

MAINE STATE LEGISLATURE

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NINETY - SECOND L E G I S L A T U R E

Legislative Document

No. 489

S. P. 192

In Senate, February 7, 1945.

Referred to Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Owen of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT to Simplify the Financial Structure of the State.

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

Sec. 1. R. S., c. 14, § 184, amended. Section 184 of chapter 14 of the revised statutes is hereby amended to read as follows :

'Sec. 184. Allocation of tax. All taxes collected under the provisions of section 172, ~~after the deduction of such amounts as may be currently appropriated to cover the costs and expenses of the state tax assessor incident to the administration and enforcement of the provisions of sections 169 to 185, inclusive,~~ shall be credited to the general highway fund.'

Sec. 2. R. S., c. 22, § 15, repealed. Section 15 of chapter 22 of the revised statutes is hereby repealed.

Sec. 3. R. S., c. 23, § 167, amended. The 2nd paragraph of section 167 of chapter 23 of the revised statutes is hereby amended to read as follows :

'All funds collected from this source shall be ~~expended for emergency tuberculosis work within the sanatoriums or private and semi-private hospitals~~ credited to the general fund of the state. No pauper disabilities shall be created by reason of any aid or assistance given under the provisions of this section.'

Sec. 4. R. S., c. 25, § 62, amended. The last sentence of section 62 of chapter 25 of the revised statutes is hereby amended to read as follows: 'The inspector shall give receipts for said fees and shall pay all sums so received to the chief boiler inspector who shall pay the same to the commissioner, who shall turn same over to the treasurer of state to be credited to the general fund ~~of the department.~~'

Sec. 5. R. S., c. 27, § 8, amended. Section 8 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 8. Jurisdiction; disposal of funds. Trial justices shall have original jurisdiction, concurrent with municipal courts and the superior court, of actions brought for the recovery of penalties imposed by the provisions of this chapter, and of prosecutions for violations hereof. *All fines received under the provisions of this chapter shall accrue to the treasurer of state, ~~and the same are appropriated for the purposes of this chapter except as otherwise provided for by law for deposit in the general fund.'~~

Sec. 6. R. S., c. 27, § 49, amended. Section 49 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 49. Jurisdiction and disposal of funds. Trial justices shall have original jurisdiction, concurrent with municipal courts and the superior court, of actions brought for the recovery of penalties imposed by the provisions of sections 42 to 49, inclusive, and of prosecutions for violations of the provisions thereof. All fines received under the provisions of sections 42 to 49, inclusive, by county treasurers shall be paid by them to the commissioner; and all money received by the commissioner under the provisions of said sections shall be paid by him to the treasurer of state, ~~and the same is appropriated for the purpose of carrying out the provisions of sections 42 to 49, inclusive for deposit in the general fund.'~~

Sec. 7. R. S., c. 27, § 69, amended. Section 69 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 69. Payment of expenses. The actual and necessary traveling expenses of the commissioner and his employees, the expense of disinfecting premises, cars, vessels, and other places, destroying diseased animals and those exposed to disease, and paying for the same, and all other expenses necessary to properly carry out the provisions of sections 52 to 72, inclusive, and sections 122 and 123 shall be paid ~~by the treasurer of state upon vouchers approved by the commissioner or his agent in charge of live stock sanitary work~~ **out of such amounts as the legislature may appropriate.** All money received from the sale of hides and carcasses of

condemned animals shall be ~~expended for the purposes of said sections credited to the general fund.~~

Sec. 8. R. S., c. 27, § 81, amended. Section 81 of chapter 27 of the revised statutes is hereby amended to read as follows :

'Sec. 81. Fees to be paid to commissioner. Each milk dealer when applying for registration as provided for by section 80 shall pay to the commissioner a fee of \$1 for each milk depot, vehicle, and place from which sales are made. All money received by the commissioner under the provisions of this section shall be paid by him to the treasurer of state, ~~and the same is appropriated for the purposes specified in sections 4 to 11, inclusive, of chapter 24 for deposit in the general fund.'~~

Sec. 9. R. S., c. 27, § 136, amended. The 7th sentence of section 136 of chapter 27 of the revised statutes is hereby amended to read as follows :

