

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 892

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H.P. 611

House of Representatives, March 12, 2015

### An Act To Amend Certain Laws Affecting the Judicial Branch

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative MONAGHAN of Cape Elizabeth.  
Cosponsored by Representatives: HOBBS of Saco, McCREIGHT of Harpswell, NOON of Sanford.

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

2 **Sec. 1. 4 MRSA §163, sub-§1**, as amended by PL 2007, c. 377, §2 and affected  
3 by §17, is further amended to read:

4 **1. District Court funds.** Except as otherwise provided by law, all fines, forfeitures,  
5 surcharges, assessments and fees collected in any division of the District Court or by the  
6 violations bureau must be paid to the clerk of that District Court, who shall deposit them  
7 in a special account in a timely manner. Once each month, the clerk shall remit the sums  
8 to the Treasurer of State, who shall credit them to the General Fund. At the same time,  
9 the clerk shall remit the sums that have been collected in accordance with section 1057;  
10 Title 5, chapter 316-A; Title 7, section 3910-A; Title 17, section 1015; Title 29-A, section  
11 2411, subsection 7; former Title 34-A, section 1210-A, subsection 9; and Title 34-A,  
12 section 1210-B, subsection 6. Funds received by the clerk as bail in criminal cases must  
13 be deposited daily in a special account. The clerk shall deposit the funds in an interest-  
14 bearing account unless the clerk determines that it is not cost-effective to do so. Interest  
15 accrued in the account is the property of and accrues to the State. The forfeiture and  
16 setoff of bail is governed as otherwise provided by law.

17 ~~The court shall file a monthly report with the State Auditor itemizing the amount of fines,~~  
18 ~~surcharges and assessments imposed and to whom each is payable.~~

19 **Sec. 2. 4 MRSA §554**, as amended by PL 1991, c. 132, §3, is further amended to  
20 read:

21 **§554. Accounting by clerks**

22 Clerks of judicial courts shall account monthly ~~under oath to the State Auditor~~ for all  
23 fees received by them or payable to them by virtue of their office, except those portions  
24 of fees collected for passports and naturalization proceedings that are payable to the  
25 Federal Government, specify the items and pay the whole amount of the same to the  
26 Treasurer of State at such times and in such manner as the Chief Justice of the Superior  
27 Court or the Chief Justice's designee ~~shall~~ from time to time ~~specify~~ specifies.

28 **Sec. 3. 14 MRSA §3147**, as enacted by PL 1987, c. 414, §2, is amended to read:

29 **§3147. Payment by credit card**

30 The Judicial Department may implement a procedure for the payment of fines ~~up to~~  
31 ~~\$500~~ by use of major credit cards and may assess a reasonable fee upon the defendant to  
32 cover any administrative expenses incurred in connection with the use of credit cards as a  
33 method of paying fines.

34 **Sec. 4. 25 MRSA §3501**, as amended by PL 1983, c. 254, §1, is further amended  
35 to read:

36 **§3501. Application of chapter**

37 This chapter ~~shall apply~~ applies to all personal property of which possession is  
38 transferred to a police department or other law enforcement agency of the State or any

1 political subdivision thereof, under circumstances supporting a reasonable belief that such  
2 property was abandoned, lost or stolen, or otherwise illegally possessed, except property  
3 seized during search and retained and ultimately returned, destroyed or otherwise  
4 disposed of pursuant to a court order or some other law hereafter applicable to specific  
5 property or circumstance. This chapter ~~shall apply~~ applies to personal property seized  
6 during search and retained ~~which that~~ that is not offered or admitted as evidence and ~~which~~  
7 that, after retention by a police department or other law enforcement agency, becomes  
8 abandoned. This chapter does not apply to unclaimed personal property that has been  
9 confiscated at courthouses by judicial marshals. Such property that remains unclaimed  
10 for more than 30 days may be disposed of under the direction of the State Court  
11 Administrator.

12 **Sec. 5. 29-A MRSA §2434, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
13 affected by Pt. B, §5, is amended to read:

14 **3. Physical custody of license.** Unless the defendant appeals and a stay of execution  
15 of the suspension is granted, the court shall take physical custody of a license issued by  
16 this State or another state, foreign country or province if that person is residing or  
17 employed in this State. The court may take a license issued by another state, foreign  
18 country or province if the person is not residing or employed in this State. If the court is  
19 unable to take physical custody of the license at the time of sentencing, either because the  
20 suspension has been stayed pursuant to subsection 4 or for any other reason, the license is  
21 void at such time as is specified in the court order.

22 **SUMMARY**

23 This bill repeals a provision of law requiring the District Court to file a monthly  
24 report with the State Auditor regarding fines, surcharges and assessments imposed by the  
25 court and a provision of law requiring clerks of judicial courts accounting to the State  
26 Auditor for all fees received by them or payable to them to do so under oath. It also  
27 removes the \$500 limit on the amount of a fine a person may pay with a credit card. It  
28 clarifies that if a driver's license is suspended by order of the court for any conviction for  
29 operating under the influence or for any offense for which the court suspends a license or  
30 registration, and the defendant does not physically surrender the license in court, the  
31 license is still void, notwithstanding that it remains in the defendant's possession. It also  
32 permits the State Court Administrator to order the disposal or destruction of unclaimed  
33 property confiscated at courthouses by judicial marshals if the property remains  
34 unclaimed for more than 30 days.