

CHAPTER 8- repealed and replaced with Chapter 8 dated June 1, 2024  
ESTABLISHMENT OF THE PENOBSCOT TRIBAL COURT SEPTEMBER 27, 1979

A General Meeting was held September 27, 1979, at 7:22 p.m.,  
to establish a Tribal Court on the Penobscot Reservation, the Honorable Wilfred Pehrson,  
Governor of the Penobscot Nation, officiating. At this meeting the following laws were adopted:

LAWS - TEMPORARY (6 months - 2 years)

CRIMINAL

- A. Indian Bill of Rights
- B. Maine - Title 29 - Motor Vehicle
- C. Maine - Title 17A - Criminal Code
- D. Title 12 - Fish & Wildlife
- E. Penobscot Ordinances-- Title 22 §4701 4793 (blue book)

CIVIL

- A. Probate
- B. Domestic
- C. Regulatory
- D. Sanitary
- E. Environmental
- F. Other applicable civil laws

JUVENILE CODE

INDIAN CHILD WELFARE ACT:

- I. Maine Civil & Criminal Procedure
  - A. Forum
- II. Penalties
  - A. Sentence
  - B. Fines
  - C. Restitution

The Council will appoint and fix the salary scale and any other matter pertaining to the  
Court. They will set up their own criteria for operating business.

## **Chapter 8: Penobscot Nation Judicial System**

### **Amended and Restated Chapter 8 Judiciary**

#### **I. Establishment of Judiciary**

1. The Penobscot Nation Judiciary was established at a General Meeting held on September 27, 1979.
2. The Tribal Council has the authority to appoint judges to the Judiciary and fix their salary scale.
3. The Judiciary may adopt written rules of procedure, evidence and ethics to govern proceedings before it.

#### **II. Jurisdiction**

1. It is the intent of the Penobscot Nation to exercise jurisdiction to the fullest extent authorized under Federal and Penobscot laws. The Judiciary is vested with jurisdiction to enforce all provisions of the Penobscot Nation Laws, against any person violating these laws, within the boundaries of the Penobscot Nation's Indian Territory. The Penobscot Nation also exercises concurrent jurisdiction with the State of Maine over all civil matters.
2. In the cases where the person in violation of these laws is not an Indian and is not covered by Special Tribal Criminal Jurisdiction, the Judiciary's exercise of power shall be civil rather than criminal and punishment subject only to the applicable fine.

#### **III. Governing Law**

1. The Judiciary must apply the laws of the Penobscot Nation, including its customary laws, to all matters coming before the Judiciary. Where no applicable Penobscot laws or customary laws exist, the Judiciary may utilize the laws of other Federally recognized Indian tribes, Federal statutes, Federal common law, State common law, and State statutes as guides to decisions of the Judiciary.
2. In addition to the Penobscot Nation's laws, the Penobscot Nation adopts the following Maine state laws. These laws remain in effect until such time as the Tribal Council adopts new laws.
  - a) In relation to criminal proceedings:
    - i) Title 29-A: Motor Vehicles and Traffic
    - ii) Title 17-A: Maine Criminal Code
    - iii) Title 12, Subpart 4: Fish and Wildlife.
  - b) In relation to civil proceedings:

- i) Title 18-C: Probate Code
- ii) Title 19-A: Domestic Relations
- iii) Other applicable civil laws including those related to Regulatory, Sanitary, and Environmental laws.
- c) Title 15, section 3001, *et seq.*, Juvenile Code,
- d) Title 22, Chapter 1066: Maine Indian Child Welfare Act, as read in conjunction with 25 U.S.C. §§ 1901, *et seq.*
- e) Title 14: Court Procedure – Civil
- f) Title 15: Court Procedure – Criminal
- g) Title 16: Court Procedure – Evidence

#### **IV. Jury Selection**

1. In any criminal proceeding, a defendant has a right to an impartial jury drawn from sources that reflect a fair cross section of the community and do not systematically exclude any distinctive group in the community, including non-Indians. The Judiciary's Rules and Administrative Orders govern the manner of jury selection.