

# MAINE STATE LEGISLATURE

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R. of S.

L.D. 2149

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DATE: 4/6/98

(Filing No. S- 759 )

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**STATE OF MAINE  
SENATE  
118TH LEGISLATURE  
SECOND SPECIAL SESSION**

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 1527, L.D. 2149, Bill, "An Act to Implement the Recommendations of the Working Group on Motor Vehicle Fines, Enforcement and Reimbursement"

Amend the amendment by inserting after the title the following:

'Amend the bill by striking out the title and substituting the following:

'An Act to Implement the Recommendations of the Working Group on Motor Vehicle Fines, Enforcement and Reimbursement and to Change Certain Provisions of the Tax Relief Funds''

Further amend the amendment by inserting after the title the following:

'Amend the bill by inserting after the enacting clause the following:

**'PART A'**

Further amend the bill in section 2 in subsection 4-A in paragraph A in the 2nd line (page 1, line 14 in L.D.) by striking out the following: "\$40" and inserting in its place the following: '\$25'

Further amend the amendment in the first paragraph after the title in the first line (page 1, line 23 in amendment) by striking out the following: "Amend" and inserting in its place the following: 'Further amend'

Further amend the amendment in paragraph B in the 2nd line (page 1, line 28 in amendment) by striking out the following: "\$40" and inserting in its place the following: '\$25'

**SENATE AMENDMENT**

Further amend the amendment by inserting before the 2nd indented paragraph after the title the following:

'Further amend the bill in section 2 in subsection 4-B in paragraph B in the first line (page 2, line 10 in L.D.) by striking out the following: "Eight" and inserting in its place the following: 'Six'

Further amend the bill in section 2 in subsection 4-B in paragraph B in the last line (page 2, line 13 in L.D.) by striking out the following: "paragraph A" and inserting in its place the following: 'paragraphs A and B'

Further amend the amendment on page 2 in paragraph A in the first line (page 2, line 2 in amendment) by striking out the following: "Nine and one half" and inserting in its place the following: 'Six'

Further amend the amendment on page 2 in paragraph B in the 3rd line (page 2, line 11 in amendment) by striking out the following: "3 1/2%" and inserting in its place the following: '7%' and by striking out the following: "9 1/2%" and inserting in its place the following: '6%'

Further amend the amendment in section 6 in the 7th line (page 3, line 2 in amendment) by striking out the following: "\$734,103" and inserting in its place the following: '\$458,815'

Further amend the amendment in section 6 in the last line (page 3, line 9 in amendment) by striking out the following: "\$40" and inserting in its place the following: '\$25'

Further amend the amendment by inserting after section 6 the following:

'Further amend the bill by inserting after section 4 the following:

## **PART B**

**Sec. B-1. Transfer of funds.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Controller is authorized to transfer \$784,973 from the Tobacco Tax Relief Fund to the General Fund unappropriated surplus in fiscal year 1998-99, no later than December 31, 1998.

PART C

Sec. C-1. PL 1997, c. 643, Pt. S, §§2 to 4 are amended to read:

Sec. S-2. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Controller is authorized to transfer \$36,000,000 from the Tax Relief Fund for Maine Residents to the General Fund unappropriated surplus in fiscal year 1998-99, no later than December 31, 1998.

Sec. S-3. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Controller is authorized to transfer \$6,347,667 from the Tax Relief Fund for Maine Residents to the General Fund unappropriated surplus in fiscal year 1998-99, no later than December 31, 1998.

Sec. S-4. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Controller shall transfer from the Tax Relief Fund for Maine Residents reserve in the General Fund to General Fund unappropriated surplus \$15,521,131 in fiscal year 1997-98 and \$37,694,872 in fiscal year 1998-99, no later than December 31, 1998.

Sec. C-2. PL 1997, c. 643, Pt. HHH, §§8 and 9 are amended to read:

Sec. HHH-8. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Controller is authorized to transfer \$47,051,828 from the Tax Relief Fund for Maine Residents to the General Fund unappropriated surplus in fiscal year 1998-99, no later than December 31, 1998.

Sec. HHH-9. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, the State Controller is authorized to transfer \$29,080,192 from the Tobacco Tax Relief Fund to the General Fund unappropriated surplus in fiscal year 1998-99, no later than December 31, 1998.

