

# MAINE STATE LEGISLATURE

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MINORITY  
TRANSPORTATION

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 788, L.D. 1070, Bill, "An Act To Increase Traffic Fines and Apportion a Part of the Increase to the Issuing Jurisdiction"

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

'An Act To Amend the Laws Regarding Law Enforcement Agency Reimbursement for District and Superior Court Appearances'

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. 4 MRSA §118-A is enacted to read:

§118-A. Law enforcement officer; reimbursement

1. Testimony. The court shall reimburse the municipality or county that employs a law enforcement officer a flat fee of \$75 for each day or part of a day that that law enforcement officer is physically present for a scheduled pretrial hearing for a Class D or Class E crime in Superior Court, whether or not the officer is called upon to give testimony.

2. Reimbursement. The Administrative Office of the Courts shall use the Law Enforcement Agency Reimbursement Fund, as established in section 173, subsection 4-B, to reimburse employers pursuant to subsection 1.

Sec. 2. 4 MRSA §173, sub-§4-A, ¶¶A and B, as amended by PL 1999, c. 731, Pt. CCCC, §1, are further amended to read:

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 788, L.D. 1070

2 A. The court shall reimburse the municipality or county  
that employs the law enforcement officer a flat fee of \$50  
4 \$75 for each day or part of a day that a law enforcement  
officer is physically present for a scheduled trial in  
6 District Court, whether or not the officer is called upon to  
give testimony.

8 B. The court shall pay a municipality or county a flat fee  
of \$50 \$75 for each day or part of a day that a municipal or  
10 county law enforcement officer, designated by the  
municipality or county as its court officer, is physically  
12 present in a District Court in order to adequately handle  
that municipality's or county's case load.

14 The court officer required to be present at an arraignment  
16 may be an officer other than the arresting officer if the  
municipality or county has designated the officer to handle  
18 the arraignment case load of that municipality or county.  
In addition, one or more municipalities may designate either  
20 a municipal law enforcement officer or a county law  
enforcement officer to represent the municipalities at  
22 arraignments.

24 **Sec. 3. 4 MRSA §173, sub-§4-B,** as enacted by PL 1997, c. 750,  
Pt. A, §2, is amended to read:

26 **4-B. Law Enforcement Agency Reimbursement Fund.** The Law  
28 Enforcement Agency Reimbursement Fund is established as a  
nonlapsing, dedicated fund within the Administrative Office of  
30 the Courts.

32 A. The Administrative Office of the Courts shall use the  
fund to reimburse municipalities and counties pursuant to  
34 subsection 4-A 4 and section 118-A.

36 B. Six percent of fines and forfeitures collected for  
traffic infractions must be deposited in the fund as  
38 provided in Title 29-A, section 2602, subsection 4,  
paragraphs A and B.

40 C. The balance remaining in the fund at the end of the  
42 fiscal year must be transferred to the General Fund.

44 D. If there is a deficit in the fund at the end of the  
fiscal year, the Treasurer of State shall transfer a  
46 sufficient amount from the General Fund to balance the fund.

48 The Administrative Office of the Courts shall submit an annual  
report to the joint standing committee of the Legislature having  
50 jurisdiction over judiciary matters and the joint standing

# COMMITTEE AMENDMENT

committee of the Legislature having jurisdiction over transportation matters. The report must include the amount of money reimbursed to municipalities and counties for law enforcement services and may contain recommendations for changes in the reimbursement rate or the process for reimbursement of law enforcement agencies.'

### SUMMARY

This is the minority report of the Joint Standing Committee on Transportation.

This amendment renames and replaces the bill and increases the amount reimbursed to a municipality from the Law Enforcement Agency Reimbursement Fund from \$50 to \$75 per day or part of a day for any officer employed by that municipality who is physically present for a scheduled trial in District Court. The amendment also requires the Law Enforcement Agency Reimbursement Fund to be used to reimburse a municipality a flat fee of \$75 per day or part of a day for any officer employed by that municipality who is physically present for a scheduled pretrial hearing for a Class D or Class E crime in Superior Court.

This amendment also requires the Administrative Office of the Courts to submit an annual report to the joint standing committee of the Legislature having jurisdiction over judiciary matters and the joint standing committee of the Legislature having jurisdiction over transportation matters.

**FISCAL NOTE REQUIRED**  
(See attached)

**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 1070**

**An Act To Increase Traffic Fines and Apportion a Part of the Increase to  
the Issuing Jurisdiction**

**LR 0408(02)****Fiscal Note For Bill as Amended by Committee Amendment " "****Committee: Transportation****Fiscal Note Required: Yes****Minority Report****Fiscal Note**

	<b>2003-04</b>	<b>2004-05</b>	<b>Projections 2005-06</b>	<b>Projections 2006-07</b>
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$408,835	\$419,056	\$429,532
<b>Revenue</b>				
General Fund	\$0	(\$408,835)	(\$419,056)	(\$429,532)

**Fiscal Detail and Notes**

Increasing the fee from \$50 to \$75 to reimburse employers of law enforcement officers who testify in District Court and establishing a fee of \$75 to reimburse employers of law enforcement officers who testify in Superior Court for certain court appearances will result in additional net costs to the General Fund of \$408,835 in fiscal year 2004-05, \$419,056 in fiscal year 2005-06 and \$429,532 in fiscal year 2006-07. This increase in reimbursement will expend funds in the Law Enforcement Agency Reimbursement Fund of the above mentioned amounts in fiscal year 2004-05, in fiscal year 2005-06 and in fiscal year 2006-07. These funds would have remained in the General Fund as budgeted revenue.

There will be some savings to the counties from witness fees being paid from the Law Enforcement Reimbursement Fund or from the appropriation for pretrial hearings of Class D or E crimes in Superior Court.

15 MRSA section 1320 may need to be revised to eliminate the possibility of duplicate payments by the county and state for witness fees for the above mentioned hearings.