

## TRANSCRIPT

### *Task Force on Changes to the Maine Indian Land Claims Settlement Implementing Act*

Fourth Meeting : October 20th, 2019

Criminal and Civil Jurisdiction

Criminal Jurisdiction – Part 2

#### **Sen Mike Carpenter (Task Force Senate Chair):**

For the Task Force members that are here and the audience...

We have requested four more meetings. We have requested a delay from Decemeber the 4th to December the 15th, which is the longest delay we can request for a wrap up of our work. (sighs) Notice I didn't say what year. All right, I'm going to go ahead and start. All right, let's call the Task Force back to order. I'm not sure who's on the phone, but whoever's on the phone is back on the phone, so. All right. Here comes, Chief Sabattus is about to join us, and, I think, most of the people from the morning are back. Okay. All right, Janet. Steaming right along here.

#### **Janet Stocco (Office of Policy and Legal Analysis):**

Page two.

#### **Sen Carpenter:**

Page two. And Vice Chief Dana is joining us, also. Page two. Before we start on page two, I'll turn to the Micmacs. Top of page two, notations made, that the Micmac Settlement Act does not recognize or authorize the authority of the Tribe to set up their own court. Is that something we want to put in, maybe as a separate recommendation? Not asking the Tribe to concede that you're even covered by any of this, but put it out there, as a separate recommendation? I don't think it does any harm. I think it would put in place... If it turned into legislation, it would put in place... Implementing legislation or for a Tribal court. But again, go ahead, Chief Peter Paul.

#### **Chief Edward Peter-Paul (Aroostook Band of Micmac):**

That would be for the state of Maine to recognize a Micmac Tribal court.

**Sen Carpenter:**

I don't want to use the word recognize, but yeah, this, similar to the way that the Federal Act recognized, for lack of a better term, the Passamaquoddy's, Penobscot's and Maliseet's authority to have a Tribal court. I don't think that gets in the way of anything you might want to do in the courts in the current... It's just a thought.

**Chief Edward Peter-Paul:**

Okay.

**Sen Carpenter:**

Hold the thought.

**Chief Peter-Paul:**

Yeah.

**Sen Carpenter:**

Hold the thought. All right. Criminal jurisdiction, courts. We went through this this morning. I tried to start here, if you remember, about six hours ago, and got sent back to page one. (laughter)

**Janet Stocco:**

Would it be helpful for me to point out differences? Or... What would be helpful?

**Sen Carpenter:**

Sure. Good place to start.

**Janet Stocco:**

So Chief Francis had talked about a couple of different points. One of them was equality between the Tribes, and that's something that's different here. The different Tribal courts have different language, with the respect to who the defendant and victim are. There is difference between the federal default law and Maine law, because the federal law has the Major Crimes Act and the General Crimes Act, which divides, or it gives the federal court jurisdiction, but it also has jurisdiction for the Tribal courts. Those laws don't apply in Maine. So, that's the part where we needed to remember, do you recommend that that federal law change?

Those are possibilities. The difference in penalties. So... the original recognition in federal law was for a maximum penalty of \$5,000 fine and one year imprisonment. That's, sort of, codified in Maine now. But now there's additional authority under federal law to go up to \$15,000 fine and three years imprisonment, with certain additional due process protections. That is a difference that you might want to explore.

I don't know if you need more ideas, but those are some that come to mind right now. To the extent anybody thinks, even if you don't want to go toward equality, that there are potential drafting errors for the Houlton Band of Maliseets Indian Tribal court may be exploring those as well. If that's an alternative to maybe the first suggestion that was made.

**Sen Carpenter:**

Do you know why the authority for the Maliseet Tribal court is different than the language for the other two?

**Janet Stocco:**

I do not. I did look at this a little bit. The first provision for the Maliseets Tribal court, which is the jurisdiction if the defendant and the victim are both members of the Houlton Band of Maliseet Indians was put in place at one time. Later on, the sections that I read is a little bit odd, for the Passamaquoddy Tribal members, and the Penobscot Nation members. Those were added together, but later on, and there isn't any explanation in sort of the summary or statement of fact, whatever you want to call it, that explains why. I spoke a little to the Attorney General's Office, see if they knew. They had the same question. So... I don't have the answer to that question. We posited sub-section might a mistake.

**Sen Carpenter:**

Might be what?

**Janet Stocco (Office of Policy and Legal Analysis):**

It might be a mistake. It might be a drafting error. It could have meant to be very similar to the way that Passamaquoddy Tribal jurisdiction is written, which is a member of one of those three name Tribes. The Houlton Band of Maliseet Indians, the Passamaquoddy Tribe or the Penobscot Nation. If you're a defendant and victim are one of those three groups, then it covers, it seems that was really

what was intended. Of course the Penobscot nation one is broader, it's any...

**Sen Carpenter:**

Right.

**Janet Stocco:**

Federally recognized Tribe.

**Sen Carpenter:**

Mr. Sanborn, you had a comment about this?

**Craig Sanborn (legal counsel for Arookstook Band of Micmac):**

Yes sir. What I would suggest is that we follow the federal, as far as other Indians, and just have all other Indians on the reservation be subjected to the jurisdiction of the court. Just makes it easier. Plus, I would add that we have a lot of Tribal members that marry outside of the Tribe, with other tribes other than the three. So, again, those folks who are fully comfortable with our community aren't, under the current law, under the jurisdiction of our Tribal court. And you could just make it simple, get rid of all of that other language having to identify this Tribe specifically.

**Sen Carpenter:**

So from a practical standpoint, my question is this. Without mentioning any prominent political candidate that gives somebody the ability to challenge the jurisdiction of the court. I say I'm an Indian. If I say I'm a Maliseet, if you're going to try to take jurisdiction over my case, then Clarissa's people can say, "no, he's not a member of the Tribe." You'd have to, so I just say, "I'm a Native American." I'm not a Native American. I'm not quite sure, I'm trying to think this through on the fly here. So help me out. Whoops, maybe she said, maybe [inaudible].

**Allison Binney (legislative counsel for Penobscot Nation):**

So, Senator Carpenter, if you want me to give you a little bit of background of how it's dealt with now, I could.

**Sen Carpenter:**

Go ahead.

**Allison Binney:**

So it comes up. Some people-

**Sen Carpenter:**

I bet it does.

