

# MAINE STATE LEGISLATURE

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MINORITY  
APPROPRIATIONS AND FINANCIAL AFFAIRS

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
119TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 346, L.D. 462, Bill, "An Act to Require That All Fines Collected by State Agencies Be Deposited in the General Fund"

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

'An Act to Require That Certain Fines Collected by the State be Deposited in the General Fund'

Further amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 38 MRSA §551, first ¶, as amended by PL 1995, c. 399, §2 and affected by §21, is further amended to read:

The Maine Coastal and Inland Surface Oil Clean-up Fund is established to be used by the department as a nonlapsing, revolving fund for carrying out the purposes of this subchapter. The fund is limited to \$6,000,000, the sum of which includes all funds credited under this section. The Department of Environmental Protection shall collect fees in accordance with subsection 4. To this fund are credited all license fees, penalties, reimbursements and other fees and charges related to this subchapter, and to this fund are charged any and all expenses of the department related to this subchapter, including administrative expenses, costs of removal of discharges of pollutants, restoration of water supplies and 3rd-party damages covered by this subchapter.

COMMITTEE AMENDMENT

2           **Sec. 2. 38 MRSA §569-A, first ¶**, as amended by PL 1995, c. 399,  
§9 and affected by §21, is further amended to read:

4           The Ground Water Oil Clean-up Fund is established to be used  
6 by the department as a nonlapsing, revolving fund for carrying  
out the purposes of this subchapter. The balance in the fund is  
8 limited to \$12,500,000. To this fund are credited all  
registration fees, fees for late payment or failure to register,  
10 ~~penalties~~, transfer fees, reimbursements, assessments and other  
fees and charges related to this subchapter. To this fund are  
12 charged any and all expenses of the department related to this  
subchapter, including administrative expenses, payment of  
14 3rd-party damages covered by this subchapter, costs of removal of  
discharges of oil and costs of cleanup of discharges from  
16 aboveground and underground storage facilities, including, but  
not limited to, restoration of water supplies and any obligations  
18 of the State pursuant to Title 10, section 1024, subsection 1.  
The fund may be used only for the purposes specified in this  
20 subchapter and may not be diverted for any other use by the  
department, the Governor or the Legislature. Any person who  
22 proposes to enact or amend a law to allow use of the fund for a  
purpose not specified in this subchapter must submit the proposal  
24 to the Legislative Council and to the joint standing committee of  
the Legislature having jurisdiction over natural resource matters  
26 at least 30 days prior to any vote or public hearing on the  
proposal. An appropriation or allocation of the fund for use  
28 other than that specified in this subchapter is not authorized  
unless the required submittals have been made in a timely manner  
30 and the Legislature has approved the proposal by a 2/3 vote of  
each body.

32           **Sec. 3. 38 MRSA §569-B, first ¶**, as amended by PL 1995, c. 399,  
§16 and affected by §21, is further amended to read:

34           The Ground Water Oil Clean-up Fund is established to be used  
36 by the department as a nonlapsing, revolving fund for carrying  
out the purposes of this subchapter. To this fund are credited  
38 all registration fees, fees for late payment or failure to  
register, ~~penalties~~, transfer fees, reimbursements and other fees  
40 and charges related to this subchapter. To this fund are charged  
any and all expenses of the department related to this  
42 subchapter, including administrative expenses, payment of  
3rd-party damages covered by this subchapter, costs of removal of  
44 discharges of oil and costs of cleanup of discharges from  
aboveground and underground storage facilities, including, but  
46 not limited to, restoration of water supplies and any obligations  
of the State pursuant to Title 10, section 1024, subsection 1.

48           **Sec. 4. 38 MRSA §1319-D, first ¶**, as amended by PL 1987, c.  
50 750, §4, is further amended to read:

2 The Maine Hazardous Waste Fund is established to be used by  
4 the department as a nonlapsing, revolving fund for carrying out  
6 the department's responsibilities under this subchapter. All  
8 fees, ~~penalties,~~ interest and other charges under this subchapter  
10 shall ~~be~~ are credited to this fund. This fund shall ~~be~~ is charged  
with the expenses of the department related to this subchapter,  
including costs of removal or abatement of discharges and costs  
of the inspection or supervision of hazardous waste activities  
and hazardous waste handlers.

12 **Sec. 5. Report.** The Commissioner of Administrative and  
14 Financial Services shall compile a list of all fines, forfeitures  
and penalties that do not accrue to the General Fund or the  
16 Highway Fund. The list must include the statutory citations that  
dedicate the revenue from fines, forfeitures and penalties. The  
18 commissioner shall submit a report to the joint standing  
committee having jurisdiction over appropriations and financial  
20 affairs no later than December 1, 2000. The report must include  
the list of dedicated fines, forfeitures and penalties compiled  
22 by the commissioner and implementing legislation that proposes to  
credit the revenue from fines, forfeitures and penalties to the  
24 General Fund. The commissioner may exclude certain fines,  
forfeitures and penalties from the legislation if a justification  
26 is included in the report for each fine, forfeiture or penalty  
excluded.

28 **Sec. 6. Effective date.** Those sections of this Act that amend  
30 the Maine Revised Statutes, Title 38, sections 551, 569-A, 569-B  
and 1319-D take effect July 1, 2001.'

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

36 **FISCAL NOTE**

38 Effective July 1, 2001, the revenue received from fines,  
40 forfeitures and penalties that accrues as dedicated revenue to  
the Maine Coastal and Inland Surface Oil Clean-up Fund, the  
42 Ground Water Oil Clean-up Fund and the Maine Hazardous Waste Fund  
will be credited to the General Fund. The Department of  
44 Environmental Protection has budgeted revenue from these  
dedicated fines, forfeitures, and penalties of \$700,000 in fiscal  
46 years 1999-00 and 2000-01. Actual dedicated revenue received by  
the Department of Environmental Protection from fines,  
48 forfeitures and penalties in fiscal year 1998-99 was \$499,998.

50 Beginning in fiscal year 2001-02, the department will  
require General Fund appropriations to continue the programs and

services funded with these dedicated revenues from fines, forfeitures and penalties. The amounts required by each affected program within the department can not be determined at this time.

The additional costs associated with the reporting requirement can be absorbed by the Department of Administrative and Financial Services utilizing existing budgeted resources.'

### SUMMARY

This amendment replaces the bill. It amends several sections in the Maine Revised Statutes, Title 38 relating to revenue from fines, forfeitures and penalties that are dedicated to several funds within the Department of Environmental Protection. Those revenues will accrue to the General Fund effective July 1, 2001.

This amendment also requires the Commissioner of Administrative and Financial Services to report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by December 1, 2000 with a listing of all dedicated fines, forfeitures and penalties and implementing legislation to credit those dedicated revenues to the General Fund. The commissioner may exclude from the legislation certain dedicated fines if a justification is included in the report for each fine, forfeiture or penalty excluded.