

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 110

H.P. 74

House of Representatives, January 17, 1995

**An Act to Increase the County Share and Change the Name of the
Government Operations Surcharge Fund.**

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative ROWE of Portland.
Cosponsored by Representatives: KILKELLY of Wiscasset, LINDAHL of Northport.

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

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

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

8 **1. Fund established.** There is hereby established a fund to be known as the Government Jail 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 system.

14 **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 Government Jail Operations Surcharge Fund.

22 **3. Reimbursement to counties.** Monthly, the Treasurer of State shall make payments from ~~this--fund~~ the Jail Operations Surcharge Fund to each county in the same proportion as the ~~total amount paid-to-that~~ of revenue obtained by the courts of each county from bears to the total amount--deposited--into--the--fund obtained from all courts during the previous fiscal year ending June-30,-1991-bears-to-the-total-amount-deposited-into-the-fund during-the-fiscal-year-ending-June-30,-1991, 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 must equal 2% of the total fines, forfeitures and penalties, including this surcharge, received by the Treasurer of State, except that beginning July 1, 1996, the percent of the total fines, forfeitures and penalties, including the surcharge, paid to the counties must increase by 1% each year until all money paid into the fund is paid to the counties or an amount equal to the county's prior year's expenditures on its jail has been paid to each county. The Any balance remaining in the Government Jail Operations Surcharge Fund at the end of each month must accrue to the General Fund.

42 **Sec. 2. 4 MRSA §1156, 2nd ¶**, as amended by PL 1991, c. 303, §2, is further amended to read:

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

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STATEMENT OF FACT

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This bill changes the name of the Government Operations Surcharge Fund back to the Jail Operations Surcharge Fund, as it was named before 1991.

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The current 10% surcharge on court fines remains in place. Those funds are paid into the Jail Operations Surcharge Fund. Currently 2% of the total funds collected through fines and the surcharge are paid out of the fund to the counties each month. This bill increases the percentage of total collections that is returned to the counties by 1% each year, beginning July 1, 1996, until all the money collected through the surcharge is returned to the counties.

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