

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2175

S.P. 810

In Senate, March 15, 2002

**An Act to Amend the County Jail Prisoner Support and Community
Corrections Fund.**

Reported by Senator McALEVEY for the Committee on Criminal Justice pursuant to Joint
Order S.P. 768.

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL
Secretary of the Senate

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

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~~ Revenue Services, from fines, forfeitures, penalties, fees and costs accrues to the State, except as otherwise provided under sections 1057 and 1057-A; Title 12, sections 3055 and 4508; Title 23, section 1653 and; Title 29-A, section 2602; and Title 34-A, section 1210-A, subsection 9.

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 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; and Title 29-A, section 2411, subsection 7; and Title 34-A, section 1210-A, subsection 9. 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 and the 1% surcharge collected pursuant to Title 34-A, section 1210-A, subsection 9, 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

2 Policing Institute Surcharge Fund. All funds collected pursuant
to this section must be paid to the University of Maine System
4 for the sole purpose of funding the Maine Community Policing
Institute, except that the Judicial Department may incur
6 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.

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10 **Sec. 4. 34-A MRSA §1210-A, sub-§4,** as enacted by PL 1997, c.
753, §2, is amended to read:

12 **4. Change in state funding of county jails.** If a county
experiences at least a 10% increase in the total annual jail
14 operating budget or if a county issues a bond for the
construction of a new jail or renovation of an existing jail, the
16 county may file with the department a request for an increase in
the amount of state funds the county receives for the support of
18 prisoners. A county must file a request for an increase in the
amount of state funds the county receives for the support of
20 prisoners by February 15th for an increase experienced in the
prior fiscal year. The department shall review the request, and,
22 if the county demonstrates a need for the increase, the
department shall forward the request to the joint standing
24 committee of the Legislature having jurisdiction over corrections
and criminal justice matters. If the committee approves the
26 county's requested increase, the department shall distribute the
approved amount to the county from the surcharges collected under
28 subsection 9. All funds distributed under this subsection must
be used only for the purpose of funding counties' costs of the
30 support of prisoners detained or sentenced to county jails and
for establishing and maintaining community corrections.

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34 **Sec. 5. 34-A MRSA §1210-A, sub-§9** is enacted to read:

36 **9. Surcharge imposed.** In addition to the 12% surcharge
collected pursuant to Title 4, section 1057 and the 2% surcharge
collected pursuant to Title 4, section 1057-A, an additional 1%
38 surcharge must be added to every fine, forfeiture or penalty
imposed by any court in this State, which for the purposes of
40 collection and collection procedures is considered a part of the
fine, forfeiture or penalty. All funds collected pursuant to
42 this subsection are nonlapsing and must be deposited monthly in
the County Jail Prisoner Support and Community Corrections Fund
44 that is administered by the department. All funds collected
pursuant to this subsection must be distributed to counties that
46 have experienced at least a 10% increase in their total annual
jail operating budget or to counties that have issued bonds for
48 the construction of a new jail or renovation of an existing jail
and that meet all other requirements under subsection 4. Funds
50 distributed to counties pursuant to this subsection must be used

for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections.

Sec. 6. County requests. Notwithstanding the February 15th reporting requirement in section 4 of this Act, requests for additional funding made by York County, Hancock County and Somerset County received by the Department of Corrections no later than February 28, 2002 do not have to be resubmitted.

Sec. 7. Effective date. This Act takes effect August 1, 2002.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

**County Jail Prisoner Support
and Community Corrections Fund**

Initiative: Allocates funds to be distributed to certain counties that experience at least a 10% increase in their annual jail operating budgets. The dedicated revenue to support this allocation is derived from a 1% surcharge on all fines, forfeitures or penalties imposed by any court in the State.

Other Special Revenue funds	2001-02	2002-03
All Other	\$0	\$134,415

**CORRECTIONS, DEPARTMENT OF
DEPARTMENT TOTAL**

	2001-02	2002-03
OTHER SPECIAL REVENUE FUNDS	\$0	\$134,415
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$134,415

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District

Initiative: Appropriates one-time funds necessary to implement a new surcharge on all fines, forfeitures or penalties imposed by any court in the State.

General Fund	2001-02	2002-03
Personal Services	\$0	\$ 1,772

2	All Other	0	21,886
4	Total	\$0	\$23,658
6			
8	JUDICIAL DEPARTMENT		
	DEPARTMENT TOTAL	2001-02	2002-03
10	GENERAL FUND	\$0	\$23,658
12	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$23,658
14			
16	SECTION TOTALS	2001-02	2002-03
18	GENERAL FUND	\$0	\$23,658
	OTHER SPECIAL REVENUE FUNDS	\$0	\$134,415
20	SECTION TOTAL - ALL FUNDS	\$0	\$158,073
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FISCAL NOTE

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2002-03

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APPROPRIATIONS/ALLOCATIONS

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General Fund	\$23,658
Other Funds	134,415

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REVENUES

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Other Funds	\$134,415
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The 1% surcharge on all fines, forfeitures or penalties imposed by any court in the State is expected to increase Other Special Revenue in the Department of Corrections by \$134,415 in fiscal year 2002-03. The annual increase in revenue is estimated to be \$202,655. This bill includes an Other Special Revenue funds allocation of \$134,415 in fiscal year 2002-03 to the County Jail Prisoner Support and Community Corrections Fund to provide funds to counties to support a portion of county jail costs under certain circumstances.

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This bill also includes a one-time General Fund appropriation of \$23,658 in fiscal year 2002-03 for the Judicial

Department to support the costs related to establishing an additional surcharge on all fines, forfeitures or penalties.

SUMMARY

This bill creates a new 1% surcharge on all fines, forfeitures or penalties imposed by any court in this State. Funds collected pursuant to this bill are nonlapsing and must be deposited monthly in the County Jail Prisoner Support and Community Corrections Fund that is administered by the Department of Corrections. All funds collected pursuant to this subsection must be distributed to counties that have experienced at least a 10% increase in their total annual jail operating budget or for counties that have issued bonds for the construction of a new jail or renovation of an existing jail and that meet all other requirements under the Maine Revised Statutes, Title 34-A, section 1210-A, subsection 4. Funds distributed to counties pursuant to this bill must be used for the sole purpose of funding costs of the support of prisoners detained or sentenced to county jails and for establishing and maintaining community corrections. The bill specifies that requests for additional funds received from York, Hancock and Somerset counties no later than February 28, 2002 need not be resubmitted to the Department of Corrections. The bill also includes a fiscal note and an appropriations and allocations section and is effective August 1, 2002.