

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1508

S.P. 455

In Senate, March 8, 2001

**An Act to Place a 2% Surcharge on all Criminal and Traffic Fines to
Fund the Efforts of the Maine Computer Crimes Task Force.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator McALEVEY of York.
Cosponsored by Representative CHIZMAR of Lisbon and
Senators: LaFOUNTAIN of York, PENDLETON of Cumberland, ROTUNDO of
Androscoggin, Representatives: BOUFFARD of Lewiston, BUNKER of Kossuth Township,
GERZOFSKY of Brunswick, O'BRIEN of Augusta, O'BRIEN of Lewiston.

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

2
4 **Sec. 1. 4 MRSA §116, first ¶,** as amended by PL 1999, c. 357,
§1, is further amended to read:

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

14 **Sec. 2. 4 MRSA §163, sub-§1,** as amended by PL 1999, c. 357,
§2, is further amended to read:

16 **1. District Court funds.** Except as otherwise provided by
18 law, all fines, forfeitures, surcharges, assessments and fees
20 collected in any division of the District Court or by the
violations bureau must be paid to the clerk of that District
22 Court, who shall deposit them in a special account in a timely
manner. Once each month, the clerk shall remit the sums to the
24 Treasurer of State, who shall credit them to the General Fund.
At the same time, the clerk shall remit the sums that have been
26 collected in accordance with sections 1057 and, 1057-A and
1057-B; Title 5, chapter 316-A; and Title 29-A, section 2411,
28 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
30 clerk determines that it is not ~~cost-effective~~ cost-effective
to do so. Interest accrued in the account is the property of and
32 accrues to the State. The forfeiture and setoff of bail is
governed as otherwise provided by law.

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

38 **Sec. 3. 4 MRSA §1057-B** is enacted to read:

40 **§1057-B. Maine Computer Crimes Task Force Surcharge Fund**

42 **1. Maine Computer Crimes Task Force.** The Maine Computer
44 Crimes Task Force is a collaborative partnership under the
auspices of the Department of Public Safety, Bureau of State
46 Police and includes the United States Attorney and local law
enforcement agencies. The purpose of the task force is to
48 investigate and assist those law enforcement agencies in the
State that investigate crimes involving computers.

50 **2. Fund established.** A nonlapsing fund known as the Maine
52 Computer Crimes Task Force Surcharge Fund is established. The

2 Treasurer of State shall maintain the fund for the purposes of
3 funding the Maine Computer Crimes Task Force.

4 3. Surcharge imposed. In addition to the 12% surcharge
5 collected pursuant to section 1057 and a 2% surcharge collected
6 pursuant to section 1057-A, a 2% surcharge must be added to every
7 fine, forfeiture and penalty imposed by any court in this State,
8 which for the purposes of collection and collection procedures is
9 considered a part of the fine, forfeiture or penalty. All funds
10 collected pursuant to this section must be deposited monthly in
11 the Maine Computer Crimes Task Force Surcharge Fund. All funds
12 collected pursuant to this section must be paid to the Bureau of
13 State Police for the sole purpose of funding the Maine Computer
14 Crimes Task Force, except that the Judicial Department may incur
15 reasonable expenses to implement the administration of the 2%
16 surcharge.

17 4. Report. Beginning July 1, 2002, the Maine Computer
18 Crimes Task Force shall make an annual report regarding
19 development, implementation and effectiveness of programs and
20 initiatives to the joint standing committee of the Legislature
21 having jurisdiction over criminal justice matters.
22

24
25 **SUMMARY**

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27 This bill creates the Maine Computer Crimes Task Force
28 Surcharge Fund. The fund is established by collecting an
29 additional 2% surcharge on every fine, forfeiture and penalty
30 imposed by any court in the State. Funds collected through the
31 additional surcharge must be paid to the Department of the Public
32 Safety, Bureau of State Police to fund the Maine Computer Crimes
33 Task Force.
34