



## MAINE STATE POLICE GENERAL ORDER

**E-56**

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING LAW ENFORCEMENT ON TRIBAL LANDS

**EFFECTIVE DATE:** 08.01.2020

**EXPIRATION DATE:** 08.01.2027

**RECENT HISTORY:** AMENDED (08.01.2020); REVISED (08.24.2017); REVISED (EFFECTIVE 10.06.2011); MSP GO E-56 (FORMERLY GO 61C)(EFFECTIVE 01.01.1998; RESCINDED MSP POLICY NO. 66); POLICY NO. 66 (EFFECTIVE 02.24.1981)

**DISTRIBUTION CODE:** 2 (MAY BE PUBLICLY DISCLOSED)

**APPLICABILITY CODE:** S

**SIGNATURE OF COLONEL:**

A handwritten signature in black ink, appearing to read "W. B. R.", is written over a light blue rectangular background.

### I. PURPOSE

1. The purpose of this General Order is to establish the Maine State Police policy regarding the enforcement of law on Tribal lands.

### II. POLICY

1. The policy of the Maine State Police is:
  - A. To comply with the provisions of the 30 M.R.S. Ch. 601, Maine Indian Claims Settlement Act ("MICSA"), particularly those that govern the enforcement of law on Tribal lands by Maine State, county, and municipal law enforcement agencies;

- B. To generally refrain from taking law enforcement action or conducting law enforcement activity on Tribal lands; and
- C. When the Maine State Police must take law enforcement action or activity on Tribal lands, to first notify the Tribal law enforcement agency of jurisdiction, unless exigent circumstances make such notification impracticable.

### III. DEFINITIONS

- 1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Houlton Band of Maliseet Indians. "Houlton Band of Maliseet Indians" means that Tribe defined at 30 M.R.S. sec. 6203(2).
  - B. Passamaquoddy Tribe. "Passamaquoddy Tribe" means that Tribe defined at 30 M.R.S. sec. 6203(7).
  - C. Penobscot Nation. "Penobscot Nation" means that nation defined at 30 M.R.S. sec. 6203(10).
  - D. Tribal lands. "Tribal lands" means:
    - 1. Passamaquoddy Indian territory, as defined at 30 M.R.S. sec. 6205(1).
    - 2. Penobscot Indian territory, as defined at 30 M.R.S. sec. 6205(2); and
    - 3. The Houlton Band of Maliseet Indians Trust Land, as defined at 30 M.R.S. sec. 6203(2-A).

### IV. PROCEDURE

- 1. Sworn officers shall be generally familiar with the provisions of the Maine Indian Claims Settlement Act ("MICSA"), as set forth in Title 30, Chapter 601 of the Maine Revised Statutes:
  - A. **30 §6201. Short title**
  - B. **30 §6202. Legislative findings and declaration of policy**
  - C. **30 §6203. Definitions**
  - D. **30 §6204. Laws of the State to apply to Indian Lands**
  - E. **30 §6205. Indian territory**
  - F. **30 §6205-A. Acquisition of Houlton Band Trust Land**
  - G. **30 §6206. Powers and duties of the Indian tribes within their respective Indian territories**
  - H. **30 §6206-A. Powers of the Houlton Band of Maliseet Indians**
  - I. **30 §6206-B. Law enforcement powers of Houlton Band of Maliseet Indians**
  - J. **30 §6207. Regulation of fish and wildlife resources**
  - K. **30 §6208. Taxation**

- L. **30 §6208-A. Houlton Band Tax Fund**
  - M. **30 §6209-A. Jurisdiction of the Passamaquoddy Tribal Court**
  - N. **30 §6209-B. Jurisdiction of the Penobscot Nation Tribal Court**
  - O. **30 §6209-C. Jurisdiction of the Houlton Band of Maliseet Indians Tribal Court**
  - P. **30 §6209-D. Full faith and credit**
  - Q. **30 §6210. Law enforcement on Indian reservations and within Indian territory**
  - R. **30 §6211. Eligibility of Indian tribes and state funding**
  - S. **30 §6212. Maine Indian Tribal-State Commission**
  - T. **30 §6213. Approval of prior transfers**
  - U. **30 §6214. Tribal school committees**
2. Of the above-listed provisions of the MICA, sworn officers shall be more specifically familiar with the following:
- A. **30 §6206-B. Law enforcement powers of Houlton Band of Maliseet Indians**
  - B. **30 §6209-A. Jurisdiction of the Passamaquoddy Tribal Court**
  - C. **30 §6209-B. Jurisdiction of the Penobscot Nation Tribal Court**
  - D. **30 §6209-C. Jurisdiction of the Houlton Band of Maliseet Indians Tribal Court**
  - E. **30 §6209-D. Full faith and credit**
3. Particular attention shall be given by sworn officers to **30 §6210. Law enforcement on Indian reservations and within Indian territory**, which provides as follows in subsection 2:
- A. **2. Joint authority of tribal and state law enforcement officers.** Law enforcement officers appointed by the Passamaquoddy Tribe or the Penobscot Nation have the authority within their respective Indian territories and state and county law enforcement officers have the authority within both Indian territories to enforce rules or regulations adopted by the commission under **[30 §6207. Regulation of fish and wildlife resources]**, subsection 3 and to enforce all laws of the State other than those over which the Passamaquoddy Tribe or the Penobscot Nation has exclusive jurisdiction under **[30 §6209-A. Jurisdiction of the Passamaquoddy Tribal Court]**, subsection 1 and **[30 §6209-B. Jurisdiction of the Penobscot Nation Tribal Court]**, subsection 1, respectively.

**NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**