

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 97, L.D. 139, Bill, "An Act to Increase the County Share of the Government Operations Surcharge Fund"

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

Sec. 1. 4 MRSA §1057, as amended by PL 1991, c. 733, §3, is further amended to read:

§1057. County Government Operations Surcharge Fund

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

2. Surcharge imposed. A surcharge of 10% 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, is considered a part of the fine, forfeiture or penalty. All funds collected as a result of this surcharge must be deposited monthly in the County Government Operations Surcharge Fund.

3. Reimbursement to counties. Monthly, the Treasurer of State shall make payments from ~~this fund~~ the County Government Operations Surcharge Fund to each county in the same proportion

2 as the total amount paid to that of revenue obtained by the
3 courts of each county from bears to the total amount deposited
4 into the fund obtained from all courts during the previous fiscal
5 year ending June 30, 1991 bears to the total amount deposited
6 into the fund during the fiscal year ending June 30, 1991, except
7 that a county may not receive an amount greater than the prior
8 year's expenditures on its jail law enforcement services. The
9 amount of total payments made to counties must equal 2% of the
10 total fines, forfeitures and penalties, including this surcharge,
11 received by the Treasurer of State, except that beginning July 1,
12 1995, the percent of the total fines, forfeitures and penalties,
13 including the surcharge, paid to the counties must increase by 1%
14 each year until all money paid into the fund is paid to the
15 counties or an amount equal to the county's prior year's
16 expenditures on law enforcement services has been paid to each
17 county. The Any balance remaining in the County Government
18 Operations Surcharge Fund at the end of each month must accrue to
19 the General Fund.

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21 **FISCAL NOTE**

22 The increase of the counties' percentage share of the total
23 fines, forfeitures and penalties including the 10% surcharge by
24 1% each year beginning in fiscal year 1995-96 will reduce future
25 General Fund revenues. Each percentage increase in the percent
26 set aside in the dedicated account for reimbursement of county
27 jail and law enforcement services represents a reduction of
28 General Fund revenues of approximately \$200,000 based on fiscal
29 year 1993-94 estimates.

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33 **STATEMENT OF FACT**

34 This amendment changes the name of the Government Operations
35 Surcharge Fund to the County Government Operations Surcharge
36 Fund. The amendment changes the distribution of money from the
37 fund to counties to more accurately reflect the intent expressed
38 in the original law, which is to use the funds for the sole
39 purpose of reimbursing counties for costs associated with the
40 operation of the county jail system and other law enforcement
41 services.

42
43 The current 10% surcharge on court fines remains in place.
44 Those funds are paid into the County Government Operations
45 Surcharge Fund. Currently 2% of the total funds collected
46 through fines and the surcharge are paid out of the fund to the
47 counties each month. The amendment increases the percentage of
48 total collections that is returned to the counties by 1% each
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50

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1 year, beginning July 1, 1995, until all the money collected
2 through the surcharge is returned to the counties.

4 The amendment changes the method of determining the
counties' shares of the fund. Currently, 1991 is used as the
6 base year and each county receives the same percentage of the
fund as it received in 1991. The amendment bases the
8 distribution of current funds on the percentage of court
collections received by each county in the previous year.

10 The amendment also adds a fiscal note to the bill.
12

Reported by the Minority of the Committee on State and Local Government
Reproduced and distributed under the direction of the Clerk of the
House
April 5, 1993 (Filing No. H-114)

COMMITTEE AMENDMENT