

MAINE STATE LEGISLATURE

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MS

L.D. 2141

DATE: 3-20-02

(Filing No. H-963)

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1638, L.D. 2141, Bill, "An Act to Amend the Animal Welfare Laws and Increase Funding for Animal Welfare"

Amend the bill by inserting after the enacting clause and before section 1 the following:

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

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 sections 1057 and 1057-A; Title 7, section 3910-A; Title 12, sections 3055 and 4508; Title 17, section 1015; Title 23, section 1653; and Title 29-A, section 2602.

Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1999, c. 357, §2, 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

COMMITTEE AMENDMENT

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 sections 1057 and 1057-A; Title 5, chapter 316-A; Title 7, section 3910-A; Title 17, section 1015; 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, sub-§2, as enacted by PL 1999, c. 357, §3, is amended to read:

2. Surcharge imposed. In addition to the 12% surcharge collected pursuant to section 1057, the \$10 surcharge collected pursuant to Title 7, section 3910-A and the 10% surcharge collected pursuant to Title 17, section 1015, 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 University of Maine System for the sole purpose of funding the Maine Community Policing Institute, except that the Judicial Department may incur reasonable expenses to implement the administration of the 2% surcharge, in an amount not to exceed \$11,000 annually, in fiscal years ending June 30, 2000 and June 30, 2002.'

Further amend the bill in section 3 in that part designated "§3910-A." in subsection 2 in the first line (page 1, lines 29 and 30 in L.D.) by striking out the following: "10% or \$10, whichever is greater," and inserting in its place the following: '\$10'

Further amend the bill by inserting after section 5 the following:

Sec. 6. 7 MRSA §4011, sub-§1, ¶G, as amended by PL 2001, c. 425, §1, is further amended to read:

G. Hunts, traps or sells for the purpose of hunting any animal, except as permitted pursuant to Title 7, chapter 202-A and Title 12, Part 10;'

2 Further amend the bill in section 6 in that part designated
4 "\$1015." in the first paragraph in the first line (page 2, line
6 18 in L.D.) by striking out the following: "of \$10, whichever is
8 greater"

6 Further amend the bill by inserting after section 6 the
8 following:

10 'Sec. 7. 17 MRSA §1031, sub-§1, ¶G, as amended by PL 2001, c.
12 425, §5, is further amended to read:

14 G. Hunts, traps or sells for the purpose of hunting any
16 animal, except as permitted pursuant to Title 7, chapter
18 202-A and Title 12, Part 10;'

18 Further amend the bill by relettering or renumbering any
20 nonconsecutive Part letter or section number to read
22 consecutively.

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

26 **FISCAL NOTE**

2002-03

28 **APPROPRIATIONS/ALLOCATIONS**

30 Other Funds \$163,735

34
36 This bill includes an Other Special Revenue funds allocation
38 of \$111,313 in fiscal year 2002-03 for the Animal Welfare Fund
40 program within the Department of Agriculture, Food and Rural
42 Resources to provide funds for 2 District Humane Agent positions
44 and necessary operating costs. This bill also includes an Other
46 Special Revenue funds allocation of \$79,691 in fiscal year
48 2002-03 for the Animal Welfare Fund program to provide funds for
one Veterinarian position and necessary operating costs.
Finally, this bill also includes an Other Special Revenue funds
deallocation of \$27,269 in fiscal year 2002-03 for the Animal
Welfare Fund program to eliminate funds for 4 intermittent State
Humane Agent positions and associated operating costs.

2 Establishing a surcharge on certain violations is expected
to increase Animal Welfare Fund Other Special Revenue by \$3,250
4 to \$5,225 in fiscal year 2002-03. Annual revenue is expected to
range from \$5,100 to \$8,200. The additional costs associated
6 with this new surcharge can be absorbed by the Judicial
Department utilizing existing budgeted resources.'

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SUMMARY

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12 The bill provides for a surcharge of 10% or \$10, whichever
is greater, for civil violations or criminal violations of the
14 animal welfare laws. This amendment changes that provision to a
surcharge of \$10 for civil violations of animal welfare laws and
16 10% of the penalty for criminal violations of animal welfare
laws. It clarifies that trapping animals is a violation of the
18 cruelty to animals provisions except as permitted under the laws
administered by the Department of Inland Fisheries and Wildlife.
It adds cross-references to statutes concerning funds received by
20 the courts. It also adds a fiscal note to the bill.