
6 this State that are in corresponding situations.

8 Nothing in this amendment limits the existing authority of
tribal officers under tribal law or affects the performance of
10 federal duties by tribal officers.

12 This amendment requires the Houlton Band of Maliseet Indians
to report by January 1, 2010 on the experience under this
14 provision. The report must include observations and comments
from state, Aroostook County and Houlton law enforcement
16 agencies. The report must be submitted to the joint standing
committee of the Legislature having jurisdiction over judiciary
18 matters.

20 This amendment provides for the repeal of the entire
provision on July 1, 2010.