

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 588

S.P. 174

In Senate, February 23, 1993

An Act Establishing an Indigent Defense Reimbursement Fund.

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, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CONLEY of Cumberland.

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

4 Sec. 1. 15 MRSA §815 is enacted to read:

6 §815. Indigent Defense Reimbursement Fund

8 1. Creation of fund. The Indigent Defense Reimbursement
Fund is created to offset the costs of providing representation
to indigent defendants and to pay all necessary and proper
10 expenses incurred in collecting partial payments from indigent
defendants. The judicial branch shall administer the fund.

12
14 2. Funding sources. All funds collected as the result of
an indigent defendant being ordered by a court to make payments
toward the cost of representation by court-appointed counsel
16 accrue to the Indigent Defense Reimbursement Fund.

18 3. Use of funds. Administrative and personal services
expenses associated with the indigent defense screening project
20 may be paid by the judicial branch from the Indigent Defense
Reimbursement Fund.

22
24 4. Effective date. Notwithstanding the effective date of
this section, all reimbursements collected from indigent
defendants on or after July 1, 1992 accrue to the Indigent
26 Defense Reimbursement Fund.

28 **Sec. 2. Retroactivity.** This Act takes effect retroactively to
July 1, 1992.

30
32 **STATEMENT OF FACT**

34 Prior to July 1, 1992, all reimbursements collected from
indigent defendants were credited directly to the Indigent
36 Defense appropriation and used to offset indigent defense
expenditures, including the expenditures required to generate
38 these reimbursements such as the expenses of the indigent defense
screening program. State Government accounting practices no
40 longer permit this practice and all reimbursements are currently
being credited to the General Fund.

42
44 This bill establishes the Indigent Defense Reimbursement
Fund that allows all reimbursements from indigent defendants to
be channeled into a specific account and automatically
46 transferred to the Indigent Defense Reimbursement Fund. This
allows for the continuation of the screening program.