

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2133

6
7 S.P. 841

In Senate, March 4, 1986

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Carpenter of Aroostook.

Cosponsored by Representative Kane of So. Portland, Representative Foster of Ellsworth and Representative Carter of Winslow.

11
12 STATE OF MAINE
13

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

17 AN ACT to Provide for the Effective
18 Enforcement and Collection of Fines
19 Imposed for Civil Violations, Traffic
20 Infractions and Criminal Offenses and
21 to Increase the Sanctions for Failure
22 to Appear.
23

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

26 Sec. 1. 4 MRSA §173-A, as amended by PL 1985, c.
27 481, Pt. A, §5, is repealed and the following en-
28 acted in its place:

29 §173-A. Costs taxable for the State in civil viola-
30 tion or traffic infraction proceedings

31 Costs in the amount of \$25 shall be automatically
32 taxable for the State in civil violation proceedings,
33 for failure to pay a fine imposed for the commission
34 of a civil violation within 30 days of entry of judg-
35 ment.

1 This section applies to all judgments imposing
2 fines which remain unpaid and which predate the ef-
3 fective date of this section.

4 Sec. 2. 14 MRSA c. 502-A is enacted to read:

5 CHAPTER 502-A

6 ENFORCEMENT OF FINES OWED TO THE STATE

7 §3141. Statement of legislative findings and pur-
8 poses

9 The Legislature finds that the State has been
10 losing a significant source of revenue because of the
11 failure of defendants to pay court-imposed fines upon
12 an adjudication of a civil violation or traffic in-
13 fraction or upon conviction of a criminal offense;
14 that a practice has developed whereby defendants are
15 routinely granted an extension of time within which
16 to pay court-ordered fines; that no agency, depart-
17 ment or branch of State Government has assumed full
18 responsibility for the collection of unpaid fines;
19 that court rules treat judgments in traffic infrac-
20 tion and civil violation proceedings as civil money
21 judgments to be enforced as in other civil actions;
22 that the procedure available for the collection of
23 civil money judgments is not effective in individual
24 cases involving relatively small fines; that there
25 are a substantial number of nonresident motorists who
26 have failed to appear in response to a summons issued
27 by state law enforcement officers; and that the fail-
28 ure of defendants to pay court-ordered fines or to
29 appear when summonsed not only represents a signifi-
30 cant monetary loss to the State, but reflects a lack
31 of respect of the judicial system's ability to en-
32 force its own orders.

33 The Legislature declares it to be the policy of
34 the State that a court-imposed fine for a civil vio-
35 lation or a traffic infraction should not be treated
36 as simply another civil money judgment, but should be
37 treated as a court order to pay a penalty for violat-
38 ing the laws of this State for which immediate pay-
39 ment is expected; that a special procedure is needed
40 to assist in the prompt collection of fines in those
41 cases where immediate payment is not made; that all

1 elements of the law enforcement system, including the
2 courts, the prosecutors and the police, are jointly
3 responsible for the collection of unpaid fines and
4 each loses respect when a segment of the population,
5 however small, is allowed to disregard the law with-
6 out penalty; that neither the poor nor the wealthy
7 may violate the law with impunity and that, regard-
8 less of a person's economic status, some penalty must
9 be assessed and collected in order to encourage re-
10 spect for the law; that it is unfair to the majority
11 who obey the law, and those who pay the penalty when
12 a violation occurs, to allow a minority to violate
13 the law and escape the consequences simply because
14 the system of collection is too cumbersome; and that
15 special efforts must be made to deal with those non-
16 resident motorists who fail to appear when summonsed
17 and who are, for all practical purposes, beyond the
18 reach of the Maine courts because their home states
19 have failed or refused to participate in cooperative
20 interstate compacts.

21 It is the purpose of this chapter to provide a
22 streamlined procedure for the prompt collection of
23 fines owed to the State and to provide a mechanism
24 whereby the number of nonresidents who fail to appear
25 can be significantly reduced. It is the further pur-
26 pose of this chapter to clearly articulate the
27 Legislature's sentiment that a greater effort must be
28 made to improve the collection of unpaid fines and
29 that all segments of the judicial process are ex-
30 pected to cooperate with each other to accomplish
31 this goal.

