

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 538

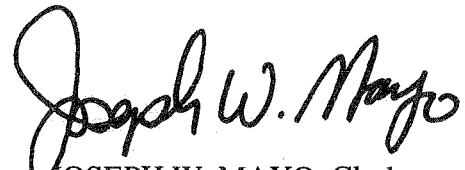
H.P. 393

House of Representatives, January 28, 1997

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

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative ROWE of Portland.  
Cosponsored by Senator BENNETT of Oxford and  
Representative LINDAHL of Northport, Senator: KILKELLY of Lincoln.

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

2  
4       **Sec. 1. 4 MRSA §1057**, as amended by PL 1995, c. 668, §1, is further amended to read:

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

8       **1. Fund established.** There is 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 purposes of reimbursing counties for costs associated with operations of the jail system and, until January 1, 2001, for funding infrastructure improvements to the Maine Criminal Justice Information System described in Title 16, section 631 and for funding the operation of the Judicial Department's computer system.

18       **2. Surcharge imposed.** A surcharge of 12% 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. Five-sixths of the surcharge collected must be earmarked for counties and disbursed pursuant to subsection 3 for the costs of jails. One-twelfth of the surcharge collected must be paid to the State Court Administrator for funding the operation of the Judicial Department's computer system and 1/12 of the surcharge must be paid to the Department of Public Safety for infrastructure improvements to the Maine Criminal Justice Information System pursuant to subsection 4 to provide instant access to all available and existing criminal records, including stalking or harassment convictions and protective orders. All funds collected as a result of this surcharge must be deposited monthly in the Government Jail Operations Surcharge Fund. This subsection is repealed January 1, 2001.

36       **2-A. 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. This subsection takes effect January 1, 2001.

44       **3. Reimbursement to counties.** Monthly, the Treasurer of State shall make payments from the Government 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~~

2 ~~during the fiscal year ending June 30, 1991~~, except that a county  
3 may not receive an amount greater than the prior year's  
4 expenditures on its jail. The amount of total payments made to  
5 counties must equal 2% of the total fines, forfeitures and  
6 penalties, including this surcharge, received by the Treasurer of  
7 State, except that, beginning July 1, 1998, the percent of the  
8 total fines, forfeitures and penalties, including the surcharge,  
9 paid to the counties must increase by 1% each year until all  
10 money paid into the fund is paid to the counties or an amount  
11 equal to the prior year's county expenditures on its jail has  
12 been paid to each county. The Any balance remaining in the  
13 Government Jail Operations Surcharge Fund at the end of each  
14 month must accrue to the General Fund.

15  
16 **4. Payment for infrastructure improvements to the Maine**  
17 **Criminal Justice Information System and for operation of the**  
18 **Judicial Department's computer system.** Monthly, the Treasurer of  
19 State shall make payments from the Government Jail Operations  
20 Surcharge Fund to the State Court Administrator and to the  
21 Department of Public Safety. The amount of the total payments  
22 made to fund the Maine Criminal Justice Information System must  
23 equal 1/12 of the surcharges received by the Treasurer of State,  
24 and the amount of the total payments made to fund the operations  
25 of the Judicial Department's computer system must equal 1/12 of  
26 the surcharges received by the Treasurer of State. The balance  
27 remaining in the Government Jail Operations Surcharge Fund at the  
28 end of each month must accrue to the General Fund. This  
subsubsection is repealed January 1, 2001.

29 **Sec. 2. 4 MRSA §1156, 2nd ¶**, as amended by PL 1991, c. 303,  
30 **§2**, is further amended to read:

31  
32 The Administrative Court Judge shall maintain a record of  
33 all fines and surcharges received by the court and shall pay the  
34 fines into the General Fund of the State Treasury and the  
35 surcharges into the Government Jail Operations Surcharge Fund on  
36 or before the 15th day of each month.  
37  
38

#### 39 SUMMARY

40  
41  
42 This bill changes the name of the Government Operations  
43 Surcharge Fund back to the Jail Operations Surcharge Fund, as it  
44 was named before 1991.

45  
46 The current 10% surcharge on court fines remains in place.  
47 Those funds are paid into the Jail Operations Surcharge Fund.  
48 Currently, 2% of the total funds collected through fines and the  
49 surcharge are paid out of the fund to the counties each month.  
50 This bill increases the percentage of total collections that is

2 returned to the counties by 1% each year, beginning July 1, 1998,  
until all the money collected through the surcharge is returned  
to the counties.

4  
6 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  
8 received in 1991. This bill bases the distribution of current  
funds on the percentage of court collections received by each  
10 county in the previous year.