

# MAINE STATE LEGISLATURE

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2/10/15  
R. of G.

MINORITY

L.D. 376

Date: 5/15/15

(Filing No. S-95 )

CRIMINAL JUSTICE AND PUBLIC SAFETY

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STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 144, L.D. 376, Bill, "An Act To Provide a Source of Funding for Drug Abuse Resistance Education"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 4 MRS A §1057-B is enacted to read:

§1057-B. DARE Fund established

1. Fund established. There is established a fund to be known as the DARE Fund. This fund must be maintained by the Treasurer of State for the purposes of funding DARE programs in schools and the expenses of administration of the DARE Fund. As used in this subsection, "DARE" means an educational program taught by law enforcement officers to students in kindergarten to grade 12 that targets prevention of substance abuse, violence or high-risk behavior and teaches students good decision-making skills to help them to lead safe and healthy lives.

2. Surcharge imposed. A surcharge of \$10 must be added to every fine, forfeiture or penalty imposed by any court in this State for unlawful possession of a scheduled drug under Title 17-A, chapter 45. A surcharge imposed under this subsection is considered a part of the fine, forfeiture or penalty. Surcharges collected pursuant to this subsection must be deposited monthly in the DARE Fund.

3. Reimbursements to school administrative units. Monthly, the Treasurer of State shall retain 1% of the funds in the DARE Fund to cover the expense of administration of the fund and shall transfer all remaining funds from the DARE Fund to the Department of Education to reimburse school administrative units for the expense of providing DARE programs for the benefit of the students in the school administrative unit.

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

EDUCATION, DEPARTMENT OF

COMMITTEE AMENDMENT

R. of S.

1 **DARE Education Reimbursement Fund N188**  
2 Initiative: Allocates funds to reimburse school districts for the cost of providing DARE  
3 programs to students.

4	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
5	All Other	\$12,420	\$28,319
6			
7	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$12,420</u>	<u>\$28,319</u>

8	<b>EDUCATION, DEPARTMENT OF</b>		
9	<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
10			
11	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$12,420</b>	<b>\$28,319</b>
12			
13	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$12,420</b></u>	<u><b>\$28,319</b></u>

14 **TREASURER OF STATE, OFFICE OF**  
15 **Administration - Treasury 0022**  
16 Initiative: Establishes the DARE Fund within the Office of Treasurer of State.

17	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2015-16</b>	<b>2016-17</b>
18	All Other	\$125	\$286
19			
20	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$125</u>	<u>\$286</u>

21	<b>TREASURER OF STATE, OFFICE OF</b>		
22	<b>DEPARTMENT TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
23			
24	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$125</b>	<b>\$286</b>
25			
26	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$125</b></u>	<u><b>\$286</b></u>

27	<b>SECTION TOTALS</b>	<b>2015-16</b>	<b>2016-17</b>
28			
29	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$12,545</b>	<b>\$28,605</b>
30			
31	<b>SECTION TOTAL - ALL FUNDS</b>	<u><b>\$12,545</b></u>	<u><b>\$28,605</b></u>
32			

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**SUMMARY**

This amendment is the minority report of the committee. The amendment replaces the bill, which proposes to require funds generated by forfeited firearms that are auctioned to federally licensed firearms dealers or the public to be used to fund drug abuse resistance education programs. The amendment imposes a surcharge of \$10 on all fines imposed by a court under the Maine Revised Statutes, Title 17-A, chapter 45, the laws on illegal possession of drugs. The amendment requires that the revenues from the surcharges be deposited in the DARE Fund to be used to fund DARE programs in schools. "DARE" is defined as an educational program taught by law enforcement officers to students in kindergarten to grade 12 that targets prevention of substance abuse, violence or high-risk behavior and teaches students good decision-making skills to help them to lead safe and healthy lives. The amendment also adds an appropriations and allocations section.

**FISCAL NOTE REQUIRED**

**(See attached)**



# 127th MAINE LEGISLATURE

LD 376

LR 1091(02)

## An Act To Provide a Source of Funding for Drug Abuse Resistance Education

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-95)

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

### Fiscal Note

Potential current biennium cost increase - General Fund

	FY 2015-16	FY 2016-17	Projections FY 2017-18	Projections FY 2018-19
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$12,545	\$28,605	\$40,651	\$40,651
<b>Revenue</b>				
Other Special Revenue Funds	\$12,545	\$28,605	\$40,651	\$40,651

#### Fiscal Detail and Notes

This legislation establishes the DARE Education Fund within the Office of Treasurer of State and provides an Other Special Revenue Funds allocation of \$125 in fiscal year 2015-16 and \$286 in fiscal year 2016-17 which represents 1% of the projected revenue.

This bill also includes an Other Special Revenue Funds allocation of \$12,420 in fiscal year 2015-16 and \$28,319 in fiscal year 2016-17 to establish the DARE Education Reimbursement Fund within the Department of Education to reimburse local school districts for the costs associated with providing DARE programs to their students.

The Department of Education has indicated that it does not have staff available to oversee the reimbursement fund. Until the volume of work associated with implementing the requirements of this legislation are known, it is unclear as to whether the department can administer the fund within existing resources without impacting other programs and services.