

# MAINE STATE LEGISLATURE

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(New Title)  
New Draft of: S. P. 250, L. D. 714  
FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1608**

S. P. 545

In Senate, May 10, 1979

Reported by Majority of the Committee on State Government, and printed  
under Joint Rules No. 2.

MAY M. ROSS, Secretary of the Senate

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT to Assess a Surcharge on Fines for the Operation of the Maine Criminal  
Justice Academy.**

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. 25 MRSA § 2807** is enacted to read:

**§ 2807. Criminal Justice Training Fund; penalty assessment**

**1. Criminal Justice Training Fund.** There is hereby created in the State Treasury a Criminal Justice Training Fund to be appropriated for the costs of operation of the Maine Criminal Justice Academy.

The Legislature shall make an annual appropriation from the Criminal Justice Training Fund to the Maine Criminal Justice Academy of any amounts available which it deems appropriate. Any amounts deposited in the fund, but not appropriated by the end of the fiscal year next succeeding the fiscal year during which they were deposited, shall revert to the General Fund.

**2. Penalty assessments.** In addition to every fine imposed for a criminal offense or traffic infraction, a penalty assessment in an additional amount equal to 10% of the amount of the fine shall be paid by the defendant to the person to whom the fine is paid.

**When multiple offenses or infractions are involved, the penalty assessment shall be based upon the total fine for all offenses or infractions. When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.**

**In any case where a person convicted of any offense to which this section applies is imprisoned until the fine is satisfied, the judge may waive all or part of the penalty assessment, the payment of which would work hardship on the person convicted or on his immediate family.**

**The clerk of court, sheriff or other person to whom the penalty assessment is paid shall periodically transmit such amounts to the Treasurer of State, who shall deposit them in the Criminal Justice Training Fund.**

**3. Automatic termination. This section shall terminate January 1, 1982, unless reenacted by legislation.**

**Sec. 2. Effective date. This Act shall become effective on January 1, 1980.**

#### STATEMENT OF FACT

The purposes of this new draft are to:

1. Change the penalty assessment from a scheduled amount on fines to a flat 10% of fines. This will greatly simplify administration and make the assessment more equitable;
2. Require that amounts assessed and deposited to the credit of the Criminal Justice Training Fund be appropriated by the Legislature on an annual basis. This will continue the opportunity for legislative review and control of academy funding;
3. Establish an effective date for the bill of January 1, 1980; and
4. Provide a sunset provision of January 1, 1982.