~~'Fees obtained from such licenses shall be paid into the state treasury and added to the appropriation of the bureau of horticulture, to carry out the purposes of sections 130 to 141, inclusive to the treasurer of state for deposit in the general fund.'~~

Sec. 10. R. S., c. 27, § 141, amended. Section 141 of chapter 27 of the revised statutes is hereby amended to read as follows :

'Sec. 141. Jurisdiction; control of prosecutions. Trial justices shall have original jurisdiction, concurrent with municipal courts and the superior court, of prosecutions for violations of the provisions of sections 130 to 140, inclusive. All prosecutions shall be instituted by the commissioner and shall be directed by him; all penalties recovered for any violation of the provisions of said sections shall accrue to the treasurer of state for ~~the use of the said commissioner in the enforcement of said sections in addition to any specific appropriation made therefor, and may be drawn from the treasury in the same manner as such appropriation~~ deposit in the general fund.'

Sec. 11. R. S., c. 27, § 193, amended. Section 193 of chapter 27 of the revised statutes is hereby amended to read as follows :

'Sec. 193. Disposition of fees. All license fees and all money received under the provisions of sections 188 to 194, inclusive, and all fines which shall be collected in any proceeding or proceedings to enforce the provisions of said sections shall be paid over to the commissioner or his agent, and by him deposited with the treasurer of state; ~~and the same are ap-~~

~~appropriated for carrying out the provisions of sections 188 to 194, inclusive to be credited to the general fund.'~~

Sec. 12. R. S., c. 27, § 224, amended. Section 224 of chapter 27 of the revised statutes is hereby amended to read as follows:

'Sec. 224. Disposal of fees and fines. All fees received by the commissioner under the provisions of sections 216 to 223, inclusive, and all money and fines received by him under the provisions of sections 216 to 223, inclusive, by virtue of sections 5 and 8 shall be paid by him to the treasurer of state; ~~and the same is appropriated for carrying out the provisions of sections 216 to 223, inclusive for deposit in the general fund.'~~

Sec. 13. R. S., c. 32, § 52, amended. The 3rd paragraph of section 52 of chapter 32 of the revised statutes is hereby amended to read as follows:

'Each applicant for an examination shall pay a fee of \$5 in advance, and a fee of \$2, for each certificate of renewal issued; which fees shall be credited to the ~~appropriation for general forestry purposes, and which may be expended by the board for any expense incurred by it in making examinations or issuing certificates~~ general fund.'

Sec. 14. R. S., c. 32, § 72, amended. The 7th sentence of section 72 of chapter 32 of the revised statutes is hereby amended to read as follows:

'All money accruing from the issuance of licenses as provided for in this section shall be ~~added to and become a part of the fund for the purchase of lands and general forestry purposes~~ credited to the general fund.'

Sec. 15. R. S., c. 34, § 11, amended. The last sentence of section 11 of chapter 34 of the revised statutes is hereby amended to read as follows:

'All fines and penalties recovered under the provisions of this section, after the damages sustained by the person holding such certificate have been paid, shall be paid to the treasurer of state, ~~and added to and made a part of the appropriation for sea and shore fisheries~~ for deposit in the general fund.'

Sec. 16. R. S., c. 34, § 101, amended. The last sentence of section 101 of chapter 34 of the revised statutes is hereby amended to read as follows:

'All fees received under the provisions of ~~section~~ sections 98 to 103 by the commissioner and all money received by him under the provisions of said sections shall be paid by him to the treasurer of state ~~and the same is appropriated for carrying out the provisions of said sections~~ for deposit in the general fund.'

