

MAINE STATE LEGISLATURE

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N I N E T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 33

H. P. 39

House of Representatives, January 15, 1953

Referred to the Committee on Welfare, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Latno of Old Town.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Relating to Removal of Persons Not Members of the Indian Tribes from the Reservations.

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

R. S., c. 22, § 333, amended. Section 333 of chapter 22 of the revised statutes is hereby amended to read as follows:

'Sec. 333. Persons not belonging to tribe to remove from reservation. Any person residing or commorant upon the tribal reservation of the Penobscot tribe of Indians, not being a member, nor the husband, wife, or legally adopted child of a member of said tribe, may be required to remove therefrom by a written notice given to him in hand under the signature of the governor or, in his absence, the lieutenant-governor and the agent of said tribe **or the commissioner.** A copy of such notice attested by said agent, with a return of service thereon by any officer qualified to serve criminal precepts, or an affidavit of service by any other person, shall be filed with said agent and be sufficient evidence of such service. If the person so notified shall not remove from said reservation within 2 days after service of said notice upon him, the agent, ~~or any member of the tribe~~ **or the commissioner** may make complaint to the judge of the Old Town municipal court, who shall ~~cause a certified copy of said complaint with a notice of the time and place of hearing thereon to be given in hand to said person~~

~~or left at his place of last and usual abode at least 2 days before the time fixed for said hearing, or may~~ cause said person to be at once apprehended and brought before said court. After due hearing, said judge may, if he is satisfied that such removal is ~~approved by the majority of the adult members of said tribe or is~~ for any cause proper to be enforced, order the respondent to remove within a specified time beyond the tribal reservation limits. If the respondent fails to obey said order, or if within 1 year after the service of said notice he shall again become resident or commorant upon any reservation of said tribe without the consent of said agent and said governor or ~~lieutenant governor~~ **commissioner**, said judge may cause such person to be apprehended and brought before said court and may punish him by fine of not more than \$20, or by imprisonment for not more than ~~30~~ 90 days, or by both such fine and imprisonment. The costs of all such court proceedings under the provisions of this section may be included in the order or sentence of said judge; and if the respondent fails to pay the same, he may be committed to jail for not more than 30 days additional to any imprisonment otherwise imposed upon him ~~and in such case, or if the judge does not include said costs in his order or sentence, such costs shall be paid by said agent from the tribal fund.~~ Costs shall be taxed as in ordinary proceedings upon complaint.'