



115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2169

H.P. 1536

House of Representatives, January 16, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative MELENDY of Rockland. Cosponsored by Representative CROWLEY of Stockton Springs.

STATE OF MAINE

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

An Act to Ensure That Funds Collected from Restitution and Fines Are Deposited in Interest-bearing Accounts.

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

Sec. 1. 4 MRSA §163, sub-§1, as amended by PL 1991, c. 549, §2 and affected by §17, is further amended to read:

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District Court funds. Except as otherwise provided by 1. law, all fines, forfeitures, surcharges and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special interest-bearing account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with section 1057. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is 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 payable.
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26 Sec. 2. 17-A MRSA §1326, as amended by PL 1991, c. 90, is further amended to read:

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§1326. Time and method of restitution

When restitution is authorized, the time and method of payment or of the performance of the services must be specified. 32 Except when the offender is placed on probation, monetary compensation may be ordered paid to the office of the prosecuting 34 attorney who is prosecuting the case or to the clerk of the 36 court. If the offender is placed on probation, the compensation may be ordered paid to the Department of Corrections, Division of Probation and Parole. The agency receiving the restitution shall 38 deposit any money received in an interest-bearing account. The 40 agency receiving the restitution shall make the disbursement together with any accumulated interest to the victim or other 42 authorized claimant.

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STATEMENT OF FACT

This bill requires any agency receiving payments of 48 restitution or fines to deposit any money received in an interest-bearing account.

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