32 §3141-A. Scope and procedure

33 1. Applicability. The procedures established by
34 this chapter apply to all monetary fines, however
35 designated, imposed by a court in a civil violation
36 or traffic infraction proceeding and shall be uti-
37 lized, to the maximum extent possible, to obtain
38 prompt and full payment of all such fines. The col-
39 lection procedures established by this chapter may
40 also be used to collect any fine imposed as part of a
41 sentence for a criminal conviction. The procedures
42 established in this chapter shall be in addition to,
43 and not in lieu of, those otherwise authorized by
44 law. The procedures established and the powers au-

1 thorized by this chapter are applicable to all judg-
2 ments imposing fines which remain unpaid and which
3 predate the effective date of this chapter.

4 2. Notice to the defendant. At a defendant's
5 initial appearance before a court in a civil viola-
6 tion or traffic infraction proceeding or in a crimi-
7 nal proceeding, the defendant shall be informed by
8 the court that if he is adjudicated to have committed
9 the traffic infraction or civil violation or convicted
10 of the criminal offense and if a fine is imposed
11 by the court, immediate payment of the fine in full
12 is required.

13 3. Immediate payment. Whenever a court has im-
14 posed a fine, as described in subsection 1, the impo-
15 sition of such a fine shall constitute an order to
16 pay the full amount of the fine in accordance with
17 this chapter. Following imposition of the fine, the
18 court shall inform the defendant that full payment of
19 the fine is due immediately and shall inquire of the
20 defendant what arrangements he has made to comply
21 with the court's order to pay. Without utilizing the
22 provisions of subsection 4, the court may allow the
23 defendant a period of time not to extend beyond the
24 close of the clerk's office on that day within which
25 to return to the court and tender payment of the
26 fine. If the defendant fails to appear as directed,
27 the court shall issue a bench warrant for his arrest
28 to show cause why he should not be held in contempt
29 and shall suspend the defendant's license or permit
30 to operate motor vehicles in this State and the right
31 to apply for or obtain a license or permit to operate
32 a motor vehicle in this State or his motor vehicle
33 registrations.

34 If the defendant claims an inability to pay the fine,
35 the court shall require him to complete in full and
36 under oath a financial disclosure statement. The
37 court shall then make a determination of the defend-
38 ant's financial ability to pay the fine. If the
39 court, based upon the financial disclosure statement,
40 finds that the defendant has the financial ability to
41 make immediate payment in full of the fine, the court
42 shall so order. Failure or refusal to pay as ordered
43 by the court shall subject the defendant to the con-
44 tempt procedures provided in section 3142-A.

1 4. Installment payment. If the court concludes,
2 on the basis of the financial disclosure statement,
3 that the defendant has the ability to pay the fine,
4 but that requiring the defendant to make immediate
5 payment in full will cause a severe and undue hard-
6 ship for the defendant and his dependents, the court
7 may authorize payment of the fine by means of in-
8 stallment payments in accordance with the provisions
9 of this subsection. When a court authorizes the pay-
10 ment of a fine by means of installment payments, it
11 shall, without a separate disclosure hearing:

12 A. Determine the amount of any immediate partial
13 payment which the defendant must pay;

14 B. Issue an order directing the defendant to
15 make specified installment payments to the clerk
16 of the court;

17 C. Establish a fixed date on which the defendant
18 must make payment of the final installment of any
19 fine to the clerk of the court; and

20 D. Require the defendant to surrender his li-
21 cence to operate a motor vehicle as security for
22 the payment of the fine. Upon the surrender of
23 the license, the defendant shall be given a tem-
24 porary license containing a specific expiration
25 date which shall be the date set by the court for
26 the payment of the fine. Upon payment of the
27 fine as ordered, the defendant shall be entitled
28 to the return of the license, unless it is other-
29 wise subject to suspension.

