

# MAINE STATE LEGISLATURE

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A. G. S.

L.D. 2149

DATE: 3-17-98

(Filing No. H-926)

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**TRANSPORTATION**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
SECOND REGULAR SESSION**

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 bill in section 2 in subsection 4-A by striking out all of paragraph B (page 1, lines 20 to 32 in L.D.) and inserting in its place the following:

'B. The court shall pay a municipality or county a flat fee of \$40 for each day or part of a day that a municipal or county law enforcement officer, designated by the municipality or county as its court officer, is physically present in a District Court in order to adequately handle that municipality's or county's case load.

The court officer required to be present at an arraignment may be an officer other than the arresting officer if the municipality or county has designated the officer to handle the arraignment case load of that municipality or county. In addition, one or more municipalities may designate either a municipal law enforcement officer or a county law enforcement officer to represent the municipalities at arraignments.'

Further amend the bill in section 3 by striking out all of subsection 4 (page 2, lines 26 to 39 in L.D.) and inserting in its place the following:

'4. Fines. Except as otherwise provided in this Title, fines and forfeitures collected under this Title accrue to the General Fund, except that:

**COMMITTEE AMENDMENT**

2 A. Nine and one half percent of fines and forfeitures  
4 collected for all traffic infractions, including fines and  
6 forfeitures collected for traffic infractions under section  
8 561, accrues to the Law Enforcement Agency Reimbursement  
10 Fund established in Title 4, section 173, subsection 4-B.  
12 This paragraph does not apply to sections 525, 1767 and 2363;

14 B. Of the fines and forfeitures collected for traffic  
16 infractions under sections 511, 2356, 2360, 2380, 2387 and  
18 2388, 3 1/2% accrues to the General Fund, 9 1/2% accrues to  
20 the Law Enforcement Agency Reimbursement Fund and the  
22 balance accrues to the General Highway Fund; and

24 C. Of the fines and forfeitures collected for violations  
26 other than traffic infractions under section 511, 2356,  
28 2360, 2380, 2387 and 2388, only \$5 or 13%, whichever is  
30 greater, accrues to the General Fund and the balance accrues  
32 to the Highway Fund.'

34 Further amend the bill by inserting after section 4 the  
36 following:

38 **'Sec. 5. Appropriation.** The following funds are appropriated  
40 from the General Fund to carry out the purposes of this Act.

1998-99

28 **JUDICIAL DEPARTMENT**

30 **Courts, Supreme, Superior,**  
32 **District and Administrative**

34 All Other (\$172,526)

36 Deappropriates funds no longer needed to pay  
38 court officers and court witnesses from this  
account.

40 **Sec. 6. Allocation.** The following funds are allocated from the  
42 Other Special Revenue to carry out the purposes of this Act.

1998-99

44 **JUDICIAL DEPARTMENT**

46 **Law Enforcement Agency**  
48 **Reimbursement Fund**

## COMMITTEE AMENDMENT "A" to H.P. 1527, L.D. 2149

2 All Other \$734,103

4 Allocates funds to authorize expenditures  
from the Law Enforcement Agency  
6 Reimbursement Fund to reimburse municipal  
and county law enforcement officers who  
8 serve as court officers and witnesses at a  
rate of \$40 per day.'

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12 Further amend the bill by inserting at the end before the  
summary the following:

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**FISCAL NOTE**

16

**1998-99**

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**APPROPRIATIONS/ALLOCATIONS**

20 General Fund (\$172,526)  
Other Funds 734,130

22

**REVENUES**

24

General Fund (\$768,332)  
26 Other Funds 768,332

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This bill establishes the Law Enforcement Agency  
Reimbursement Fund dedicated to reimbursing municipal and county  
30 law enforcement officers for serving as court officers or  
witnesses. Revenue to the fund will be generated by transferring  
32 9.5% of traffic infraction fines which will reduce General Fund  
revenue by \$734,103 in fiscal year 1998-99. Highway Fund revenue  
34 from these fines is not affected by the assessment. This  
assessment is estimated to reduce General Fund revenue by  
36 \$800,840 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  
40 Enforcement Agency Reimbursement Fund to increase the  
reimbursement of law enforcement officers from \$10 per day to \$40  
42 per day for serving as court officers or as witnesses are  
estimated to be \$800,840. An allocation of \$734,103 will be  
44 required in fiscal year 1998-99 to provide authorization to  
reimburse these costs.

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A portion of these reimbursements are budgeted in the  
48 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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**COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to H.P. 1527, L.D. 2149

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 General Fund are \$34,228 in fiscal year 1999-2000 and \$37,340 in fiscal year 2000-01.'

## SUMMARY

This amendment provides for the payment of the \$40 flat fee for each day a county law enforcement officer, designated by that officer's county, serves as the court officer to handle the county's case load before the court. The amendment also changes the original bill by increasing from 8% to 9 1/2% the amount of revenue from traffic infraction fines that accrues to the Law Enforcement Agency Reimbursement Fund and reduces from 13% to 5% the amount of revenue from traffic infraction fines that accrues to the General Fund. The amendment keeps in effect current provisions regarding the accrual of fines and forfeitures related to certain violations that are not traffic infractions.

The amendment also adds a fiscal note to the bill.

# COMMITTEE AMENDMENT