Sec. 17. R. S., c. 34, § 142, amended. The 3rd sentence of section 142 of chapter 34 of the revised statutes is hereby amended to read as follows:

'If any person appears at the time and place of hearing and claims that the lobsters so seized and sold were not liable to forfeiture at the time of seizure, and that he was entitled thereto, the trial justice or judge shall hear and determine the cause, and if he shall decide that such lobsters at the time of seizure were not liable to forfeiture and that the claimant was entitled thereto, he shall order the proceeds of such sale to be paid to the claimant; if no claimant shall appear, or if such trial justice or judge shall decide that such lobsters, at the time of seizure, were liable to forfeiture, or that the claimant was not entitled thereto, he shall decree a forfeiture of such lobsters and of the proceeds of sale, and shall order the proceeds of sale, after deducting all lawful charges, to be paid to the treasurer of state to be used as directed in section 151, and shall render judgment against the claimant for costs to be taxed as in civil suits, and issue execution therefor against him in favor of the state, which costs, when collected, shall be paid to the treasurer of state ~~to be added to and made a part of the appropriation for sea and shore fisheries for deposit in the general fund.~~'

Sec. 18. R. S., c. 34, § 148, amended. The last paragraph of section 148 of chapter 34 of the revised statutes is hereby amended to read as follows:

'The department shall dispose of such articles as are declared forfeited ~~in such manner as will benefit the department.~~'

Sec. 19. R. S., c. 34, § 151, amended. Section 151 of chapter 34 of the revised statutes is hereby amended to read as follows:

'**Sec. 151. Fines, fees, forfeitures and penalties, how recovered; commissioner to report to treasurer of state.** All fines, fees, forfeitures and penalties under the provisions of this chapter may be recovered by complaint, indictment, or action of debt made or brought in the county where the offense was committed. The action of debt shall be brought in the name of the state. All fines, fees, forfeitures, penalties, and collections under the provisions of this chapter, except when otherwise expressly provided, shall accrue to the commissioner and by him the same shall be paid to the treasurer of state ~~to be added to and made a part of the appropriation for sea and shore fisheries for deposit in the general fund.~~ The commissioner shall report to the treasurer of state the amount of each fine, fee, forfeiture, penalty, and collection itemized, and the name of the

party paying the same, which shall be kept on record in the office of the treasurer.'

Sec. 20. R. S., c. 44, § 1, amended. The last sentence of section 1 of chapter 44 of the revised statutes is hereby amended to read as follows:

'The funds so received by said commission shall be ~~used to defray the expenses of said commission in connection therewith~~ paid to the treasurer of state for deposit in the general fund.'

Sec. 21. R. S., c. 44, § 23, sub-§ II, amended. Subsection II of section 23 of chapter 44 of the revised statutes is hereby amended to read as follows:

'II. Permits and plates, fees for; employment of assistance; operation of vehicles, regulated. Each application for a certificate or permit shall be accompanied by a fee of \$15, and each application for amendment of a certificate or permit, for the transfer of a certificate or permit, or for the reopening or rehearing of an application shall be accompanied by a fee of \$5, which ~~is not for revenue purposes, but shall be used by the commission for the purpose of defraying the expenses of administering the provisions of sections 17 to 30, inclusive, and any portion of such fees not used or required for this purpose~~ shall be added to the general highway funds fund of the state. Distinguishing plates, which shall remain the property of the state, shall be prescribed and furnished by the commission for, and shall be displayed under rules to be prescribed by the commission at all times on, each motor vehicle, trailer, and semi-trailer operated, or caused to be operated, under the provisions of sections 17 to 30, inclusive; the commission may refuse to furnish plates for any motor vehicle not registered in the name of the holder of a certificate or a permit. The charge for each set of plates shall be \$2, and \$1 shall be charged for each transfer of plates.

The commission is authorized and empowered to employ such assistance, subject to the provisions of the personnel law, and to procure such office supplies and equipment as said commission may determine to be necessary in the administration and enforcement of the provisions of sections 17 to 30, inclusive. The salary and traveling expenses of employees and all office expense connected with the administration and enforcement of said sections shall be paid out of ~~the revenues received under the provisions of this section and section 30, which shall be set up as a separate fund in the office of the treasurer of state, to be disbursed under the direct supervision and control of the commission~~ such amounts as the legislature may appropriate.

It shall be unlawful for any person to act as driver or helper on any motor vehicle, for the operation of which a certificate or a permit is required by the provisions of sections 17 to 30, inclusive, unless such motor vehicle displays distinguishing plates as required by this section and by rules issued by the commission.'

