

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1616

S.P. 612

In Senate, April 24, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

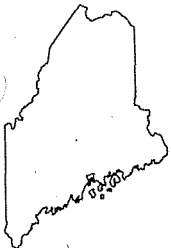
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Representative PENDLETON of Scarborough.

STATE OF MAINE

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

An Act Relating to the Jail Operations Surcharge Fund.



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

2
4 Sec. 1. 4 MRSA §1057, as amended by PL 1987, c. 861, §5, is further amended to read:

6 **§1057. Government Operations Surcharge Fund**

8 1. **Fund established.** There is hereby established a fund to be known as the Jail Government Operations Surcharge Fund. This fund shall must be maintained by the Treasurer of State for the sole purpose of reimbursing counties for costs associated with operations of the jail system.

14 2. **Surcharge imposed.** A surcharge of 10% shall must be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, shall be is considered a part of the fine, forfeiture or penalty. All funds collected as a result of this surcharge shall must be deposited monthly in the Jail Government Operations Surcharge Fund.

22 3. **Reimbursement to counties.** Monthly, the Treasurer of State shall make payments from this fund to each county in direct proportion to the amount of revenue obtained from all courts within each county, provided except that a county may not receive an amount greater than the prior year's expenditures on its jail. The amount of total payments made to counties shall equal ~~2% of the total fines, forfeitures and penalties, including this~~ from the surcharge, received by the Treasurer of State. The balance remaining in the Jail Operations Surcharge Fund at the end of each month shall accrue to the General Fund, must equal:

32 A. In 1993, 50% of the surcharge;

34 B. In 1994, 60% of the surcharge;

36 C. In 1995, 70% of the surcharge;

38 D. In 1996, 80% of the surcharge;

40 E. In 1997, 90% of the surcharge; and

42 F. In 1998 and thereafter, 100% of the surcharge.

44 Until 1996, the balance remaining in the Government Operations Surcharge Fund at the end of each month accrues to the General Fund.

48 Sec. 2. 4 MRSA §1156, last ¶, as amended by PL 1987, c. 339, §4, is further amended to read:

2 The Administrative Court Judge shall maintain a record of
3 all fines and surcharges received by the court and shall pay the
4 fines into the General Fund of the State Treasury and the
5 surcharges into the Jail Government Operations Surcharge Fund on
6 or before the 15th day of each month.

8 **STATEMENT OF FACT**

10 This bill changes the name of the Jail Operations Surcharge
11 Fund to the Government Operations Surcharge Fund and provides
12 that over a 5-year period beginning in 1993 the portion of the
13 fund paid to the counties instead of into the General Fund will
14 increase from 50% to 100%. Currently, only 2% of the surcharge
15 and total fines, forfeitures and penalties collected by the
16 courts is paid to the counties.