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JUDICIARY

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STATE OF MAINE HOUSE OF REPRESENTATIVES 132ND LEGISLATURE FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 408, L.D. 640, “An Act Requiring Certain Fees Charged by the Courts for Court-ordered Payments Be Capped and Paid by the Defendant”

Amend the bill by striking out the title and substituting the following:

'An Act Requiring That Certain Fees Charged by the Courts for Court-ordered Payments Be Capped and Paid by the Defendant'

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

'Sec. 1. 4 MRSA §556, 3rd ¶, as amended by PL 1989, c. 501, Pt. P, §5, is further amended to read:

Whenever any ~~of these~~ funds are ordered by the courts to be paid to a person entitled to these funds, all accrued interest ~~shall~~ must be paid to the claimant ~~less a 5% fee based on the total proceeds. Before receiving any funds under this section, the clerk shall inform all prospective parties to the court judgment or decree that a 5% fee will be assessed on all accrued interest as required by this section. The nonprevailing party or parties shall pay the court a fee equal to 5% of all interest accrued, but in no event may the fee exceed \$1,000, unless otherwise ordered by the court. Whenever any of these funds remain unclaimed for 20 years from the date when payable under the court judgment or decree, the clerk shall obtain an order from the court, under whose judgment or decree these funds were placed in the clerk's custody, that a comprehensive abstract of the facts be advertised for 3 weeks successively in a newspaper of general circulation published in the county, and if no one appears to claim these funds within 60 days after the date of the last publication, the funds shall become forfeited to the State and must be paid by the clerk to the Treasurer of State. That portion of this section providing for the forfeiture of unclaimed funds shall apply applies to funds held by the clerk of courts for 20 years or more prior to September 16, 1961.'~~

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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SUMMARY

This amendment requires the court to inform all prospective parties to a court judgment or decree that a 5% fee will be assessed on all accrued interest whenever a court receives any money to be held by the court. The amendment also clarifies that the nonprevailing party shall pay a 5% fee, capped at \$1,000, based on all accrued interest while the court held the money.