Sec. 22. R. S., c. 44, § 30, sub-§ VIII, amended. Subsection VIII of section 30 of chapter 44 of the revised statutes is hereby amended to read as follows:

'**VIII.** All fines and forfeitures collected under the provisions of sections 17 to 30, inclusive, when the arrest is made by a member of the state police or any inspector or officer employed by the commission, together with all costs taxed by the court for any such officer, shall be paid ~~to the commission to be used in defraying the expense of administering and enforcing the provisions of said sections into the general highway fund of the state.~~ When the arrest is made by any other officer, all fines and forfeitures shall be paid into the treasury of the county where the offense is prosecuted. In any case, all fees taxed for any judge or recorder of any municipal court or for any trial justice shall be disposed of as the law establishing the trial court directs, and all costs taxed for any officer, other than a member of the state police or any inspector or officer employed by the commission, shall be disposed of as the law provides in other criminal cases.'

Sec. 23. R. S., c. 55, § 1, amended. The 3rd paragraph of section 1 of chapter 55 of the revised statutes is hereby amended to read as follows:

'The bank commissioner shall collect the legal and usual fees payable to him by virtue of his office, and account for and pay over the same to the treasurer of state forthwith **for deposit in the general fund.**'

Sec. 24. R. S., c. 55, § 2, amended. The 2nd paragraph of section 2 of chapter 55 of the revised statutes is hereby amended to read as follows:

'~~The expenses of the banking department necessarily incurred in the examination of the institutions under its supervision, including salaries, general office expenses, and verification of savings accounts, shall be chargeable in part to such institutions and shall be appropriated and paid as follows: every~~ Every savings bank, trust company, loan and building association, industrial bank, credit union, title company, loan society, and other institutions whose affairs the bank commissioner is required by law to examine, shall annually, on or before the 1st day of January, pay to the treasurer of state a sum equivalent to \$2.50 for each \$100,000, or

major portion thereof, of the resources, ~~(exclusive of trust assets)~~, of such institution, as shown by its books to have existed on the 1st day of December preceding. The aggregate of such payments shall be ~~made available for the use of the banking department~~ credited to the general fund.'

Sec. 25. R. S., c. 55, § 3, amended. The 2nd paragraph of section 3 of chapter 55 of the revised statutes is hereby amended to read as follows:

'Whoever violates any provision of this section, either individually or as an interested party in any copartnership, association, or corporation, shall be punished by a fine of not less than \$300, nor more than \$1,000, or by imprisonment for not less than 60 days, nor more than 11 months, or by both such fine and imprisonment. **All fines collected under the provisions of this section shall be paid to the treasurer of state for deposit in the general fund.'**

Sec. 26. R. S., c. 55, § 38, sub-§ X, amended. The last paragraph of subsection X of section 38 of chapter 55 of the revised statutes is hereby amended to read as follows:

'The proper and necessary expenditures incurred by the bank commissioner in carrying out the provisions of this section, including the compensation of any person or persons specially employed for that purpose, shall be ~~chargeable to the fund created by the payment of registration fees by dealers in securities and their agents and salesmen paid out of such amounts as the legislature may appropriate.'~~

Sec. 27. R. S., c. 55, § 206, amended. Section 206 of chapter 55 of the revised statutes is hereby amended to read as follows:

'Sec. 206. Examiner to be appointed to enforce law; compensation. For the enforcement of the provisions of sections 190 to 207, inclusive, the bank commissioner is authorized to appoint, subject to the provisions of the personnel law, an examiner, who shall also receive in addition to his salary his necessary traveling expenses. The salary, traveling expenses, and all expenses of administration and enforcement of the provisions of said sections shall be paid out of ~~the appropriation for that purpose such amounts as the legislature may appropriate. and the fees~~ Fees received from licenses issued under the provisions of said sections **shall be paid to the treasurer of state for deposit in the general fund.'**

Sec. 28. R. S., c. 55, § 221, amended. The last sentence of section 221 of chapter 55 of the revised statutes is hereby amended to read as follows: 'The salaries and traveling expenses of the assistant commissioner and

examiners and all expenses of administration and enforcement of sections 208 to 219, inclusive, shall be paid out of ~~fees received from dealers in securities~~ such amounts as the legislature may appropriate.'