30 In fixing the amount of the installment payments, the
31 court shall issue an order which will complete pay-
32 ment of the fine as promptly as possible without cre-
33 ating a severe and undue hardship for the defendant
34 and his dependents.

35 5. Appointment of agent. Any defendant who has
36 been authorized to pay a fine by installments by the
37 court shall be deemed to have irrevocably appointed
38 the clerk of the court as his agent upon whom all pa-
39 pers affecting his liability may be served.

1 6. Ability to pay the fine. As used in this
2 chapter, the term "ability to pay" means that the re-
3 sources of the defendant and his dependents, includ-
4 ing all available income and resources, are suffi-
5 cient to provide the defendant and his dependents
6 with a reasonable subsistence compatible with health
7 and decency. If the court finds, on the basis of the
8 financial disclosure statement, that the defendant
9 does not have the ability to pay the fine, the court
10 shall order the defendant to perform public service
11 work in lieu of payment of the fine, as authorized by
12 section 3143.

13 §3142. District attorney

14 1. Initial collection efforts. If a defendant
15 fails to make a payment required by an installment
16 payment order and it remains unpaid for a period of 7
17 days, the defendant shall be in default and the mat-
18 ter shall be immediately referred to the district at-
19 torney. The district attorney shall promptly notify
20 the defendant that he is in default of the install-
21 ment payment order and shall further notify the de-
22 fendant of the consequences of a failure to pay as
23 described in subsection 2.

24 As used in this section, notice is complete upon
25 mailing and shall consist of mailing by regular mail,
26 postage prepaid, to the defendant's address as listed
27 on the financial disclosure statement.

28 2. Failure to pay. If, after the district at-
29 torney has issued a notice of default pursuant to
30 subsection 1, the fine or any installment payment re-
31 remains unpaid for a period of 14 days, the defendant
32 shall be deemed to have failed to pay. If a defend-
33 ant has failed to pay a fine within the meaning of
34 this subsection, the district attorney may take the
35 following action:

36 A. In the case of a fine imposed as part of a
37 criminal sentence, refer the defendant's failure
38 to pay to the court which imposed sentence for
39 utilization of Title 17-A, section 1304;

40 B. Notify the Secretary of State who shall, upon
41 receipt of the notification, suspend the defend-

1 ant's license or permit to operate motor vehicles
2 within the State and his right to apply for a li-
3 cense or permit to operate motor vehicles within
4 the State or revoke the defendant's motor vehicle
5 registration;

6 C. Issue a notice for the defendant's appearance
7 to show cause why the defendant shall not be held
8 in civil contempt, in accordance with section
9 3142-A. If the defendant fails to appear in re-
10 sponse to the notice, the district attorney may
11 apply for and the court shall issue any order,
12 summons or warrant for the defendant's appear-
13 ance;

14 D. Issue a notice of levy to any employer, other
15 payor of earnings, bank, financial institution,
16 trustee, debtor or other holder of funds for the
17 defendant to withhold and pay installments on any
18 installment payment order directly to the dis-
19 trict attorney. Section 3127 governing limita-
20 tions on garnishments shall apply to any notice
21 of levy issued pursuant to this paragraph upon a
22 defendant's salary or wages. No employer may
23 discharge an employee because his earnings have
24 been subject to such a notice of levy. The terms
25 "debtor" and "other holder of funds" as used in
26 this paragraph include accounts receivable. No-
27 tice of levy pursuant to this paragraph shall be
28 made by registered mail, return receipt re-
29 quested, to the address listed on the defendant's
30 financial disclosure statement. Any employer,
31 other payor of earnings, bank, financial institu-
32 tion, trustee, debtor or other holder of funds
33 for the defendant who is served, by registered
34 mail, with a notice of levy pursuant to this par-
35 agraph shall honor the notice of levy. An em-
36 ployer, other payor of earnings, bank, financial
37 institution, trustee, debtor or other holder of
38 funds for the defendant who fails to comply with
39 the notice of levy shall be liable for the pay-
40 ment of the fine in accordance with the notice of
41 levy. Payment of a fine pursuant to a notice of
42 levy issued pursuant to this paragraph shall dis-
43 charge any debt or obligation owing to the de-
44 fendant by the payor to the extent of the pay-
45 ment. The effect of the levy issued pursuant to

