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PROPOSED COMMITTEE AMENDMENT

5/30/2007 10:16 AM

5/30

Donna -
here's my
draft of what
the JUD Comm.

**COMMITTEE AMENDMENT " To LD 1606, An Act to Direct Fines
Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation**

asked for.
Take it

Amend the bill by striking out Section 1 and inserting in its place the following:

up today

Sec. 1. 30 MRSA §6210, sub-§5 is enacted to read:

in
Committee
?

5. Traffic fines. Beginning July 1, 2008, fines for traffic infractions under tribal or state law within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation must be remitted to the Passamaquoddy Tribe when the Violation Summons and Complaint is issued by a Passamaquoddy Tribe tribal law enforcement officer, and must be remitted to the Penobscot Nation when the Violation Summons and Complaint is issued by a Penobscot Nation tribal law enforcement officer

-Peggy

Sec. 2. Implementation. The chief executive officer of the Passamaquoddy Tribe law enforcement agency and the chief executive officer of the Penobscot Nation law enforcement agency shall work with the Chief Judge of the District Court to:

1. Develop Tribal Violation Summons and Complaint forms and books that provide for payment of fines for traffic infractions issued by tribal officers on Indian territory to the respective tribe, and otherwise meet the requirements of Title 29-A, chapter 23, subchapter 6. The form of the Tribal Violation Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use;

2. Develop a process which allows payment of fines for traffic infractions on the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation be paid directly to the respective tribe when the Violations Summons and Complaint was issued by a tribal law enforcement officer. Fines for actions taken by the District Court in the case of defaults or trials are not remitted to the Passamaquoddy Tribe or the Penobscot Nation;

3. Report to the joint standing committee of the 123rd Legislature having jurisdiction over judiciary matters by January 15, 2008 on the following:

A. Status of Violation Summons and Complaint forms to be used by tribal law enforcement officers;

B. Status of process to allow payment of traffic infraction fines to the respective tribes; and

C. Any recommended language necessary to implement this Act.

Further amend the bill to renumber the sections to read consecutively.

SUMMARY

This amendment deletes the language in the bill requiring all civil and criminal fines and penalties to be paid to the Passamaquoddy Tribe or the Penobscot Nation when the fines and penalties are imposed for violations on the respective Tribe's Indian territory. In its place, this amendment adds language that requires the fines for traffic infractions on Indian territory be paid to the respective Tribe when a law enforcement officer of that Tribe issues the Violation Summons and Complaint. Defaults and trials would still be handled by the District Court.

This amendment directs the chief executive officer of the Passamaquoddy Tribe law enforcement agency and the chief executive officer of the Penobscot Nation law enforcement agency to work with the Chief Judge of the District Court to:

1. Develop Violation Summons and Complaint forms for tribal traffic violations;
2. Develop a process to ensure payment is made to the Passamaquoddy Tribe or the Penobscot Nation, as required; and
3. Report to the Judiciary Committee about the forms, the process and any recommended legislation.