

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Judiciary

LD 796

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

PUBLIC 417

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH RAYE	OTP-AM	H-527 S-344 DIAMOND

This bill provides that any civil penalties or fines or criminal fines imposed for a violation of any tribal or state law within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation must be remitted to the Passamaquoddy Tribe or the Penobscot Nation, respectively. This provision does not apply to a civil penalty or fine or a criminal fine imposed for a violation of any tribal or state law within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation by a state court.

Committee Amendment "A" (H-527)

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, 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.

Senate Amendment "A" To Committee Amendment "A" (S-344)

This amendment requires the Judicial Branch to submit a report by January 15, 2012 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and judiciary matters concerning the fiscal, administrative and practical effects of the new law providing for the remitting of certain civil and criminal fines to the Passamaquoddy Tribe and the Penobscot Nation. The Attorney General may submit information to be included in the report.

This amendment repeals the new law on June 30, 2012.

Enacted Law Summary

Public Law 2009, chapter 417 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, summons or warrant or by making an arrest must be remitted to the appropriate tribe, except that 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. The Judicial Branch must submit a report by January 15, 2012 to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and judiciary matters concerning the fiscal, administrative and practical effects of the new law providing for the remitting of certain civil and criminal fines to the Passamaquoddy Tribe and the Penobscot Nation. The Attorney General may submit information to be included in the report. The entire section sunsets on June 30, 2012.