1 this paragraph shall be continuous from the date
2 the levy is first made until the liability out of
3 which the levy arose is satisfied. When the lia-
4 bility out of which the levy arose is satisfied,
5 the district attorney shall promptly notify the
6 employer that the levy has been released;

7 E. Utilize any of the provisions concerning the
8 placement and foreclosure of liens, as provided
9 in Title 10, chapters 603 and 631; attachment as
10 provided under chapter 507; execution as provided
11 under chapter 509; execution and levy as provided
12 under chapter 403; and any other method of en-
13 forcement that may be used in a civil action;

14 F. Report to a national credit reporting agency
15 the names of defendants who have failed to pay a
16 fine and the district attorney may enter into a
17 contract with a national credit reporting agency
18 for this purpose;

19 G. Refer cases of unpaid fines to the Bureau of
20 Taxation for setoff of the fine against any state
21 income tax refund to which the defendant may be
22 entitled, in accordance with Title 36, section
23 5276-A. Any administrative fee charged by the
24 Bureau of Taxation shall be chargeable to the de-
25 fendant and shall be part of the income tax set-
26 off;

27 H. Add to the unpaid fine interest at the rate
28 set by section 1602-A and costs as provided in
29 Title 4, section 173-A and all other expenses,
30 costs and attorneys' fees incurred as a result of
31 the defendant's failure to pay; and

32 I. Pursuant to criteria established by the Com-
33 missioner of Finance and Administration, refer
34 unpaid fines to a private collection agency for
35 collection.

36 3. Appeals. An employer, other payor of earn-
37 ings, bank, financial institution, trustee, debtor or
38 other holder of funds who has been served with a no-
39 tice of levy or a defendant may seek review of the
40 notice of levy pursuant to the Maine Administrative
41 Procedure Act, Title 5, chapter 375, by filing a pe-

1 petition for review in the Superior Court within 10
2 days after receipt of the notice of levy. For pur-
3 poses of review, the issuance of a notice of levy by
4 the district attorney shall constitute final agency
5 action.

6 The filing of a petition for review shall not stay
7 the obligation to comply with the notice of levy.
8 The only issues that may be considered by the Superi-
9 or Court on a petition for review are:

10 A. Whether the notice of levy was issued in sub-
11 stantial compliance with this section;

12 B. Whether the defendant has paid the fine; and

13 C. Whether the property levied upon belongs or
14 is owed to the defendant.

15 If the court, upon review, concludes that the notice
16 of levy was wrongfully issued, it may order the dis-
17 trict attorney to refund any money paid pursuant to
18 the notice of levy.

19 4. Payment to district attorney. In any case
20 referred to the district attorney for collection pur-
21 suant to this section, the district attorney, to de-
22 fray the operational expenses of his office, shall be
23 entitled to receive \$25 a case or 25% of the total
24 amount collected for a case or, in lieu of these
25 sums, shall be entitled to receive the actual and
26 reasonable attorneys' fees incurred as a result of
27 the defendant's failure to pay. Any sums payable to
28 the district attorney pursuant to this section shall
29 be collected from the defendant and shall be in addi-
30 tion to the fine, interest permitted by section
31 1602-A and costs as permitted by Title 4, section
32 173-A.

33 §3142-A. Contempt hearing

34 Unless the defendant shows that his failure to
35 pay a fine was not attributable to a willful refusal
36 to obey the order or to a failure on his part to make
37 a good faith effort to obtain the funds required for
38 the payment, the court shall find the defendant in
39 civil contempt and may punish him by such reasonable

1 fine or imprisonment as the case requires. The de-
2 fendant shall be allowed to purge himself of his con-
3 tempt by complying with the court's order to pay.
4 If, after the contempt hearing, the court finds that
5 the defendant's circumstances have changed such that
6 he no longer has the financial ability to pay the
7 fine, the court shall order the defendant to perform
8 public service work in lieu of payment of the fine as
9 authorized by section 3143.

