

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1813

H.P. 1265

House of Representatives, April 3, 2007

An Act To Facilitate Collection of Money Owed to the State

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MILLS of Farmington.

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

2 **Sec. 1. 4 MRSA §807-A, 3rd ¶**, as enacted by PL 2003, c. 278, §4, is amended to
3 read:

4 Upon the promulgation of and in accordance with rules adopted by the Supreme
5 Judicial Court, employees of the Department of the Attorney General may serve civil
6 process and represent the State in District Court in disclosure proceedings pursuant to
7 Title 14, ~~chapter~~ chapters 502 and 502-A.

8 **Sec. 2. 5 MRSA §202**, as amended by PL 1973, c. 567, §2, is further amended to
9 read:

10 **§202. Employment of detectives**

11 The Attorney General may, by himself for the Department of the Attorney General or
12 through the several district attorneys or other officers of the State, employ such detectives
13 or other persons, offer rewards or use other means that ~~he may deem~~ the Attorney
14 General considers advisable for the detection, arrest and apprehension of persons who
15 commit crime in this State. Detectives with the department may exercise all the powers
16 necessary to levy and enforce writs of execution on judgments owed to the State. Any
17 property seized as payment towards a judgment owed to the State may be sold by the
18 State at a surplus auction or in any other commercially reasonable manner.

19 **Sec. 3. 5 MRSA §1509**, as enacted by PL 1973, c. 701, §4, is amended to read:

20 **§1509. Records; collections**

21 ~~It shall be the duty of each~~ Each department, institution or agency of the State ~~to~~ shall
22 keep a record of all items of income accruing to it. Each department, institution or agency
23 ~~shall be~~ is solely responsible for collections of all accounts receivable accruing to it,
24 including taxes levied by the State. In each instance of an item of income accruing to ~~any~~
25 a department, institution or agency, ~~such that~~ that department, institution or agency shall
26 immediately begin collection efforts and shall make such repeated collection efforts as
27 may be necessary to promptly satisfy the amount owed to the State. ~~Whenever~~ If there
28 ~~shall~~ continue to exist items of income or taxes owed to the State ~~which that~~ are not paid
29 within 90 days, ~~it shall be the duty of~~ the department, institution or agency to whom such
30 amount is owed ~~to~~ shall again attempt promptly to collect same. In cases of failure to pay,
31 the department, institution or agency shall refer the account to the Attorney General for
32 collection. Notwithstanding any other provision of law, the Attorney General may collect
33 from the debtor a fee sufficient to defray the costs of collection; the fee may not exceed
34 20% of the amount owed by the debtor to the State and must be deposited by the Attorney
35 General into the General Fund as undedicated revenue.

36

SUMMARY

37 This bill enhances the authority of the Attorney General's office to engage in
38 collections actions for debts, fines, penalties and other money owed to the State. The

1 Attorney General's office is given the authority to add a fee, which is deposited in the
2 General Fund, in its collecting of money owed the State in order to secure some
3 reimbursement for the cost of pursuing payment. Seized property may be sold by the
4 State.