

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1909

H.P. 1326

House of Representatives, March 16, 1999

**An Act to Provide Continuing Financial Support for the Maine
Community Policing Institute at the University of Maine at Augusta.**

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

A handwritten signature in black ink, reading "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: CARR of Lincoln, MAYO of Bath, PEAVEY of Woolwich, PERKINS of
Penobscot, SAVAGE of Union, SHERMAN of Hodgdon, WATSON of Farmingdale,
WHEELER of Bridgewater.

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

Sec. 1. 4 MRSA §116, as amended by PL 1997, c. 24, §115, is further amended to read:

§116. Funds of court

All revenue received by the Supreme Judicial or Superior Court, whether directly or pursuant to an agreement entered into with the Department of Administrative and Financial Services, Bureau of Taxation, from fines, forfeitures, penalties, fees and costs accrues to the State, except as otherwise provided under ~~section~~ sections 1057 and 1057-A, Title 12, sections 3055 and 4508, Title 23, section 1653 and Title 29-A, section 2602.

Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in such an account is the property of and accrues to the State. The forfeiture and setoff of bail is as otherwise provided by law.

Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1995, c. 65, Pt. A, §3 and affected by §153 and Pt. C, §15, is further amended to read:

1. **District Court funds.** Except as otherwise provided by law, all fines, forfeitures, surcharges, assessments and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with ~~section~~ sections 1057 and 1057-A; Title 5, chapter 316-A; and Title 29-A, section 2411, subsection 7. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

The court shall file a monthly report with the State Auditor itemizing the amount of fines, surcharges and assessments imposed and to whom each is payable.

Sec. 3. 4 MRSA §1057-A is enacted to read:

§1057-A. Maine Community Policing Institute Surcharge Fund

1. Fund established. There is established a nonlapsing fund to be known as the Maine Community Policing Institute Surcharge Fund. The Treasurer of State shall maintain the fund for the purposes of funding the Maine Community Policing Institute.

2. Surcharges imposed. In addition to the 12% surcharge collected pursuant to section 1057, a 2% surcharge 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 pursuant to this section must be deposited monthly in the Maine Community Policing Institute Surcharge Fund. All funds collected pursuant to this section must be paid to the Department of Education to fund the Maine Community Policing Institute.

SUMMARY

The bill creates the Maine Community Policing Institute Surcharge Fund. The fund is established by collecting an additional 2% surcharge on every fine, forfeiture or penalty imposed by any court in the State. Funds collected through the additional surcharge must be paid to the Department of Education to fund the Maine Community Policing Institute. Currently, the Maine Community Policing Institute is funded through a federal grant.