

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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, 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)