

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

---

Legislative Document

No. 1304

---

H.P. 947

House of Representatives, March 19, 2019

**An Act To Ease Financial Burdens for Juveniles Involved in the  
Justice System**

---

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 BAILEY of Saco.

Cosponsored by Representatives: MORALES of South Portland, TALBOT ROSS of Portland,  
WARREN of Hallowell, Senator: CARPENTER of Aroostook.

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

2 **Sec. 1. 15 MRSA §3313, sub-§2, ¶F**, as enacted by PL 1977, c. 520, §1, is  
3 repealed.

4 **Sec. 2. 15 MRSA §3314, sub-§1, ¶E**, as corrected by RR 2009, c. 2, §35, is  
5 amended to read:

6 E. The court may require the juvenile to make restitution in an amount no greater  
7 than \$800 for any damage to the a victim or other authorized claimant as  
8 compensation for economic loss upon reasonable conditions that the court determines  
9 appropriate. When determining the amount of restitution, the court may impose only  
10 an amount that the juvenile can reasonably pay while under commitment to a secure  
11 facility or under conditions of release, conditions of a deferred disposition agreement,  
12 conditions of a filing agreement or conditions of probation. Prior to ordering  
13 restitution under this paragraph, the court shall hold a hearing and make findings as to  
14 the juvenile's ability to pay pursuant to Title 17-A, section 1325, subsection 4. A  
15 court may order a juvenile to perform court-approved community service to satisfy  
16 any restitution required by the court. For the purposes of this paragraph, the  
17 provisions of Title 17-A, chapter 54 apply, except that ~~section~~ Title 17-A, sections  
18 1326-B, 1326-E, 1326-F, 1329 does and 1330-C do not apply. Enforcement of a  
19 restitution order is available pursuant to subsection 7. If the restitution was a  
20 condition of probation, the attorney for the State may, with written consent of the  
21 juvenile community corrections officer, file a motion to ~~revoke~~ modify probation.

22 **Sec. 3. 15 MRSA §3314, sub-§7**, as amended by PL 2009, c. 608, §2, is further  
23 amended to read:

24 **7. Enforcement of a dispositional order.** ~~After~~ To enforce a dispositional order  
25 following an adjudication for a juvenile crime, after notice and hearing and in accordance  
26 with the Maine Rules of Civil Procedure, Rule 66, the court may exercise its inherent  
27 contempt power by way of a plenary contempt proceeding involving punitive sanctions,  
28 accompanied or unaccompanied by remedial sanctions, to enforce the disposition ordered  
29 following an adjudication for a juvenile crime or to enforce any order requiring the  
30 appearance of a juvenile before the court. Any confinement imposed as a punitive or  
31 remedial sanction upon a person who has not attained 18 years of age may not exceed 30  
32 days and must be served in a facility approved or operated by the Department of  
33 Corrections exclusively for juveniles. Any confinement imposed as a punitive or  
34 remedial sanction upon a person who has attained 18 years of age, if to be served in a  
35 facility approved or operated by the Department of Corrections exclusively for juveniles,  
36 may not exceed 30 days. To enforce the disposition ordered following an adjudication  
37 for a juvenile crime defined in section 3103, subsection 1, paragraph B or C upon a  
38 person who has not attained 18 years of age, the court shall, at the time of the disposition,  
39 provide written notice to the juvenile of the court's authority to enforce the dispositional  
40 order through an exercise of its inherent contempt power and that a contempt order could  
41 include an order of confinement for up to 30 days as a punitive sanction and for up to 30  
42 days as a remedial sanction. Except as explicitly set out in this subsection, nothing in this  
43 subsection affects the court's ability to exercise its contempt powers for persons who have

1 attained 18 years of age except that the court may not order confinement or impose an  
2 additional monetary penalty as either a punitive or remedial sanction. Upon a motion by  
3 the State to enforce the payment of restitution or a fine, the court may order as a punitive  
4 or remedial sanction that a juvenile subject to the provisions of this subsection earn credit  
5 against a fine or restitution owed by completing court-approved community service at an  
6 hourly rate set by the court that may be no less than the minimum wage established in  
7 Title 26, section 664. In making an order to enforce the payment of restitution or a fine  
8 under this subsection, the court may not consider whether the juvenile was found to have  
9 excusably or inexcusably failed to comply with the court order.

10 ~~In addition to the contempt powers described in this subsection, upon a default in~~  
11 ~~payment of a fine or restitution, execution may be levied and other measures authorized~~  
12 ~~for the collection of unpaid civil judgments may be taken to collect the unpaid fine or~~  
13 ~~restitution. A levy of execution does not discharge a juvenile confined as a punitive~~  
14 ~~sanction and does not discharge a juvenile confined as a remedial sanction until the full~~  
15 ~~amount of the fine or restitution has been paid.~~

## 16 **SUMMARY**

17 This bill amends the Maine Juvenile Code concerning the payment of restitution and  
18 fines in the following ways:

19 1. It removes from the consideration of withholding an institutional disposition  
20 following the adjudication of a juvenile crime the juvenile's ability or agreement to make  
21 restitution for a victim's damages or injuries;

22 2. It caps the amount of restitution a juvenile may be ordered to pay at \$800, requires  
23 the court to hold a hearing to determine the juvenile's financial capacity and allows the  
24 court to order community service in place of restitution; and

25 3. Regarding a contempt proceeding concerning the enforcement of a dispositional  
26 order following the adjudication of a juvenile crime, the bill removes the ability of a court  
27 to incarcerate a juvenile or to levy execution of the monetary penalty or restitution to be  
28 collected as an unpaid civil judgment. The bill authorizes the court as a punitive or  
29 remedial sanction for the nonpayment of the restitution or fine to require the juvenile to  
30 earn credit by court-approved community service, which must be at a rate no less than the  
31 state minimum wage without considering whether the nonpayment was excusable or  
32 inexcusable.