PART D

Sec. D-1. PL 1997, c. 643, Pt. T, §§5 and 6 are amended to read:

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**Sec. T-5. Tax Relief Fund for Maine Residents; Tobacco Tax Relief Fund; lapsed balances.** Notwithstanding any other provisions of law, any unencumbered balance in the Tax Relief Fund for Maine Residents or the Tobacco Tax Relief Fund lapses to the General Fund ~~at the end of fiscal year 1998-99.~~

**Sec. T-6. Effective date.** This Part takes effect ~~June 30, 1999~~ December 31, 1998.

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**FISCAL NOTE**

**1997-98                      1998-99**

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**APPROPRIATIONS/ALLOCATIONS**

General Fund	(\$172,526)
Other Funds	458,815

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**REVENUES**

General Fund	\$317,740
Other Funds	(467,233)

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This bill establishes the Law Enforcement Agency Reimbursement Fund dedicated to reimbursing municipal and county law enforcement officers for serving as court officers or witnesses. Revenue to the fund will be generated by transferring 5% of traffic infraction fines, which will reduce General Fund revenue by \$467,233 in fiscal year 1998-99. Highway Fund revenue from these fines is not affected by the assessment. This assessment is estimated to reduce General Fund revenue by \$509,709 in fiscal year 1999-2000, the first full year of implementation.

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The estimated annual costs to be funded from the Law Enforcement Agency Reimbursement Fund to increase the reimbursement of law enforcement officers from \$10 per day to \$25 per day for serving as court officers or as witnesses are estimated to be \$500,525. An allocation of \$458,815 will be required in fiscal year 1998-99 to provide authorization to reimburse these costs.

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A portion of these reimbursements is budgeted in the Judicial Department's General Fund budget. The shift of these reimbursements to the Law Enforcement Agency Reimbursement Fund will result in annual General Fund savings of \$188,210. Given an

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assumed effective date of August 1, 1998, \$172,526 in fiscal year  
1998-99 may be deappropriated from the Judicial Department.

Balances remaining in the Law Enforcement Agency  
Reimbursement Fund at the end of each fiscal year lapse to the  
General Fund. The estimated amounts that will lapse to the  
General Fund are \$8,418 in fiscal year 1999-2000 and \$9,184 in  
fiscal year 2000-01.

Part B of this bill transfers the remaining 1998-1999  
biennial budgeted balance of \$784,973 from the Tobacco Tax Relief  
Fund to the General Fund as an adjustment to balance by December  
31, 1998.

Part C amends the Tax Relief Fund for Maine Residents and  
the Tobacco Tax Relief Fund to move up previously authorized  
transfers from June 30, 1999 to December 31, 1998.

Part D amends the repeal of the Tax Relief Fund for Maine  
Residents and the Tobacco Tax Relief Fund by moving up the date  
from June 30, 1999 to December 31, 1998. Although the exact  
implication on the State's finances can not be determined, it is  
not expected to have any significant impact on the expenditures  
already authorized by the 118th Legislature.

## SUMMARY

This amendment reduces the reimbursement of municipal and  
county law enforcement officers who serve as court officers and  
witnesses from \$40 per day to \$25 per day. This amendment also  
reduces the assessment on traffic fines from 9 1/2% to 6%.

This amendment also transfers the estimated remaining  
balance in the Tobacco Tax Relief Fund into the General Fund no  
later than December 31, 1998.

It also amends Public Law 1997, chapter 643, Part S to move  
up the transfer of funds from the Tax Relief Fund for Maine  
Residents and the Tobacco Tax Relief Fund from the end of fiscal  
year 1998-99 to no later than December 31, 1998.

It also amends Public Law 1997, chapter 643, Part T to move  
up the repeal of the Tax Relief Fund for Maine Residents and the  
Tobacco Tax Relief Fund from June 30, 1999 to December 31, 1998.

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2           This amendment also adds a fiscal note.

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SPONSORED BY: Senator Michael H. Michaud  
(Senator MICHAUD) *MB*

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10           COUNTY: Penobscot

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# SENATE AMENDMENT