**Allison Binney (legislative counsel for Penobscot Nation):**

Some people say they're Indian and they're not, and some people don't want to be in their criminal case and they are. So court's actually, it's not defined in federal law, and for Penobscot, it's members of any federally recognized Tribe, but it's not defined in federal law. So when it does come up, and sometimes people do challenge it, the courts actually do an analysis and look into whether they think the person should be treated as an Indian or not. It doesn't mean you have to be enrolled. It does oftentimes apply to people who are not enrolled are considered Indian, because the way-

**Sen Carpenter:**

Let me just interrupt you. So wouldn't the prosecution have to prove, as an element, not the element of the crime, but an element of jurisdiction, have to prove that I'm an Indian.

**Allison Binney:**

Yep. And so it does get proved, basically.

**Sen Carpenter:**

How do you do that?

**Allison Binney:**

They look at-

**Sen Carpenter:**

Because I'm not going to cooperate with you.

**Allison Binney:**

Yeah. So, and when they get prosecuted in the court, they actually, the courts will do an analysis of it. And the courts, it's a... balancing tests that when it says it's a clear definition. I assume it's why in the Penobscot portion that's just limited to

members of federally recognized Tribes, because that's a very clear... You can't challenge that you're either a member or you're not.

**Sen Carpenter:**

Right. And that's why I was concerned at Craig's definition, Mr. Sanborn's definition, was too broad.

**Allison Binney (legislative counsel for Penobscot Nation):**

So the reason why, this happens oftentimes in Indian country, in that every Tribal government gets to decide their membership, and you, in some cases, can have people who are actually half-blood Indian, who grew up on the reservation, who aren't technically enrolled. Courts will typically, and federal courts, will consider those people Indian, and that the Tribe has jurisdiction over them. It's just the nuance of the membership rules for that particular Tribe may not mean that they're technically enrolled, but they live on the land. They grew up on the land. They will probably live there for generations to come.

And so it's really about ties. A combination of cultural ties, territorial ties, and probably a racial component. It has been challenged as racially based in the courts, and typically that loses because of the Supreme Court precedent, that when you're dealing with Indians, you're dealing with political entities, whether they're members or not. If they're sufficiently, I guess, Indian. There are some federal laws that still are on the books that pertain to people who are one quarter degree or more Indian blood. So those get looked at as well. So you can have an Indian allotment if you're one quarter degree blood or more, even if you're not a member, you're essentially treated by the feds as an Indian.

**Sen Carpenter:**

But I'm still arguing the flip side of that, where somebody, you want to prosecute me and I say, "prove that I'm an Indian."

**Allison Binney:**

Yeah. And so they're actually is a process.

**Sen Carpenter:**

Go ahead. I'm not going to help you with that..

**Allison Binney (legislative counsel for Penobscot Nation):**

Yeah. So the prosecutors actually do have to prove it in the court. And the judge decides whether there's sufficient evidence of them being Indian or not. But [crosstalk ] that's what I mean, there's not a clear definition.

**Sen Carpenter:**

Okay. Chief Peter-Paul.

**Chief Edward Peter-Paul (Aroostook Band of Micmac):**

Mike, there's one other thing to consider is that Clarissa and I both have members probably on our reservation that are not from federally recognized Tribes, but that are either Maliseet or Micmac.

**Sen Carpenter:**

Right.

**Chief Edward Peter-Paul (Aroostook Band of Micmac):**

Because of our proximity to the border.

**Sen Mike Carpenter:**

Okay. And Chief Francis, I'm sorry.

**Chief Kirk Francis (Penobscot Nation):**

So, just to follow up on the Allison's comments as well, I mean, it should be made clear though that even in those situations where jurisdiction over an Indian claim and not to be Indian is deemed to be the case... There's no gap in that prosecution, it just moves to a different jurisdiction at that point.

**Sen Carpenter:**

Right, right, right. Yeah. [inaudible] but yeah.

**Chief Kirk Francis (Penobscot Nation):**

And secondly, I think this section right here on page two gets at two of the things we discussed, right? At length in the first half. And one of them was should Tribes be restored to higher standards within their courts, and also create an equality amongst all the Tribes, in terms of when ready, being able to exercise this enhanced jurisdiction in their Tribal courts.

**Chief Kirk Francis (Penobscot Nation):**

I would think if it's our goal and objective to do that. Now, we made reference earlier to supporting the VAWA (Violence Against Women) bill currently, going through and recommending that that move. The second component to that VAWA bill is the TLOA (Tribal Law and Order Act) jurisdiction. And that jurisdiction is exactly what's being mentioned at the bottom of this thing. So if that's what we're in support of, I would move that we would move to the default Federal Indian law position, with also in just putting language in that exists in the Implementing Act now, but specifically to this saying... Something to the effect of when the Tribes are ready to exercise and comply with those standards as necessary.

**Sen Carpenter:**

So bring them Maliseets up to the point place where the Penobscots and Passamaquoddy are. Did you get that Janet? Do you understand what he's trying...

**Janet Stocco (Office of Policy and Legal Analysis):**

I think he said, I'm trying to follow, to expand in any way where the Maliseet court, or the Passamaquoddy court have more limited jurisdiction than the Penobscot Nation to make it equivalent.

**Chief Francis:**

Right.

**Janet Stocco:**

That was one. And the second would be the penalty provisions going up to the 15,000 and 3 years with the same due process protections that are already required under federal law.

**Chief Francis:**

Right.

**Janet Stocco:**

Is that right?



**Chief Kirk Francis (Penobscot Nation):**

If you meet that criteria, that's right. Yep.

**Janet Stocco:**

Okay.

**Sen Carpenter:**

Discussion. Do I have a second for the motion? Representative Dillingham.

**Rep Kathleen Dillingham:**

So, would the 15,000 fine and the three years in prison, I believe that's what the chief was referring to. The part about the maximum penalty that may be imposed in a criminal proceeding is nine years. Would that also be included? Would there be a maximum set, or we'd be using the three years... And then... Setting that maximum, even though it might naturally have something more than the nine years?

**Janet Stocco:**

So then nine years, I skipped over that when I first talked about it. So no wonder you asked that question. The nine years imprisonment is a cap for a single proceeding, and that applies any way, no matter how many years each charge is given. So, if they don't have all the right due process protections and they're having a one year maximum, they can have nine of those charges add up to a nine year cap. If they are using the expanded jurisdiction and they are making a broader sentence up to three years, then they would be able to do three of those in one proceeding. We don't have a similar total proceeding cap in Maine.

**Sen Carpenter:**

Representative Bailey.

**Rep Donna Bailey:**

I'd just like the second the motion.

**Sen Carpenter:**

Okay. Motion on the floor to move the default federal position with regard to... Mr. Taub, any thoughts?

**Chris Taub, Attorney General's Office:**

No, I think that's certainly a reasonable recommendation.

**Sen Carpenter:**

Representative Perry, did you, about to have your hand up?

**Rep Anne Perry:**

Well, I mean, I actually have the [inaudible].

**Sen Carpenter:**

Turn your mic on.

**Rep Perry:**

Does that offer a greater opportunity for federal funding to help with your law enforcement? Because I'm looking at the beginning of this act and there's a great deal about being, as a follower, being able to get more federal funding for that as well.

**Sen Carpenter:**

Chief Francis.

**Chief Kirk Francis (Penobscot Nation):**

So, yeah, it definitely does. And for an example, in 2000, and these enhanced jurisdiction are important to the implementation of VAWA as well, and as we know, the Penobscot Nation back in 2013, was picked to do the pilot project and to move into the program, and not to rehash history, but with some dispute, we were prohibited from doing that. And... We can closely quantify the amount of dollars we lost coming into enhanced quote operations and all of that. And it's into the hundreds of thousands of dollars that could have been coming into, not just our community, but Maine, to help victims and to partner actually, quite frankly, with some state edge. So short answer is yes. Not being able to access that prohibits the Tribes from accessing a lot of federal dollars.

**Sen Carpenter:**

Janet.

**Janet Stocco:**

There was a debate right before Chief Francis made his motion about which defendants... And I just want to make sure I understand which defendants you mean in your motion. So, I thought what I had said out loud was to match what the Penobscot Nation has right now, but that doesn't include the Canadian members that are maybe Maliseet or Micmac. And it's not as far as the Indian definition in federal law, which there really isn't a kind of a firm definition, it's a balancing test. So I just want to make sure I know what you actually moved.

**Chief Kirk Francis (Penobscot Nation):**

So could we... Maybe accomplish both those things by simply speaking to members of the four Tribes in Maine, or in the other federally recognized Indian... So, because those would be members of your Tribe, right?

**Chief Edward Peter-Paul (Aroostook Band of Micmac):**

Not necessarily.

**Chief Francis:**

Yeah. So that might be difficult, that one. [inaudible ].

**Janet Stocco:**

If you just say what you want to include, we can write that. So if you say you want it to be what is written for the Penobscots now, which is any federally recognized Tribe, and then any member from another country, you could list of any federally recognized Tribe, or you say of the Miicmacs or Maliseets, you just have to decide and we can write it.

**Sen Carpenter:**

Representative Bailey.

**Rep Bailey:**

Yeah, so the language that I thought I was seconding was the current Penobscot language, which is a member of any federally recognized Indian tribe, Nation Band or other group, or a defendant as such a member, and it's a victimless crime. I'm not sure that I want to wade into without further research, whether we can do anything with someone who is a Canadian citizen. And [inaudible], that I know nothing about, and whether we can even confer jurisdiction or... So, I mean,

I'm not saying... You don't have it, but I'm not sure that, I just don't know how that works. Where someone is a citizen of another country. No idea.

**Sen Carpenter:**

Chief.

**Chief Kirk Francis (Penobscot Nation):**

So maybe what we're doing here in this process is delivering these concepts of what the Task Force would like to see. There's got to be a lot of... Ingredients going into [crosstalk] where we're going to end up finally. So, we're on record with this issue. We stick to the federally recognized language with the understanding that we'll come back to that conversation during the process. Does that make sense, Chief?

**Sen Carpenter:**

Kind of does.

**Rep Bailey:**

Yes.

Chief Edward Peter-Paul:

Yeah.

**Sen Carpenter:**

Microphone. There you go.

**Allison Binney (Legislative counsel for Penobscot Nation):**

This is Alison again. I just want it, sorry, I thought I had it with me. And the Supreme court's actually, [inaudible] Supreme Court, looked at whether someone's Indian or not since 1845, and I just, for your information, the kind of current four prong test, I just wanted to give to you, so it's more than enrolled, but in case it is helpful. The four prong tests that the federal courts look at in determining whether someone's Indian or not for jurisdiction is Tribal enrollment, government recognition through receipt of assistance reserved only to Indians, which could come from the Tribal government or the federal government. Enjoyment of the benefits of Tribal affiliation. So, if you were, I guess, on the land and there some benefits like hunting and fishing, and social recognition as an

Indian through residence on a reservation and participation in Indian social life. In case it's helpful.

**Chief Edward Peter-Paul:**

Yeah, I think that would work.

**Sen Carpenter:**

I think the Chief is right. There's a bunch of wordsmithing, I think, that'll have to take place here when we're all done. God knows we've got a majority of lawyers in the room, we ought to be able to figure it out.

**Janet Stocco:**

So-

**Sen Carpenter:**

Other comments or questions? Yes, Janet.

**Janet Stocco:**

To clarify, my understanding is the motion is to go with Penobscot Nation language, but to make sure that that's clearly noted in the report, that this issue is outstanding and is something that you all want further explored. Is that correct?

**Chief Kirk Francis (Penobscot Nation):**

That's correct.

**Janet Stocco:**

Okay.

**Sen Carpenter:**

Are there other discussions? All in favor of the motion? 6, 8, 10. All opposed? Thank you.

**Janet Stocco:**

That brings us to page four.

**Sen Carpenter:**

Representative Bailey.

**Rep Donna Bailey:**

So coming back to where I want it to start, but... I would just make a motion that the Task Force recommend an implementation of LD. 766, as amended, whatever the final version is, but that we should support Maine passing it's VAWA statute.

**Sen Mike Carpenter:**

Second. Representative Perry Seconds. Discussion.

**Chief Clarissa Sabattus (Houlton Band of the Maliseets):**

Were not included in that.

**Sen Carpenter:**

You're what?

**Chief Clarissa Sabattus (Houlton Band of the Maliseets):**

We're not included in this.

**Sen Carpenter:**

Oh, you're right.

**Chief Clarissa Sabattus (Houlton Band of the Maliseets):**

766.

**Sen Carpenter:**

Why?

**Chief Clarissa Sabattus (Houlton Band of the Maliseets):**

Because we don't court yet.

**Sen Carpenter:**

Chief Francis.

**Chief Kirk Francis (Penobscot Nation):**

So maybe... Do you think one way we could cure that, we could send a clear understanding of the support for the LD. while also moving to the federal default position here that's spelled out under the VAWA? So if we adopted that

recommendation, wouldn't it accomplish both those things, as well as include Houlton?

**Sen Mike Carpenter:**

Well, the problem is you have a piece of legislation that's been enacted, and is sitting on the governor's desk.

**Chief Kirk Francis (Penobscot Nation):**

Right.

**Sen Carpenter:**

So, I think Bailey's motion was just to go on record as supporting that. Maybe-

**Rep Bailey:**

We can do more.

**Sen Carpenter:**

Right? We can do more. Yeah, yeah, yeah, yeah. We can absolutely do more. Representative Dillingham.

**Rep Kathleen Dillingham:**

I was going to say what Represented Bailey said. If we're already on record of supporting this, it can be amended to include the other Tribes that may come on later with their courts.

**Sen Carpenter:**

At this point I think we'd be reluctant to try to withdraw it from the governor's desk to clarify it. But I mean, I don't know why... Where's Peggy when we need her? Yeah. Our analysts. We have the rookies. And our analyst was here for that discussion. Chief Francis.

**Chief Kirk Francis (Penobscot Nation):**

No, I wasn't suggesting pulling that from the governor's desk obviously, but that that VAWA bill is not the same language that we're talking about here. It doesn't go that far yet. I mean, people are still working that, but. So I just want to deal with kind of both those- [crosstalk ].

**Sen Carpenter:**

I'm going to turn to Representative Bailey to tell me why it's not the same. Do you remember?

**Rep Bailey:**

I think it was a lot of negotiation and work. And I know I wasn't here for one of the work sessions, but, I mean, it was just the process, that's where it ended up.

**Chief Kirk Francis (Penobscot Nation):**

So basically-

**Sen Carpenter:**

What's the difference?

**Chief Kirk Francis (Penobscot Nation):**

Senator, if I can, I mean-

**Sen Carpenter:**

Yes, go ahead.

**Chief Kirk Francis (Penobscot Nation):**

I think that the difference is is that it predominantly, even though the bill sponsor is here, but predominantly deals with misdemeanor based crimes.

**Sen Carpenter:**

Right.

**Chief Kirk Francis (Penobscot Nation):**

And doesn't implement the TLOA (Tribal Law and Order Act) thresholds to bring the felony based action [inaudible] took place. So that's why it's not in line with this total federal default yet, that's getting worked on. But, Representative, please, if you want to...

**Rep Bailey:**

But of course we just made a recommendation to also raise those limits, so it's all tied together.



**Sen Carpenter:**

Welcome to Representative Talbot-Ross.

**Rep Rachel Talbot Ross:**

Hi. Thank you. I just wanted to add one little piece, which is we are currently in the process of working with the Attorney General's Office and the Governor's office to mend the version that you have before you now, and fully intend to explore bringing in section 6209C, that would allow for the Maliseets to be included in this current piece of legislation. The protocol is that we'll have to recall the bill from the governor's desk, make those amendments, and then put it onto the floor for a vote and move it forward. But that we certainly have enough time, and space, and consideration in order to do that.

**Sen Carpenter:**

Are your discussions with the Attorney General's office and the Governor's office, does that include raising the limit that we were just talking about, up to the felony level?

**Rep Talbot Ross:**

The Chief referenced that's a different bill. That's the TLOA bill that is currently... will be considered by the legislative council with other bill requests, to bring it to felony C jurisdiction. Concurrent jurisdiction is a different bill. The VAWA bill that you're you have before you is just around the class D and class E violations.

**Sen Carpenter:**

So the motion pending only has to do with the already enacted LD. 766.

**Rep Bailey:**

As amended.

**Rep Talbot Ross:**

As amended, but.

I think I heard...

**Sen Carpenter:**

As it sits there?

**Rep Talbot Ross:**

We are currently, in all due respect, we are currently working with the Attorney General's office and the Governor's office to amend that language, so the bill that was enacted will be recalled from the Governor's desk, amended on the floor, and then it will move forward. During that amendment process, we will absolutely include section 6209C, and move that bill forward, and then we have a different mechanism to look at the TLOA concurrent jurisdiction.

**Sen Carpenter:**

Just we don't have the language of what that's going to look like at the end of the day, we're basically making a recommendation in terms of the broad overview of-

**Rep Bailey:**

Correct. That was my intention, as finally amended based on the negotiations between the parties.

**Sen Carpenter:**

Okay.

**Rep Talbot Ross:**

Thank you.

**Sen Carpenter:**

Further discussions by the task force. If not, all in favor?

Okay. Oh, I'm sorry. Maybe I didn't have a second.

All in favor? All opposed? Any opposed? Okay, thank you. So, on page five... We are now, correct me if I'm wrong, at non-Indian defendant, non-Indian victim, or victimless.

**Rep Bailey:**

[inaudible ] They both align.

**Sen Carpenter:**

Yeah, they both line up. Is everybody okay with that? Now we're going to move to state courts.

**Janet Stocco:**

I don't know if this helps, but remember the default Indian law with the no state jurisdiction? That's because the federal courts have some jurisdiction in this area.

**Sen Carpenter:**

Right.

**Janet Stocco:**

And so that has been abrogated in the Settlement Act. The federal government abrogated its General Crimes Act and its Major Crimes Act jurisdiction. So this might be an area, it might not be the right place, but to have that in the back of your mind, if you want to recommend that it go... If the difference be between Tribal and federal jurisdiction, as opposed to Tribal versus state, which is kind of the state model now. Does that make sense? You'd need to get the federal law amended.

**Sen. Mike Carpenter (Task Force Co-Chair):**

I'm sorry. Representative Dillingham

**Rep Kathleen Dillingham:**

Thank you. And just to be clear on the line, under state courts for the non-Indian defendant and Indian victim LD766, should that be, again, amended and moved forward, is going to amend that as well? Correct?

**Janet Stocco (Office of Policy and Legal Analysis):**

Right. That would... Sorry. Yes. If LD766, unless it's majorly changed on the floor, is enacted, the idea would then there be Tribal concurrent jurisdiction in that area? It wouldn't get rid of state jurisdiction. It would be a concurrent. And only for those crimes.

**Sen. Carpenter:**

Yeah. I'm sorry, Representative Perry.

**Rep. Anne Perry:**

I'm just trying to understand a little bit. 766 relates to only certain crimes, right?

**Janet Stocco:**

Yeah. It would be the third row down for states. So non-Indian defendant and Indian victim.

**Rep. Perry:**

Right. No, that's where I'm looking at that. And so right now it's exclusively state and what you're talking is 766 doesn't take the state out of it, but it becomes concurrent with the state and it still leaves the sort of federal government out of it.

**Janet Stocco:**

Correct.

**Rep. Anne Perry**

Okay. And that's only 766, right? That does that.

**Janet Stocco:**

Right. I believe Representative Talbot Ross was talking about TLOA, which is the Tribal Law and Order Act. That's the enhanced penalties with more due process protections that also isn't necessarily pulling in the federal government. It would just be enhancing the penalties available to Tribal courts. I mean, I haven't seen the bill, but it sounded like that from what she said.

**Rep. Perry:**

Yeah. Okay. And that doesn't necessarily have to prevent us from making the same recommendations I'm assuming.

**Janet Stocco:**

I don't think that you're limited to any recommendations of pending bills, no.

**Rep Donna Bailey (Task Force Co-Chair):**

Were there discussions or questions? I think we're looking at Indian defendant, Indian victim, or victimless crime in regards to state courts. Right?

**Janet Stocco:**

I just double checked the joint order creating this Task Force and any recommendations you make to the judiciary committee, they have authority to

report out a bill on so you don't need a vehicle. You can make vehicles.

**Rep Bailey:**

Representative Perry.

**Rep. Perry:**

I'm sorry. I just have... Because we're looking at three areas where essentially state has exclusive jurisdiction without any Tribal or federal government jurisdiction in this, whereas the federal law has no state jurisdiction. It seems like a big jump to go from one to the other, but I'm wondering if there is a way we can step back from exclusive state jurisdiction and at least do some concurrent jurisdiction with the state and the Tribe.

**Janet Stocco (Office of Policy and Legal Analysis):**

So it might be helpful, I don't know, to look at the Tribes' one page handout here. So if we look at the top category Indian defendant and an Indian victim or victimless crime, those are Tribal jurisdiction there. We mostly have that with the exception of the enhanced penalties, because you've recommended already expanding the land area and expanding the defendants to all federally recognized... It's not quite the same scope as the federal definition of Indian, but it's closer. So then the next category down on the state chart is Indian defendant and non-Indian victim. So we have Indian offender and non-Indian victim. That's federal and Tribal concurrent there. So that is a big difference. My point earlier was to get the federal in there, you need to change federal law, which doesn't mean you can't recommend it at all. I'm just saying you would need to change federal law.

**Rep. Perry:**

What I'm trying to figure out, is what you've given us here, and this is really under the Indian defendant, Indian... starting there going down to non-Indian defendant, non-Indian victim. Well, no, actually the one above that where it says under federal law there is no state jurisdiction in those and under the Claims Settlement there's exclusive state jurisdiction. I guess the question that I have it with the exclusive state jurisdiction is that it takes any jurisdiction away from the Tribes. And my question is that shouldn't we at least move to having that being a concurrent or jurisdiction so that there can be working one way or the other?

**Janet Stocco:**

And are you saying concurrent with state?

**Rep. Anne Perry:**

With state and Tribe, because right now the Tribes are left out of this piece and it may not be a full turnover, but at least it's a move in a direction that will at least make transition a little more understandable.

**Janet Stocco:**

I just thought you wanted to go to a federal, which would be-

**Rep. Perry:**

Well, I do.

**Janet Stocco:**

... concurrent with federal government.

**Rep. Perry:**

Well, I'm trying to figure out how to do this and still make it doable. It's a thought.

Janet Stocco:

I just wanted to clarify what you meant.

**Rep Bailey:**

Yeah, I mean, I think that the discussion has to be that again, when you're looking at a crime that perhaps the Tribes don't have a law for, do you want to look to federal law or state law? I think it makes more sense to look to state law just because state laws usually deal with crimes more than the federal laws. But I'm certainly open to having that discussion. We just don't want to leave a gap.  
Representative Dillingham.

**Rep. Kathleen Dillingham:**

So Representative Perry, are you suggesting that on lines one, two, and three under state courts, that that be moved to a concurrent jurisdiction between the state and Tribes?

**Rep. Perry:**

Yes.

**Rep. Dillingham:**

Okay. Did you make that motion?

**Rep. Perry:**

Can I make that motion? Okay.

**Rep. Dillingham:**

Just a question of statutory construction. So if we're making that change, are we looking at footnote 36 is referring to section 6204 of the statute. So is that the section that we're talking about applying that motion to the statutory language?

**Rep. Perry:**

[inaudible 00:07:43]

**Rep. Bailey:**

Representative Perry, just turn your mic on please.

**Rep. Perry:**

Oh okay. Sorry. I'm looking at... it's 6209 as well A, B, and C which covers that as well. So I'm looking at the three of them in the language that that encompasses in all three of those sections.

**Janet Stocco (Office of Policy and Legal Analysis):**

So I'm confused just about the first section because we already voted on that in a different motion. So the first section where you have Tribal jurisdiction was what is defined earlier. Okay. So all this stuff you voted in on the motion before Tribal jurisdiction is now, the recommendation would be any trust land or restricted fee land. Any federally recognized Indian Tribe member or Band member. And then also I don't think the recommendation was to go... Let me double check. Yep. The recommendation was to increase the penalties. So that category is where the Tribal concurrent jurisdiction is. I think your motion, it makes more sense to me and I could be totally wrong to just be talking about the other two lines. So when you have Indian defendant and non-Indian victim and a non-Indian defendant, Indian victim, so sort of the cross people's crimes because you've already taken care of that first category in that earlier motion for when the Tribes have the

concurrent jurisdiction. Does that make sense?

**Rep. Perry:**

Yeah.

**Janet Stocco:**

And so the motion would be for those two lines be concurrent and would it be with the same kind of who is the Indian limitations? The federally recognized, all the same kinds of penalty limitations, all that stuff?

**Rep. Perry:**

[inaudible 00:09:37].

**Janet Stocco:**

Gotcha. Thank you. Just wanted to clarify the motion.

**Rep Bailey:**

So do people understand the motion and is there a second? I don't think there's been a second yet.

**Sen. Carpenter:**

I would second. For purposes of discussion. What are the Tribes' thoughts on that?

**Rep Bailey:**

The second is by Senator Carpenter. Discussion?

**Chief Kirk Francis (Penobscot Nation):**

I'll support the motion. I do think it's progress forward and I again think the wordsmithing and the kind of battling over what this looks like and what it means and how we can get more educated on it moving forward will be for another day. But this is a conceptual approach of what the Task Force would like to see and so I would support that motion today.

**Rep Bailey:**

Further discussion?



**Chris Taub, Attorney General's Office:**

Is it possible just to just restate what the motion is? I've just sort of lost track of exactly what the proposal is.

**Rep Bailey:**

Janet, can you restate the motion please?

**Janet Stocco (Office of Policy and Legal Analysis):**

I'll restate what I think it is and I'll be happy to be corrected. So if you're on the state courts page, page five. So the shaded part is State Courts. It's going to be the two middle rows across. So when you have an Indian defendant and a non-Indian victim or the opposite, a non-Indian defendant and an Indian victim, there would be concurrent state and Tribal jurisdiction. The Tribes would have concurrent jurisdiction if the person who's Indian, either the defendant or the victim, depending on which line you're in, is in a federally recognized Indian Tribe, Band, other group. And the penalties would have the same limitations that would be applicable under federal law, which is up to 15,000 dollars in fine and a three year penalty if you have all of the right due process things in place. Otherwise 5,000 dollars and one year penalty. And that's as much as I know about the motion.

**Chris Taub, AG:**

So for the third line down where you have a non-Indian defendant and an Indian victim, there's going to be concurrent jurisdiction and that's going to be without any consideration of the nature of the crime? So that would include Major Crimes as well?

**Rep Bailey:**

Representative Perry, you want to address that? Oh, Mr. Taub, you have to turn your mic off I think.

**Janet Stocco:**

I think I missed... So I was clear that we should get rid of the top row because we've already voted on that, when we have Indian defendant and Indian victim, but what I forgot is this third row down, the non-Indian defendant and the Indian victim, that's the [inaudible 00:12:30] stuff. That's LD766 so we might only be talking about this middle row across.

**Rep. Perry:**

And the other thing that I'm looking at in major crimes, and I think it's listed already, is that is federal. And that's defined in the federal law.

**Janet Stocco:**

That federal law does not apply in Maine. They abrogated it in the federal law.

**Rep. Perry:**

So we would have to define it then.

**Janet Stocco:**

Well, that federal scheme of major and non-major doesn't apply in Maine.

**Rep. Perry:**

I understand that.

**Janet Stocco:**

Okay. [inaudible].

**Sen Carpenter:**

In the legal parlance, we have a huddle going on.

**Janet Stocco:**

[inaudible] So our huddle results are that it would be that middle column, so Indian defendant and non-Indian victim. It would just be that row across, sorry, I shouldn't have said column. The row across. It would be concurrent state jurisdiction again with the identity of the victim and the defendant. So here it's just going to be the defendant based on federally recognized, the penalty provisions that mirror federal law now with all the due process protections involved. The definitions are still under the current scheme, state law crime definitions because that's the way 6204 that Representative Dillingham... I think it was you brought up earlier. No, it was Melanie brought up earlier. Ms Loyzim. So that's I think where it makes sense because VAWA (Violence Against Women Act) or the LD766 equivalent takes care of the next row across.

**Rep Bailey:**

Further discussion? Representative Dillingham was about to...

**Rep Dillingham:**

[cross talk] LD766 only deals with the best at crimes. So if we're talking about criminal jurisdiction on that line here, if you're saying that you don't need to address it here, cause LD6766 says it's only going to address a subset. So you're leaving everything else that would happen with whether it's a non-Indian defendant, an Indian victim, if it's not falling under 766 as a domestic violent crime, everything else would still then be at the exclusive state jurisdiction. Whereas the top line, you're going to have the concurrent jurisdictions. I'm interpreting that you do need to apply it here as well.

**Janet Stocco (Office of Policy and Legal Analysis):**

That's fine. That would be going broader than default federal Indian law right now. So default federal Indian law, generally if it's a non-Indian defendant, it's going to go to the federal courts. The tribes don't have jurisdiction over that and VAWA is the exception. So the domestic violence crimes are the exception.

**Rep Bailey:**

So we're going as far as we can because of federal law and federal case law. The Oliphant.

**Janet Stocco:**

Sorry, it took me five minutes to get there.

**Rep Bailey:**

Further discussion? Or questions? Oh, is there a further huddle or are we all set?

**Janet Stocco:**

Just clarifying that under the Maine law it's state law defines a crime, not the feds? Okay. As long as you're all clear on that.

**Rep Bailey:**

Alright. So if we're ready for the vote, all those in favor of the motion? And those opposed? Looks like that was no opposition. Senator Carpenter seconded that. Okay, so, and I'm assuming that last column we don't need to discuss because we're already aligned with federal Indian law. So that would mean we're going

over to page six. And again, the first column looks like we're already in line with federal Indian law. Then we have Indian defendant, Indian victim, or victimless crime. We're looking at "Federal Courts" now for those who are listening in.

**Janet Stocco:**

Yeah. And that's again going to be the major versus non-major. And that's all based on the federal laws that are obligated in Maine. So what you're going to have here for Indian defendant and Indian victim or victimless, if it's going to be Tribal if it's within the limitations that were stated earlier. Otherwise state, the second column across, is one you just... Sorry, row. Columns don't go across, they go up and down. Second row across is going to be the one you just voted on where it's going to be concurrent. The third row across, it'll be state jurisdiction except LD766. If that goes through, then that will be a carve out where the Tribes can have concurrent. And then the last one across is going to be exclusively state. So if you don't change what the federal courts have, then you don't have to ask the feds to change their law too. Because you've now gone to a State-Tribal balance as opposed to a federal kind of Tribal balance.

**Rep Donna Bailey:**

So any discussions or questions on that section? And so then we have Juvenile Offenses.

**Janet Stocco:**

So as far as I understand it, we didn't specifically talk about it with each of the votes, but generally the juveniles follow along with the adults. So if there's jurisdiction over the adults, there would be over the juveniles with the one expansion of if it's not a crime for adults who commit it. But it is for juvenile. That would kind of be tagged along too. That's sort of the structure in Maine now. So I was understanding, keep that.

Okay. And then, so now we're moving on to defining criminal offenses in Indian country.

And this was the part where in the huddle, counselor Binney was saying, right now in Maine, it's the state that defines what the crimes are other than in those hunting and fishing ordinance areas. There was some discussion to Tribal position. There's other ordinance authority. I've had lots of debates in our office if

ordinance authority includes criminal authority. I take no position on that. I do not know.

**Rep Bailey:**

And I remember that from the nutshell that it is an ongoing debate as to whether, if there's a ordinance that has a criminal penalty that that falls under a crime or regulation. So yeah. So discussion or thoughts on this last section on page seven, which is again, defining criminal offenses in Indian country? So it looks like it's right now, under state law, it's the majority. The state law defines, other than those exceptions. Representative Perry.

**Rep. Perry:**

I'm actually looking at the default Indian law, which essentially says the Tribal government has legislative authority to define all crimes over which the Tribal court has exclusive or concurrent jurisdiction. If the concurrent jurisdiction is with the state like we have done with the rest of that, wouldn't that fit?

**Janet Stocco:**

I think-

**Rep. Perry:**

I'm looking at the federal wording and but...

**Janet Stocco:**

Well, those are my words just to be clear [crosstalk 00:21:29].

**Rep. Perry:**

Well, something along that line.

**Janet Stocco (Office of Policy and Legal Analysis):**

I think the idea in federal default law is the government that's going to be dealing with the court process. The adjudicator authority also has the legislative authority. So if a tribal court is going to be holding a proceeding, it's going to be holding a proceeding about a Tribal law, not about somebody else's law. And if a federal court is going to have a proceeding, it's going to be holding that proceeding about a federal law, at least in the criminal realm. In Maine, that's different because other than the tiny little carve out for hunting and fishing in

only certain places where there is exclusive jurisdiction of the Tribes to make ordinances, which means as far as I can see, that the Maine criminal laws wouldn't apply because the exclusive authority. I mean people can debate that. That's how I read it. I realize it might be open to debate, so that's a little carve out. The rest of the time it's Maine laws that define all of the crimes. Which doesn't mean it can't change, but that's what it is now.

**Rep. Perry:**

Well, and then the exception is the Passamquoddy and the Penobscot...?

**Janet Stocco:**

Yep. The hunting and fishing.

**Rep. Perry:**

And the hunting and fishing, is that something that we have to deal with here?

**Janet Stocco:**

You don't have to deal with any of it.

**Rep. Perry:**

Or do we wait until we get to the fish and game?

**Janet Stocco:**

I don't know which way you want to go forward. If you wanted to make it broader than hunting and fishing, then it makes sense to talk about it now. If you want to tweak the hunting and fishing stuff, it might make sense to wait until then, but I defer to you.

**Rep. Perry:**

I guess what I'm struggling with is if we take the exception out of this, the difference between the federal Indian law and what's in the Settlement agreement is that generally Tribes lack the authority of defining crimes in Indian country. Whereas federal law says that they do have authority when it's in the Tribal Court. And seeing as we are really still tying with the state in terms of state laws, wouldn't a similar statement for the state make sense? And then you don't have to deal with the exceptions.

**Janet Stocco:**

So you're saying if the Tribal court is holding a hearing, if it has jurisdiction then it would be applying Tribal law? And then if the state was exercising either, it's concurrent or exclusive under the rubric you voted on earlier, then it would be state law. That's your motion. Is it a motion? Okay. It makes sense to me as a motion.

**Rep Bailey:**

Is that a motion Rep. Perry?

**Rep Perry:**

That's a motion..

**Rep Bailey:**

All right, so Janet, could you repeat the motion please?

**Janet Stocco:**

So as I understand it, representative Perry's motion would be that if the tribe had either exclusive or concurrent jurisdiction, then it would be applying Tribal law to define the crimes and the penalties and all of that. As long as the penalties are under the caps. And if the state was exercising state court jurisdiction, it would be using state law for those things.

**Rep Bailey:**

Senator Carpenter.

**Sen. Mike Carpenter:**

That obviously puts a burden on the Tribes to define all the criminal offenses. I mean, my sense of it is here, and I looked at the Chiefs around the table, that the issues here have been jurisdictional issues more than definition issues. And I'm not saying you can't do it. I mean, my sense of it is you've adopted state law to this point, the criminal code and all that. Now if you want to go ahead and change those for some way under this proposal, you could do that.

**Rep Donna Bailey:**

I think that's the difference. Of course, and again, they're going to weigh in, I'm sure. But yeah, I mean they could define the law by saying, "We define this crime

the same as state law." And they probably have done that. Why reinvent the wheel, but

**Sen Carpetner:**

But they may not..

**Rep Bailey:**

But, yeah, again, Representative Perry's motion would allow them to make a change if they thought that they wanted to do that in Indian country. So Chief Francis.

**Chief Kirk Francis (Penobscot Nation):**

Yeah. So that's what happens now actually within the Tribe is we basically mirror a lot of state language, which the law requires. We consider those adoptions of those laws to still be Tribal law. It's just somebody else's language. And so but I can't foresee... I mean I think it would be important for the Tribes to be able to define the law at some level after thinking through kind of some of the unique challenges in our communities and that type of stuff. So I think that that right would be important. I don't see huge wholesale changes of rewriting every law that exists and especially a lot of these laws make sense.

So I think it would be important to have the right to do it. I don't think it's going to have any big real impact in terms of... I don't think Penobscot anyway would be spending a lot of time writing hundreds of pages of new laws, so. But it those areas where, especially around the exclusive authority of the Tribe, taking of fish and wildlife, and those types of things that they do continue to be important. We have that right now, but as an example, to be able to look at those culturally sensitive things or things that may be unique to our territory that we're able to do that. So, I like the motion. I just I don't think it's going to have this wholesale effect that people... I don't see our Tribe changing its course in terms of it laws...

**Rep Bailey:**

Senator Carpenter.

**Sen. Carpenter:**

I don't suspect the Tribes make wholesale changes either. But there's criminal law. This is one of those areas where I'm not sure we all, I'm speaking for myself,



understand the ramifications and the unintended consequences of this change. This is basically saying that the criminal code, let's take for that for an example there, can be changed in Indian country. If the Tribe decides to change a crime, make something no longer a crime if that's what they wish to do. And that certainly is a piece of sovereignty. I'm just not sure. I'm not sure I'm comfortable with that. I'm not sure I understand the long term ramifications of that.

