

# MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1949

6  
7 H.P. 1381

House of Representatives, January 28, 1986

8 Approved for introduction by a majority of the Legislative Council  
9 pursuant to Joint Rule 26.

Reference to the Committee on Judiciary suggested and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Paradis of Augusta.

Cosponsored by Speaker Martin of Eagle Lake.

11  
12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-SIX  
16

17 AN ACT to Permit Assessment of a  
18 Reimbursement Fee against Jail  
19 Prisoners to Help Defray the Costs of  
20 Incarceration.  
21

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

24 30 MRSA §1763 is enacted to read:

25 §1763. Assessment of reimbursement fee against pris-  
26 oners

27 1. Assessment. When a person is sentenced to  
28 incarceration in a county jail, the sentencing court  
29 may assess a reimbursement fee to help defray the ex-  
30 penditures of the prisoner's room and board. The fee may  
31 not exceed the cost of incarcerating the prisoner or  
32 \$10 per day, whichever is less. All money shall be  
33 collected by the sentencing court and paid to the  
34 treasury of the county in which the prisoner is in-  
35 carcerated, such money to be set aside exclusively  
36 for the use of the county jail.

1 2. Evidence. In determining whether a reim-  
2 bursement fee as set out in subsection 1 is to be as-  
3 essed and in establishing the amount of that fee,  
4 the court shall consider evidence relevant to the  
5 prisoner's ability to pay that fee, but shall not  
6 consider as evidence the following:

7 A. Joint ownership, if any, that the prisoner  
8 may have in real property;

9 B. Joint ownership, if any, that the prisoner  
10 may have in any assets, earnings or other sources  
11 of income; and

12 C. The income, assets, earnings or other proper-  
13 ty, both real and personal, owned by the  
14 prisoner's spouse or family.

15 3. Amount of fee. After considering all rele-  
16 vant evidence on the issue of the prisoner's ability  
17 to pay, the court shall enter, as part of its judg-  
18 ment, the amount of the reimbursement fee, if any,  
19 that shall be paid by the prisoner during his incar-  
20 ceration in the county jail. The fee shall bear a  
21 reasonable relationship to the prisoner's income.  
22 Upon petition by the prisoner affected by the order,  
23 the amount may be modified to reflect any changes in  
24 the financial status of the prisoner. In any appeal  
25 taken from the conviction, the amount of the reim-  
26 bursement fee may be challenged.

27 STATEMENT OF FACT

28 This bill allows the assessment of a reimburse-  
29 ment fee against county jail prisoners to help defray  
30 the costs of incarceration.

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