



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 268

H.P. 186

House of Representatives, February 5, 2015

**An Act Regarding the Penobscot Nation's and Passamaquoddy
Tribe's Authority To Exercise Jurisdiction under the Federal Tribal
Law and Order Act of 2010 and the Federal Violence Against
Women Reauthorization Act of 2013**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative MITCHELL of the Penobscot Nation.
Cosponsored by Representative: BEAR of the Houlton Band of Maliseet Indians.

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

2 **PART A**

3 **Sec. A-1. 30 MRSA §6206, sub-§3**, as enacted by PL 1979, c. 732, §§1 and 31,
4 is amended to read:

5 **3. Ordinances.** The Passamaquoddy Tribe and the Penobscot Nation each ~~shall have~~
6 has the right to exercise exclusive jurisdiction within its respective Indian territory over
7 violations by members of either tribe or nation of tribal ordinances adopted pursuant to
8 this section or section 6207. The decision to exercise or terminate the jurisdiction
9 authorized by this section ~~shall~~ must be made by each tribal governing body. ~~Should~~ If
10 either tribe or nation ~~choose~~ chooses not to exercise, or to terminate its exercise of,
11 jurisdiction as authorized by this section or section 6207, the State ~~shall have~~ has
12 exclusive jurisdiction over violations of tribal ordinances by members of either tribe or
13 nation within the Indian territory of that tribe or nation. ~~The State shall have exclusive~~
14 ~~jurisdiction over violations of tribal ordinances by persons not members of either tribe or~~
15 ~~nation.~~ The tribe and the nation each has jurisdiction within its respective territory over a
16 person who is not a member of either tribe or nation in accord with and to the extent
17 authorized by federal law.

18 **Sec. A-2. Effective date; certification.** This Part does not take effect unless,
19 within 60 days of the adjournment of the First Regular Session of the 127th Legislature,
20 the Secretary of State receives written certification by the Governor and Council of the
21 Penobscot Nation and the Joint Tribal Council of the Passamaquoddy Tribe and that the
22 nation and the tribe have agreed to the provisions of this Part pursuant to 25 United States
23 Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the
24 Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of
25 Statutes; except that in no event may this Part become effective until 90 days after the
26 adjournment of the First Regular Session of the 127th Legislature.

27 **PART B**

28 **Sec. B-1. 30 MRSA §6209-B, sub-§1, ¶A**, as amended by PL 1997, c. 595, §1
29 and affected by §2, is further amended to read:

30 A. Criminal offenses for which the maximum potential term of imprisonment does
31 not exceed ~~one year~~ 3 years and the maximum potential fine does not exceed ~~\$5,000~~
32 \$15,000 and that are committed on the Indian reservation of the Penobscot Nation by
33 a member of any federally recognized Indian tribe, nation, band or other group,
34 except when committed against a person who is not a member of any federally
35 recognized Indian tribe, nation, band or other group or against the property of a
36 person who is not a member of any federally recognized Indian tribe, nation, band or
37 other group;

38 **Sec. B-2. 30 MRSA §6209-B, sub-§4**, as enacted by PL 1995, c. 388, §6 and
39 affected by §8, is amended to read:

