

MAINE STATE LEGISLATURE

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R. O. S.

Date: 6/3/19

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 545, L.D. 796, Bill, "An Act To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation"

Amend the bill by striking out the title and substituting the following:

'An Act To Direct Fines Derived from Tribal Law Enforcement Activities to the Passamaquoddy Tribe and the Penobscot Nation'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 4 MRSA §1059 is enacted to read:

§1059. Fines; tribal law enforcement activities

1. Civil and criminal fines. Except as provided in subsection 2, a fine for a civil violation, traffic infraction or Class D or Class E crime imposed for a violation of any tribal or state law must be remitted to the Passamaquoddy Tribe or the Penobscot Nation, as appropriate, when a tribal law enforcement agency issued the ticket, complaint, summons or warrant or made the arrest related to the violation.

2. Exception; environmental violations. A fine imposed by a state court for a violation of Title 38 within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation may not be remitted to the Passamaquoddy Tribe or the Penobscot Nation. In addition to those costs awarded to the State pursuant to Title 14, section 1522, subsection 1, the court may award to the Passamaquoddy Tribe or the Penobscot Nation costs associated with investigating and otherwise contributing to any enforcement action for a violation of Title 38.'

SUMMARY

This amendment replaces the bill and changes the title.

It provides that all fines for Class D and Class E crimes and for civil violations in which a tribal law enforcement agency is involved by issuing a ticket, complaint,

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summons or warrant or by making an arrest must be remitted to the appropriate tribe, with one exception. The civil and criminal fines may not be remitted to the Passamaquoddy Tribe or the Penobscot Nation if the violation is a violation of the Maine Revised Statutes, Title 38. The court may award the Passamaquoddy Tribe and the Penobscot Nation costs associated with their participation in the investigation and prosecution of a Title 38 violation.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 796

LR 375(02)

An Act To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation

Fiscal Note for Bill as Amended by Committee Amendment "A"
 Committee: Judiciary
 Fiscal Note Required: Yes

Fiscal Note

	2009-10	2010-11	Projections 2011-12	Projections 2012-13
Net Cost (Savings)				
General Fund	\$13,875	\$18,500	\$18,500	\$18,500
Revenue				
General Fund	(\$13,875)	(\$18,500)	(\$18,500)	(\$18,500)

Fiscal Detail and Notes

The Judicial Branch will experience a loss of General Fund fine revenue estimated to be \$13,875 in fiscal year 2009-10 and \$18,500 in fiscal year 2010-11 as a result of remitting certain fine revenue to the Passamaquoddy Tribe or the Penobscot Nation. This estimate assumes an October 1, 2009 effective date.