

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 254

H.P. 169

House of Representatives, February 1, 1991

Submitted by the Judicial Department pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative COTE of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act Regarding Court Deposits and Revenue Reporting.



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

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

6 Funds received by the clerk as bail in criminal cases shall
8 must be deposited daily in a special interest-bearing account
10 unless the clerk determines that it is not cost effective to
12 deposit the funds in an interest-bearing account. Interest
accrued in such an account shall ~~be~~ is the property of and shall
accrue accrues to the State. The forfeiture and setoff of bail
shall ~~be~~ is as otherwise provided by law.

14 Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1989, c. 501,
Pt. P, §3, is further amended to read:

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

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

36
38 Sec. 3. 4 MRSA §554, as amended by PL 1985, c. 68, §2, is
further amended to read:

40 **§554. Accounting by clerks.**

42 Clerks of judicial courts shall account ~~quarterly~~ monthly
44 under oath to the State Auditor for all fees received by them or
payable to them by virtue of their office, except those portions
46 of fees collected for passports and naturalization proceedings
which that are payable to the ~~United States~~ Federal Government,
48 specifying ~~specify~~ the items, and shall pay the whole amount of
the same to the Treasurer of State at such times and in such
50 manner as the Chief Justice of the Superior Court or his ~~the~~
Chief Justice's designee shall from time to time specify.

52

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STATEMENT OF FACT

4 This bill allows courts that have minimal bail account
6 balances to maintain the deposits in noninterest-bearing
8 accounts. The bill removes the restriction that deposits must be
10 made within 72 hours of receipt. The bill also makes revenue
reporting requirements consistent for both the Superior Court and
the District Court.