

L.D. 254

## (Filing No. H-144)

.

## STATE OF MAINE HOUSE OF REPRESENTATIVES 115TH LEGISLATURE FIRST REGULAR SESSION

COMMITTEE AMENDMENT "H" to H.P. 169, L.D. 254, Bill, "An Act Regarding Court Deposits and Revenue Reporting"

2

4

6

R

10

12

18

22

38

16 Amend the bill by inserting after the title and before the enacting clause the following:

20 not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law requires that all cash bail paid to the 24 District Court and the Superior Court placed in be interest-bearing accounts even though the amount of interest generated by small amounts often is less than the service charge 26 on those accounts, needlessly wasting scarce judicial fiscal 28 resources; and

30 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of 32 Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 34 safety; now, therefore,'

36 Further amend the bill by striking out all of sections 1 and 2 and inserting in their place the following:

'Sec. 1. 4 MRSA §116, 2nd ¶, as enacted by PL 1989, c. 501, 40 Pt. P, §1, is amended to read:

42 Funds received by the clerk as bail in criminal cases shall must be deposited daily in a special interest-bearing account.
44 The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do
46 <u>so.</u> Interest accrued in such an account shall-be <u>is</u> the property of and shall-accrue accrues to the State. The forfeiture and
48 setoff of bail shall-be <u>is</u> as otherwise provided by law.

Page 1-LR0924(2)

## COMMITTEE AMENDMENT "H" to H.P. 169, L.D. 254

2

Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1989, c. 501, Pt. P,  $\S3$ , is further amended to read:

8

District Court funds. Except as otherwise provided by l. law, all fines, forfeitures and fees collected in any division of 6 the District Court shall must be paid to the clerk thereof of that District Court, who shall deposit them in a special account within-72-hours of their-receipt in a timely manner. Once each month, the clerk shall remit such the sums to the Treasurer of 10 State, who shall credit them to the General Fund. At the same time, the clerk shall remit such the sums as that have been 12 collected in accordance with section 1057. Funds received by the 14 clerk as bail in criminal cases shall must be deposited daily in a special interest-bearing account. The clerk shall deposit the 16 funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in the account shall-be is the property of and shall-accrue accrues to 18 The forfeiture and setoff of bail shall--be is the State. 20 governed as otherwise provided by law.

22 The court shall file a monthly report with the State Auditor itemizing the amount of fines imposed and to whom each is 24 payable.'

Further amend the bill by inserting at the end before the 26 statement of fact the following:

preamble, this Act takes effect when approved.'

28

30

32

34

STATEMENT OF FACT

'Emergency clause. In view of the emergency cited in the

This amendment clarifies that Superior Court and District 36 Court clerks must deposit all funds received as bail in special The clerk shall determine if an interest-bearing accounts. 38 account makes sense for the amount of bail money received; if the amount is so small that the cost of the account would be greater 40 than the interest earned, the clerk may deposit the funds in a noninterest-bearing account instead. In any event, the clerk 42 must deposit the funds in an account of one type or the other.

44 This amendment removes the deadline by which District Court clerks must deposit bail in an account but requires that the deposit be made in a timely manner. 46

48 This amendment also adds an omergency preamble and clause.

Reported by the Committee on Judiciary Reproduced and distributed under the direction of the Clerk of the House (4/16/91)(Filing No. H-144)

Page 2-LR0924(2)