Sec. 29. R. S., c. 56, § 252, amended. The 3rd paragraph of section 252 of chapter 56 of the revised statutes is hereby amended to read as follows:

'Said fee shall be ~~used solely to defray all the expenses of conducting examinations~~ credited to the general fund of the state, and said examinations shall be in writing and kept on file with the commissioner for at least 6 months. The examiner shall be satisfied that such person is of good character, of appropriate experience or preparation, and is otherwise qualified for the license he desires; that he intends to hold himself out in good faith as an insurance agent or broker, and that no part of the commission on the business of such agent or broker shall be paid to any person, firm, or corporation other than a duly licensed agent, broker, or insurance company.'

Sec. 30. R. S., c. 56, § 272, amended. The 3rd paragraph of section 272 of chapter 56 of the revised statutes is hereby amended to read as follows:

'For each annual statement filed by a foreign insurance company the sum of \$20, except fraternal benefit societies which shall be \$10. For each certificate of qualification of a domestic insurance company to act under its charter and for each annual renewal thereof \$20, except that domestic mutual fire insurance companies writing on the assessment plan only are exempt from this requirement. All said fees shall be ~~used solely to defray administrative charges and salaries for examinations required by law and for examining and auditing filed annual statements~~ credited to the general fund of the state. Every insurance company shall also pay all traveling expenses incurred by order of the commissioner in making the examinations required by law.'

Sec. 31. R. S., c. 77, § 3, repealed. Section 3 of chapter 77 of the revised statutes is hereby repealed.

Sec. 32. R. S., c. 77, § 7, repealed and replaced. Section 7 of chapter 77 of the revised statutes is hereby repealed and replaced to read as follows:

'**Sec. 7. Disbursements.** Compensation of the commissioners, their assistants and all other necessary expenses of the commission shall be paid out of such amounts as the legislature may appropriate.'

Sec. 33. R. S., c. 77, § 16, amended. Section 16 of chapter 77 of the revised statutes is hereby amended to read as follows:

'Sec. 16. Tax on pari mutuel pools. Each person, association, or corporation licensed to conduct a race or race meet under the provisions of this chapter shall pay to the treasurer of state ~~for the use~~, **to be credited to the general fund** of the state, a sum equal to 3½% of the total contributions to all pari mutuel pools conducted or made at any race or race meet licensed under the provisions of this chapter.'

Sec. 34. R. S., c. 78, § 3, repealed. Section 3 of chapter 78 of the revised statutes is hereby repealed.

Sec. 35. R. S., c. 78, § 5, amended. Section 5 of chapter 78 of the revised statutes is hereby amended to read as follows:

'Sec. 5. Disbursements. The compensation of the commissioners, reasonable transportation expenses of the chairman incurred in the performance of his duties, and other necessary expenses of the commission, including suitable furniture, equipment, supplies, and office expenses shall be charged to and paid out of ~~the fund received under the provisions of this chapter, when audited and approved as provided by law.~~ **Provided, however, that no administrative expense of said commission shall be allowed in excess of the income derived under the provisions of this chapter such amount as the legislature may appropriate.'**

Sec. 36. R. S., c. 78, § 11, amended. Section 11 of chapter 78 of the revised statutes is hereby amended to read as follows:

'Sec. 11. Tax. The promoter or promoters of all boxing contests held under the provisions of this chapter shall pay to the treasurer of state, ~~as provided in section 3,~~ **for credit to the general fund**, a tax of 3% of the gross receipts from such contest. This tax shall have been paid to the treasurer of state by the last day of the month following the month in which such contest is held. Upon failure to pay such tax to the treasurer of state, such promoter or promoters shall be liable to pay a penalty of 25% of the amount of the tax due, which penalty shall be recovered by an action on the case brought in the name of the said commission, and the said penalty if recovered shall be paid to the treasurer of state to be credited to the ~~state boxing~~ **general fund**. On the failure of any promoter or promoters to pay such a tax the commission shall revoke the promoter's license.'

Sec. 37. R. S., c. 14, § 205, repealed and replaced. Section 205 of chapter 14 of the revised statutes is hereby repealed and replaced to read as follows:

'Sec. 205. Allocation of tax. The revenue derived from the tax imposed by the provisions of sections 186 to 205, inclusive, shall be credited to the general fund of the state.'