

MAINE STATE LEGISLATURE

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

COMMITTEE AMENDMENT "A" to H.P. 1139, L.D. 1664, Bill, "An Act Concerning the State's Escrow Accounts"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, it is to the benefit of the State to implement the provisions of this Act no later than June 30, 1991; and

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

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

Sec. 1. 5 MRSA §§135-A and 203-A are enacted to read:

§135-A. Establishment of other special revenue accounts

Except in cases when a state department or agency receives funds that the department or agency is legally required to distribute to or hold on behalf of specifically named persons, and except for the Baxter State Park Authority, all departments or agencies of State Government, in working with the Treasurer of State, are prohibited from establishing trust funds, escrow

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2 accounts or other accounts that would not be specifically
3 allocated by the Legislature unless there is a compelling,
4 documented legal reason, as determined by the Treasurer of State,
5 to do otherwise.

6 §203-A. Accounts established due to court orders or other
7 settlements

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9 Unless specifically ordered by the court to do otherwise,
10 the Attorney General shall work with the Treasurer of State to
11 deposit any revenue or money received as a result of any court
12 order, court settlement or other agreement into an other special
13 revenue account of the State and all interest must be credited to
14 the General Fund. When, pursuant to a court order or settlement,
15 the Attorney General receives money that is specifically
16 designated for antitrust enforcement or for enforcement of the
17 Maine Unfair Trade Practices Act, the Attorney General is
18 authorized to expend such funds for expert witness fees, copying
19 of documents, transcripts and any other purpose in accordance
20 with the court order. Any interest on such funds, unless
21 otherwise ordered by the court, must be credited to the General
22 Fund. The Attorney General shall provide an accounting of such
23 funds to the Legislature in a form and as determined by the
24 Office of Fiscal and Program Review.

25
26 **Sec. 2. Application.** Those sections of this Act that enact
27 the Maine Revised Statutes, Title 5, sections 135-A and 203-A
28 apply to all accounts in existence on the effective date of this
29 Act, except that they may not be interpreted to require the
30 Treasurer of State or any department or agency to retroactively
31 recalculate interest earnings to a trust fund or escrow account
32 and to credit the General Fund accordingly.

33 **Emergency clause.** In view of the emergency cited in the
34 preamble, this Act takes effect when approved.

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36 **FISCAL NOTE**

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38 This legislation will generate a small amount of interest
39 earnings to the General Fund beginning in fiscal year 1991-92,
40 the exact amount of which can not be determined.'

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43 **STATEMENT OF FACT**

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45 This amendment adds an emergency preamble and an emergency
46 clause to the bill. The amendment clarifies the type of account
47 to be prohibited, the recalculation of interest earnings and the
48 use of an antitrust escrow account in the office of the Attorney
49 General. The amendment also adds a fiscal note.