

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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school and is subject to the licensing provisions of sections 9501 to 9504.

**2. Exemptions.** Public institutions ~~which that~~ are exempt from property taxation under Maine state laws; and courses or programs of instruction conducted under contract with an employer for employees exclusively; are exempt from the requirements of this chapter.

**Sec. 2. 20-A MRSA §9202, sub-§1**, as amended by PL 1983, c. 651, §1, is further amended to read:

**1. Application requirements; certification period; bonding and revocation of certificate.** The application for a certificate of approval required in section 9201 ~~shall must~~ be made on forms furnished by the commissioner and ~~shall~~ be accompanied by a fee of ~~\$50~~ \$100 and a surety bond in the penal sum of \$10,000.

A. A certificate ~~shall be is~~ valid for the calendar year in which it is issued.

B. The bond ~~shall must~~ be continuous and ~~shall~~ provide indemnification to any student suffering loss as a result of any fraud or misrepresentation by the school. ~~the~~ The bond shall must provide for written notification by the surety to the department in the event of cancellation. Cancellation of the bond by the surety ~~shall result~~ results in the revocation of the certificate of approval.

**Sec. 3. 20-A MRSA §9202, sub-§2**, as enacted by PL 1981, c. 693, §§5 and 8 is amended to read:

**2. Renewal.** A fee of ~~\$25.00 shall be~~ \$50 is charged for the renewal of a certificate.

See title page for effective date.

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## CHAPTER 132

H.P. 169 - L.D. 254

### An Act Regarding Court Deposits and Revenue Reporting

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, current law requires that all cash bail paid to the District Court and the Superior Court be placed in interest-bearing accounts even though the amount of interest generated by small amounts often is less than the service charge on those accounts, needlessly wasting scarce judicial fiscal resources; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as imme-

diately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 4 MRSA §116, 2nd ¶**, as enacted by PL 1989, c. 501, Pt. P, §1, is amended to read:

Funds received by the clerk as bail in criminal cases ~~shall must~~ be deposited daily in a special ~~interest-bearing~~ account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in such an account ~~shall be is~~ the property of and ~~shall accrue~~ accrues to the State. The forfeiture and setoff of bail ~~shall be is~~ as otherwise provided by law.

**Sec. 2. 4 MRSA §163, sub-§1**, as amended by PL 1989, c. 501, Pt. P, §3, is further amended to read:

**1. District Court funds.** Except as otherwise provided by law, all fines, forfeitures and fees collected in any division of the District Court ~~shall must~~ be paid to the clerk ~~thereof of that District Court~~, who shall deposit them in a special account ~~within 72 hours of their receipt in a timely manner~~. Once each month, the clerk shall remit ~~such the~~ sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit ~~such the~~ sums as ~~that~~ have been collected in accordance with section 1057. Funds received by the clerk as bail in criminal cases ~~shall must~~ be deposited daily in a special ~~interest-bearing~~ account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in the account ~~shall be is~~ the property of and ~~shall accrue~~ accrues to the State. The forfeiture and setoff of bail ~~shall be is~~ governed as otherwise provided by law.

The court shall file a monthly report with the State Auditor itemizing the amount of fines imposed and to whom each is payable.

**Sec. 3. 4 MRSA §554**, as amended by PL 1985, c. 68, §2, is further amended to read:

**§554. Accounting by clerks**

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

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 9, 1991.

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