**Rep Bailey:**

Chief Sabattus

**Chief Clarissa Sabattus (Houlton Band of Maliseets):**

You touched on exactly what I was thinking. I think this is an important issue regarding our sovereignty and our right to have our laws and to enforce those laws, and not have another government asserting their paternalism over our governments.

**Sen Carpenter:**

Yup. I hear what you're saying.

**Rep Bailey:**

Representative Dillingham.

**Rep. Dillingham:**

Thank you. So just a question for clarification. So the motion talks about if there is a concurrent jurisdiction, so you would still have the state jurisdiction and then you would have the Tribal jurisdiction. But the Tribes would be able to set their own criminal law. So you could essentially have, in this Indian defendant in a non-Indian victim, and we talked about the duality of the double jeopardy, but their sovereign so they could still be tried. But they could be then tried for different crimes because even though the state would have jurisdiction on what is in the criminal code, the Tribes could have something that's completely different or that in addition to. I think I'm along the lines with Senator Carpenter, without really being able to anticipate maybe some unintended consequences there, I have some concerns. Certainly when you're dealing with an Indian defendant, Indian victim, and victimless crimes, the Tribes having their authority and sovereignty there to set their own criminal code in those instances. I understand that, but some of the other lines that gets little muddied for me.

**Rep Bailey:**

Mr. Taub, I've been told that your brow is furrowed.

**Chris Taub, AG:**

It wasn't furrowed at all. I was just trying to follow the discussion. But I mean I think in terms of concurrent jurisdiction, if that's the route that the Task Force goes with a recommendation, I think the result could be that you might have something on Tribal land that would be a crime under Tribal law, but not under state law. Or you could have the reverse. Or you could have two different crimes. The same conduct could be a violation of a Tribal law and also a violation of state law. So the person could potentially be prosecuted under both. And that happens in the federal-state context. I mean you read about situations where the state tries someone for a crime and the person's acquitted and then the federal government comes in and tries them for a slightly different version of the crime under federal law. So I think those are all sort of possibilities.

**Rep Bailey:**

Right. And there isn't double jeopardy in any event. So I mean... But Representative Perry, you had a question?

**Rep. Anne Perry:**

Yeah. My question was, because this is already in federal law, is this a problem now?

**Chris Taub, AG:**

Is what a problem now?

**Rep. Perry:**

In terms of the federal Indian law, this is already part of federal law and has this become a problem federally?

**Janet Stocco (Office of Policy and Legal Analysis):**

I have no idea of the direct answer to your question, but I would point out that in the General Crimes Act, so the non-major crimes where there is concurrent jurisdiction when it's an Indian defendant and a non-Indian victim, there is that carve out to double jeopardy which says that there is federal jurisdiction unless

the person has been punished under the local law of the Tribe. So it's not a carve out everywhere, but there is that one.

**Rep Bailey:**

Further discussion? And remind me, I know Representative Perry had a motion. Was there a second? I'm not remembering one, but okay, so there wasn't a second. Senator Carpenter.

**Sen. Carpenter:**

Maybe Representative Perry's rhetorical question... So it makes me more comfortable. Janet, when you were putting this together because current... Any place where there's federal law being implemented by the states today, Tribal governments have authority to define their crimes. Fair to say?

**Janet Stocco:**

So if the Tribe has concurrent jurisdiction, then it's going to be implementing Tribal law. I don't know if they adopt state laws or not or what they do. I know that the federal government, when it has jurisdiction and it doesn't have a definition, borrows state law. I don't know if the Tribes in those places do the same. So I don't know if it ends up not being really a problem as far as differing, I just don't know.

**Sen. Carpenter:**

I guess the circumstances I was envisioning was perhaps a situation where a Tribe might more narrowly define a crime...But if they were to do that, let's say, to do that in a radical way and the person could be also tried under state law, under our definition. Am I right?

**Rep Bailey:**

If it's concurrent.

**Sen. Carpenter:**

I'm more comfortable. Thank you. Thank-you, Anne (Perry).

**Rep Bailey:**

Yeah. Again, it's only where the Tribal court has exclusive or concurrent jurisdiction.

**Sen. Carpenter:**

So that may answer Anne's question as to if there hasn't been a problem we don't know about, why there hasn't been one. If there's concurrent jurisdiction, states may come in and do something if they don't like to-

**Janet Stocco:**

It would be the feds coming in. Not the states, but yes.

**Sen. Carpenter:**

[inaudible 00:35:34].

**Janet Stocco (Office of Policy and Legal Analysis):**

Senator Carpenter, it would be the federal government coming in. Not the States, but yes. Because the state can't.

**Sen Carpenter:**

Right, right.

**Rep Bailey:**

So we still have a motion on the table... Is there a second?

**Chief Kirk Francis(Penobscot Nation):**

I'll second.

**Rep Bailey:**

So seconded by Chief Francis. Further discussion? So the committee's ready for a vote. All those in favor? Did you get all of those, Janet? And opposed? So what was that vote, Janet?

**Janet Stocco:**

Nine to one.

**Rep Bailey:**

Nine to one. Thank you. All right. So the difference... Do we have to deal with the next thing or this is...

**Janet Stocco:**

Well, you haven't really added any congressional authority, so I think you're fine there. And double jeopardy, I don't think anybody had a problem with, but I could be wrong.

**Rep Bailey:**

Right. So is there anything else that the Task Force wants to or feels we need to discuss on Criminal? Yes, Chief Francis.

**Chief Kirk Francis (Penobscot Nation):**

Would it be possible to reserve some space between meetings for us to respond a little further on the federal court and in federal involvement?

**Rep Bailey:**

I mean we're going to be [crosstalk 00:36:58], yes.

**Chief Kirk Francis (Penobscot Nation):**

I don't want to bog the committee down in one area forever, but I think that section I'd like to get more comfortable with what that means and all of that sort.

**Rep Bailey:**

Of course, we can always amend things and tweak things. Senator Carpenter.

**Sen. Carpenter:**

I think that's important for both sides, if you will, because I'm trying to anticipate unintended consequences in all that we're doing, because we're making some significant recommendations here. So I think none of us ought to be terribly surprised if at the next meeting somebody says, "Gosh, I thought about what Anne said and maybe I don't..." That sort of thing. So I don't want anybody to be to be offended by that. That's a normal part of the process. Thank you.

**Rep Bailey:**

So we're going to take a short break, come back at 2:30 and we'll at least get started on Civil Jurisdiction. Thank you.