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Legislative Document

No. 1697

H.P. 1212

House of Representatives, May 7, 2019

An Act Regarding the Timeliness of Payments to the State

(AFTER DEADLINE)

Submitted by the Treasurer of State and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on State and Local Government suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative MARTIN of Sinclair.
Cosponsored by Senator CLAXTON of Androscoggin and
Representatives: EVANGELOS of Friendship, KINNEY of Knox, RISEMAN of Harrison.

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

2 **Sec. 1. 5 MRSA §131**, as amended by PL 1989, c. 501, Pt. P, §7; PL 1995, c. 502,
3 Pt. E, §30; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is repealed and
4 the following enacted in its place:

5 **§131. Departmental collections**

6 **1. Departmental collections; immediate payment to State Treasury.** A
7 department or agency of the State collecting or receiving public money, or money from
8 any source whatsoever, belonging to or for the use of the State, or for the use of any state
9 department or agency, shall pay the money immediately into the State Treasury, without
10 any deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or
11 demands of any description whatsoever. The Department of Agriculture, Conservation
12 and Forestry, Bureau of Parks and Lands may refund daily use and camping fees based on
13 the bureau's standard refund policies. A department or agency may deposit such money
14 to the credit of the State upon communicating with the Treasurer of State and receiving
15 from the Treasurer of State instructions as to what state depository may be used for that
16 purpose, and in every such case the depositor shall send to the Treasurer of State a
17 statement of the deposits certified by the bank receiving it. This section does not apply to
18 county or town officers.

19 **2. Certain payments not immediate.** Notwithstanding subsection 1, certain
20 payments due the State made through the use of automated procedures, electronic
21 processes and computer-driven technology must be deposited in the State Treasury within
22 3 business days of the date of the transaction initiated by the obligor. The Treasurer of
23 State and the State Controller may adopt rules to implement this subsection, including
24 rules outlining procedures for the use of automated procedures, electronic processes and
25 computer-driven technology for the collection of these payments pursuant to this
26 subsection. Rules adopted pursuant to this subsection may not waive prohibitions against
27 deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or
28 demands of any description whatsoever. Rules adopted pursuant to this subsection are
29 routine technical rules as defined by chapter 375, subchapter 2-A.

30 **SUMMARY**

31 This bill requires the collection of certain payments due the State made through the
32 use of automated procedures, electronic processes and computer-driven technology to be
33 deposited in the State Treasury within 3 business days of the date of the transaction
34 initiated by the obligor. It allows the Treasurer of State and the State Controller to adopt
35 routine technical rules outlining procedures for the use of these payment methods. It
36 prohibits any rule adopted from waiving prohibitions against deductions on account of
37 salaries, fees, costs, charges, expenses, refunds, claims or demands of any description
38 whatsoever.