

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 371

S.P. 118

In Senate, January 25, 2005

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**An Act To Distribute Revenue in the Law Enforcement Agency  
Reimbursement Fund to Municipalities and Counties**

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Reference to the Committee on Transportation 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 SAVAGE of Knox.  
Cosponsored by Representative MARLEY of Portland and  
Representatives: BOWEN of Rockport, COLLINS of Wells, JODREY of Bethel, McKENNEY  
of Cumberland.

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

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4       **Sec. 1. 4 MRSA §173, sub-§4-B, ¶¶C and D**, as enacted by PL 1997, c. 750, Pt. A, §2, are amended to read:

6           C. The balance remaining in the fund at the end of the  
8           fiscal year must be ~~transferred--to--the--General--Fund~~  
distributed to municipalities and counties in accordance  
10           with subsection 4-C.

12           D. If there is a deficit in the fund at the end of the  
14           fiscal year, the Treasurer of State shall transfer a  
16           sufficient amount from the General Fund to balance the fund  
for reimbursements made pursuant to subsection 4-A to  
municipalities and counties.

18       **Sec. 2. 4 MRSA §173, sub-§4-C** is enacted to read:

20       **4-C. Municipal and county reimbursement.** Any balance  
remaining in the Law Enforcement Agency Reimbursement Fund,  
established in subsection 4-B and referred to in this subsection  
as "the fund," at the end of the fiscal year must be distributed  
to municipalities and counties in accordance with this subsection.

24           A. A municipality that employs at least one full-time law  
enforcement officer or that has a contract with a county to  
provide rural patrol services is entitled to reimbursement  
under this paragraph. The level of reimbursement is  
determined by multiplying the municipal population factor by  
the balance remaining in the fund at the end of the fiscal  
year. For purposes of this paragraph, the municipal  
population factor is determined by dividing the population  
of the municipality by the total population of the State, as  
determined by the last Federal Decennial Census or as  
determined and certified by the Department of Health and  
Human Services, whichever is more current. For purposes of  
this paragraph, the Department of Health and Human Services  
shall determine the population of each municipality at least  
once every 2 years.

40           B. If a municipality does not employ at least one full-time  
law enforcement officer or have a contract with a county to  
provide rural patrol services, the reimbursement must be  
provided to the county in which the nonqualifying  
municipality is located.

## SUMMARY

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4 Under current law, 6% of fines and forfeitures collected for  
6 traffic infractions must be deposited in the Law Enforcement  
8 Agency Reimbursement Fund, which is then used to reimburse  
10 municipalities and counties at a flat rate of \$50 per day when a  
12 law enforcement officer from the municipality or county attends  
14 court. Any balance in the fund at the end of the fiscal year is  
16 transferred to the General Fund.

12 This bill requires that any balance in the fund at the end  
14 of the fiscal year be distributed among municipalities according  
16 to a population-based revenue-sharing formula. If a municipality  
does not qualify because it does not employ at least one law  
enforcement officer or contract with a county to provide patrol  
service, then the county in which that municipality is located  
receives the nonqualifying municipality's share of the fund.