

# MAINE STATE LEGISLATURE

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DATE: June 27, 1995

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STATE OF MAINE  
SENATE  
117TH LEGISLATURE  
FIRST REGULAR SESSION

12

14

SENATE AMENDMENT " B " to COMMITTEE AMENDMENT "A" to S.P. 306, L.D. 845, Bill, "An Act to Promote the Health of Maine's Children by Preventing Illegal Tobacco Sales"

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Amend the amendment in section 9 in that part designated "~~§1555.~~" by striking out all of subsection 5 (page 11, lines 36 to 40 in amendment) and inserting in its place the following:

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'5. Distribution of fines. Fines and forfeitures collected pursuant to subchapter I and this subchapter must be credited as follows: 1/2 to the General Fund and 1/2 to be deposited in a nonlapsing account to be paid to law enforcement agencies.'

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Further amend the amendment in section 9 in that part designated "~~§1558.~~" by striking out all of subsection 8 (page 15, lines 16 to 32 in amendment) and inserting in its place the following:

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'8. Fines. Notwithstanding any other provisions of this Title, the Administrative Court may impose on a licensee a fine of a specific sum of not less than \$50 nor more than \$1,500 for any one offense. The fine is independent of any fine or forfeiture adjudged under subchapter I or II any may be imposed instead of or in addition to any suspension or revocation of a license.'

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A. The Administrative Court shall maintain a record of all fines received by the court. Any fines received must be credited as follows: 1/2 to the Department of Human Services in the account established in section 1552, subsection 4 and 1/2 to a nonlapsing account to be

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R 412

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 306,  
L.D. 845

2 distributed twice a year to law enforcement agencies.  
3 Annually, the court shall report to the Office of Substance  
4 Abuse the total amount of fines collected and to whom and in  
5 what amounts the collected fines were dispersed.'

6 Further amend the amendment in section 9 by inserting at the  
7 end the following:

8 **'§1559-A. Transfer of funds**

9 The Department of Human Services shall transfer from the  
10 account established in section 1552, subsection 4, an amount  
11 mutually agreed upon by the commissioner and the State Court  
12 Administrator to be the Judicial Department costs of implementing  
13 this chapter. The agreed upon amount must be transferred to a  
14 nonlapsing Judicial Department account to defray administrative  
15 costs. The first payment must be made by January 1, 1996 and  
16 additional payments must be made annually after that date.'

17 Further amend the amendment by striking out all of sections  
18 15 and 16 and inserting in their place the following:

19 **'Sec. 15. Allocation.** The following funds are allocated from  
20 Other Special Revenue to carry out the purposes of this Act.

	1995-96	1996-97	
21			
22			
23			
24			
25			
26			
27			
28	<b>HUMAN SERVICES,</b>		
29	<b>DEPARTMENT OF</b>		
30	<b>Health - Bureau of</b>		
31			
32			
33	All Other	\$5,000	\$5,000
34			
35	Allocates funds for the costs		
36	of administering retail		
37	tobacco saleslicensure.		
38			
39	<b>DEPARTMENT OF HUMAN SERVICES</b>		
40	<b>TOTAL</b>	\$5,000	\$5,000
41			
42	<b>JUDICIAL DEPARTMENT</b>		
43			
44	<b>Tobacco Law Enforcement</b>		
45			
46	All Other	\$5,000	\$5,000
47			
48	Allocates funds to authorize		
49	the distribution of 1/2 of		
50	fine revenue collected		

# SENATE AMENDMENT

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SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 306,  
L.D. 845

2 pursuant to the Maine Revised  
Statutes, Title 22, chapter  
4 262-A to law enforcement  
agencies.

6 **Tobacco Licensing Violations**

8	Positions - Other Count	(1.0)	(1.0)
	Personal Services	\$25,250	\$50,500
10	All Other	11,000	2,000
	Capital Expenditures	12,500	
12		<hr/>	<hr/>
14	TOTAL	\$48,750	\$52,500

16 Provides funds for one Clerk  
position for the  
18 Administrative Court, per  
diems for active retired  
judges, programming costs for  
20 dedicating fine revenue and  
other miscellaneous expenses  
22 associated with tobacco sales  
licensure and enforcement.

