

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1082

H.P. 808 House of Representatives, April 2, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative RIDLEY of Shapleigh.

Cosponsored by Representative VOSE of Eastport and  
Senator BLACK of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT Relating to Reimbursement of Counties  
2 for Costs Associated with Operations  
3 of the Court System.  
4

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

7 Sec. 1. 4 MRSA §116, as enacted by PL 1975, c.  
8 408, §12, is amended to read:

9 §116. Funds of court

10 All revenue received by the Supreme Judicial or  
11 Superior Court from fines, forfeitures, penalties,  
12 fees and costs shall accrue to the State, except as  
13 otherwise provided under section 1057, Title 12, sec-  
14 tions 3055 and 4508, Title 23, section 1653 and Title  
15 29, section 2302.

1           Sec. 2. 4 MRSAs §163, sub-§1, as amended by PL  
2 1979, c. 127, §13, is further amended to read:

3           1. District Court funds. Except as otherwise  
4 provided by law, all fines, bail forfeitures and fees  
5 collected in any division of the District Court shall  
6 be paid to the clerk thereof, who shall deposit them  
7 in a special account within 72 hours of their re-  
8 ceipt. Once each month, he shall remit such sums to  
9 the Treasurer of State, who shall credit them to the  
10 General Fund. At the same time, he shall remit such  
11 sums as have been collected in accordance with sec-  
12 tion 1057.

13 The court shall file a monthly report with the State  
14 Auditor itemizing the amount of fines imposed and to  
15 whom each is payable.

16           Sec. 3. 4 MRSAs §1057 is enacted to read:

17 §1057. Court Operations Surcharge Fund

18           1. Fund established. There is hereby estab-  
19 lished a fund to be known as the Court Operations  
20 Surcharge Fund. This fund shall be maintained by the  
21 Treasurer of State for the sole purpose of reimburs-  
22 ing counties for costs associated with operations of  
23 the court system.

24           2. Surcharge imposed. A surcharge of 10% shall  
25 be added to every fine, forfeiture or penalty imposed  
26 by any court in this State. All funds collected as a  
27 result of this surcharge shall be deposited monthly  
28 in the Court Operations Surcharge Fund.

29           3. Reimbursement to counties. Monthly, the  
30 Treasurer of State shall make payments from this fund  
31 to each county in direct proportion to the amount of  
32 revenue obtained from all courts within each county,  
33 provided a county may not receive an amount greater  
34 than the prior year's expenditures on its jail. The  
35 amount of total payments made to counties shall equal  
36 2% of the total fines, forfeitures and penalties, in-  
37 cluding this surcharge, received by the Treasurer of  
38 State. The balance remaining in the Court Operations  
39 Surcharge Fund at the end of each month shall accrue  
40 to the General Fund.

1           **Sec. 4. 4 MRS**A §1156, as enacted by PL 1977, c.  
2           551, §1, is amended to read:

3           §1156. Fines

4           Notwithstanding any other provisions of this  
5           chapter, a judge of the Administrative Court, in his  
6           judicial discretion, may impose a fine of a specific  
7           sum, which shall not be less than \$50 nor more than  
8           \$1,500 for any one offense, or such other limits as  
9           the statutes relating to the licensing question may  
10          provide. Such a fine may be imposed instead of or in  
11          addition to any suspension, revocation or modifica-  
12          tion of a license by the court. Section 1057 applies  
13          to any fine imposed by this section.

14          The Administrative Court Judge shall maintain a  
15          record of all fines and surcharges received by the  
16          court and shall pay the fines into the General Fund  
17          of the State Treasury and the surcharges into the  
18          Court Operations Surcharge Fund on or before the 15th  
19          day of each month.

20

STATEMENT OF FACT

21          This bill will provide funds to offset a portion  
22          of the expenditures currently made by counties for  
23          operations of the court system. Additional funds  
24          will be generated to the General Fund which will help  
25          offset the request for additional funding made by the  
26          Chief Justice of the Supreme Court. Based on revenue  
27          estimates from fines for fiscal year 1988 and fiscal  
28          year 1989, the county reimbursement share will be  
29          \$314,500 and \$329,400 respectively. The General Fund  
30          share will be \$1,115,000 and \$1,168,000.

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