

MAINE STATE LEGISLATURE

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L.D. 1186

DATE: 5-22-03

(Filing No. S-227)

CRIMINAL JUSTICE AND PUBLIC SAFETY

Reported by:

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STATE OF MAINE
SENATE
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 390, L.D. 1186, Bill, "An Act to Revise the Reimbursement by the County Jail Prisoner Support and Community Corrections Fund and To Provide Additional Support to County Jails"

Amend the bill in section 1 by striking out all of the first 2 lines (page 1, lines 3 and 4 in L.D.) and inserting in their place the following:

'Sec. 1. 34-A MRSA §1210-A, as amended by PL 2003, c. 20, Pt. R, §9, is further amended to read:'

Further amend the bill in section 1 in that part designated "§1210-A." by striking out all of subsection 3-A and inserting in its place the following:

'3-A. Distribution. Beginning July 1, 2004, the department shall annually reimburse each county based on the county's individual total operating costs as a percentage of the total actual expenditures to operate all jails. In no case may the amount reimbursed to a county be less than the amount of funds that the county received in fiscal year 2004.'

Further amend the bill in section 1 in that part designated "§1210-A." by striking out all of subsection 9 and inserting in its place the following:

'9. Surcharge imposed. In addition to the 14% surcharge collected pursuant to Title 4, section 1057, an additional 1% 10% surcharge must be added to every fine, forfeiture or penalty imposed by any court in this State, except that the 10% surcharge may not be imposed on fines collected for violations of Title 29-A, chapter 21, which for the purposes of collection and

COMMITTEE AMENDMENT

collection procedures is considered a part of the fine, forfeiture or penalty. ~~Except as provided in subsection 10, all~~ All funds collected pursuant to this subsection are nonlapsing and must be deposited monthly in the County Jail Prisoner Support and Community Corrections Fund that is administered by the department. ~~Except as provided in subsection 10, 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 to 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 subsection 4.~~ Funds 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.'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

County Jail Prisoner Support and Community Corrections Fund

Initiative: Provides funds for a Correctional Plans Coordinator position to promulgate rules and to audit the county jail reimbursement requests. Also, provides funds to be distributed to each county based on each county's total jail operating costs as a percentage of the expenditures to operate all jails.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$34,957	\$72,228
All Other	0	1,270,233
Other Special Revenue Funds Total	\$34,957	\$1,342,461

**CORRECTIONS, DEPARTMENT OF
DEPARTMENT TOTALS**

	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$34,957	\$1,342,461
DEPARTMENT TOTAL - ALL FUNDS	\$34,957	\$1,342,461

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District

COMMITTEE AMENDMENT "A" to S.P. 390, L.D. 1186

Initiative: Provides funds on a one-time basis for computer programming expenses, overtime compensation and printing and postage expenses to update field books for traffic officers.

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6	Other Special Revenue Funds	2003-04	2004-05
	Personal Services	\$2,181	\$0
	All Other	23,100	0
8			
	Other Special Revenue Funds Total	\$25,281	\$0
10			
12	JUDICIAL DEPARTMENT		
	DEPARTMENT TOTALS	2003-04	2004-05
14			
	OTHER SPECIAL REVENUE FUNDS	\$25,281	\$0
16			
	DEPARTMENT TOTAL - ALL FUNDS	\$25,281	\$0
18			
	SECTION TOTALS	2003-04	2004-05
20			
	OTHER SPECIAL REVENUE FUNDS	\$60,238	\$1,342,461
22			
	SECTION TOTAL - ALL FUNDS	\$60,238	\$1,342,461

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SUMMARY

28 This amendment strikes and replaces the distribution formula
30 in the bill. This amendment creates a new 10% surcharge on all
32 fines, forfeitures and penalties, except the new surcharge may
34 not be imposed on fines collected for violations of the Maine
36 Revised Statutes, Title 29-A, chapter 21. The money collected
pursuant to the surcharge will be distributed annually to each
county based on that county's total jail operating costs as a
percentage of the expenditures to operate all jails. The
amendment also strikes the effective date, as this distribution
will begin in the next fiscal year and adds an appropriation
section.

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FISCAL NOTE REQUIRED
(See attached)



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

LD 1186

**An Act to Revise the Reimbursement by the County Jail Prisoner
Support and Community Corrections Fund and To Provide Additional
Support to County Jails**

LR 1176(02)

Fiscal Note for Bill as Amended by Committee Amendment 'A' S227

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Appropriations/Allocations				
Other Special Revenue Funds	\$60,238	\$1,342,461	\$2,724,335	\$2,792,4
Revenue				
Other Special Revenue Funds	\$1,330,471	\$2,722,529	\$2,790,592	\$2,860,357

Fiscal Detail and Notes

This bill proposes to add 9% to the current 1% surcharge on all fines, forfeitures and penalties with the exception of certain commercial truck weight violations. The additional revenue derived from the proposed 9% increase in the surcharge is estimated to be approximately \$1,330,471 in fiscal year 2003-04, \$2,722,529 in fiscal year 2004-05, \$2,790,592 in fiscal year 2005-06 and \$2,860,357 in fiscal year 2006-07. These additional funds less administrative expenses are intended to be distributed to each county based on each county's total jail operating costs as a percentage of the expenditures to operate all jails. This bill will require a Correctional Plans Coordinator position to promulgate rules and to audit the county jail reimbursement requests. This bill will also require additional funds for the Judicial Department for computer programming, overtime compensation, printing and postage for field books for traffic officers.