24 **JUDICIAL DEPARTMENT**

26		<hr/>	<hr/>
		53,750	57,500
28	<b>TOTAL</b>	<hr/>	<hr/>
	<b>ALLOCATIONS</b>	\$58,750	\$62,500'

30 Further amend the amendment by relettering or renumbering  
32 any nonconsecutive Part letter or section number to read  
consecutively.

34 Further amend the amendment by striking out all of the  
36 fiscal note and inserting in its place the following:

38 **FISCAL NOTE**

40		<b>1995-96</b>	<b>1996-97</b>
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42 **APPROPRIATIONS/ALLOCATIONS**

44	Other Funds	\$58,750	\$62,500
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46 **REVENUES**

48	Other Funds	\$225,000	
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**SENATE AMENDMENT**

R 412

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to S.P. 306,  
L.D. 845

2 This bill may significantly increase prosecutions for Class  
3 E crimes and civil violations. Prosecutions for Class D crimes  
4 may also increase. If a jail sentence is imposed for the Class E  
5 and D crimes, the additional costs to the counties are estimated  
6 to be \$83.22 per day per prisoner. These costs are not  
7 reimbursed by the State. The number of prosecutions that may  
8 result in a jail sentence and the resulting costs to the county  
jail system are expected to be insignificant.

10 Fine revenue collected is to be distributed among the  
11 General Fund and dedicated revenue to the Department of Human  
12 Services and to law enforcement agencies. The actual amounts of  
13 additional General Fund and dedicated revenues collected from  
14 fines can not be estimated at this time.

16 The Judicial Department will incur additional costs of  
17 \$48,750 in fiscal year 1995-96 and \$52,500 in fiscal year 1996-97  
18 to fund the additional workload and administrative costs in the  
19 court system associated with additional criminal and civil cases  
20 and to administer and distribute dedicated fine revenue. These  
21 costs are to be funded by a transfer of dedicated revenue from  
22 the Department of Human Services to the Judicial Department.  
23 Allocations of these amounts are included. The Judicial  
24 Department will also require allocations to authorize the  
25 distribution of these funds. Allocations of \$5,000 annually are  
included as base allocations for this authorization.

28 The Department of Human Services is authorized to set a fee  
29 of up to \$25 for a one-time retail tobacco license to defray the  
30 costs of administration. This fee will generate dedicated  
31 revenue of approximately \$225,000 in fiscal year 1995-96. The  
32 amounts of dedicated revenue generated in subsequent fiscal years  
33 will be minimal. The department will incur additional costs  
34 associated with retail tobacco sales licensure and enforcement  
35 requirements. The amount of the allocations required by the  
36 department can not be determined at this time. Allocations of  
37 \$5,000 annually in fiscal years 1995-96 and 1996-97 are included  
38 as base allocations of Other Special Revenue for expenditure  
39 authorization. These additional costs will also be supported  
40 with available Federal Block Grant allocations within the  
41 department and the Office of Substance Abuse.

42  
43 The additional costs to provide voluntary training programs  
44 can be absorbed by the Office of Substance Abuse utilizing  
45 existing budgeted resources.

46  
47 The additional costs to enforce these provisions of this  
48 bill can be absorbed by the Department of Public Safety utilizing  
49 existing budgeted resources.  
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# SENATE AMENDMENT

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**STATEMENT OF FACT**

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This amendment credits to a nonlapsing fund established within the Department of Human Services 1/2 of the fines and forfeitures collected by the Administrative Court. In the committee amendment, those funds were credited to the General Fund. The fines and forfeitures collected in District Court continue to be credited to the General Fund. The amendment also requires that the Commissioner of Human Services and the State Court Administrator in the Judicial Department mutually agree upon an amount to be transferred from the nonlapsing fund to the Judicial Department to cover the Judicial Department's administrative costs of implementing the Maine Revised Statutes, Title 22, chapter 262-A.

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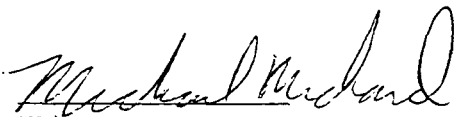
Finally, the amendment makes a technical correction in the wording of the distribution of fines and forfeitures from the District Court; fines credited to the General Fund do not need to go into a nonlapsing account.

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SPONSORED BY:



(Senator MICHAUD)

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COUNTY: Penobscot

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