10 §3143. Public service work in lieu of payment of
11 fine.

12 When a person has been adjudicated to have com-
13 mitted a civil violation or a traffic infraction or
14 has been convicted of a criminal violation and the
15 court has determined, on the basis of the defendant's
16 financial disclosure statement or at a contempt hear-
17 ing pursuant to section 3142-A, that the defendant
18 does not have the financial ability to pay a fine,
19 the court shall order the defendant to perform speci-
20 fied work for the benefit of a governmental entity,
21 political subdivision or charitable institution, un-
22 der appropriate supervision, provided that the person
23 who performs those services shall not be deemed to be
24 an employee for any purpose and shall not be subject
25 to Title 39, chapter 1, the Workers' Compensation
26 Act, and provided further that no governmental enti-
27 ty, political subdivision or charitable institution
28 shall be held liable to any person performing those
29 services for any injury arising out of that work, ex-
30 cept to the extent of any insurance coverage for
31 those injuries that the State may obtain. When a
32 person has been ordered to perform public service
33 work in lieu of payment of a fine in accordance with
34 this section, the court shall refer the matter to the
35 district attorney, who shall be responsible for mak-
36 ing a determination that the defendant has performed
37 the specified work as ordered. If the defendant per-
38 forms the specified work as ordered, the judgment
39 shall be satisfied. If the defendant fails to per-
40 form the work as ordered, the district attorney shall
41 issue a notice for the defendant's appearance in
42 court to show cause why he should not be held in civ-
43 il contempt of court. If the defendant fails to ap-
44 pear in response to the notice, the court shall issue
45 a warrant of arrest for the defendant's appearance.

1 Notice to the defendant shall be as provided in section
2 3142, subsection 1.

3 At the contempt hearing, unless the defendant
4 shows that his failure to comply with the court's order
5 is not attributable to a willful refusal to obey
6 the order or to a failure on his part to make a good
7 faith effort to comply with the order, the court
8 shall find the defendant in civil contempt and may
9 punish him by such reasonable imprisonment as the
10 case requires. The defendant shall be allowed to
11 purge himself of his contempt by agreeing to comply
12 with the court's order.

13 §3143-A. Default judgments

14 Notwithstanding the Maine Rules of Civil Procedure,
15 Rule 55, if a person who has been summoned or
16 ordered to answer for a civil violation or a traffic
17 infraction fails to appear, the court, on its own
18 motion, shall adjudicate the defendant to have committed
19 the offense and shall impose a fine. The
20 court shall immediately suspend the defendant's license
21 or permit to operate motor vehicles in this
22 State or the right to apply for or obtain a license
23 or permit to operate motor vehicles in this State or
24 the registration of motor vehicles registered by the
25 defendant, in accordance with Title 29, section
26 2301-A. Upon the entry of a default judgment, the
27 court shall refer the matter to the district attorney
28 for the initiation of collection efforts as described
29 in section 3142. With respect to a default judgment
30 referral, the district attorney, upon receipt of the
31 referral, shall notify the defendant of the default
32 and shall further inform the defendant that an additional
33 \$25 administrative charge will be added to the
34 fine for each 30-day period the fine remains unpaid
35 up to a maximum of \$100, in addition to the interest,
36 expenses, costs and charges set out in section 3142,
37 subsection 2, paragraph H and subsection 4. If, after
38 the maximum \$100 administrative charge has been
39 imposed, the fine remains unpaid, the district attorney
40 shall commence prosecution of the defendant for
41 the Class E offense of failure to appear in accordance
42 with Title 17-A, section 17, subsection 4. Relief
43 from a default judgment shall be by motion in
44 accordance with the Maine Rules of Civil Procedure,

1 Rule 60(b), and Maine District Court Rules of Civil
2 Procedure, a copy of which shall be served upon the
3 district attorney.

4 Title 29, section 2301-A. Upon the entry of a de-
5 fault judgment, the court shall refer the matter to
6 the district attorney for the initiation of collec-
7 tion efforts as described in section 3142. With re-
8 spect to a default judgment referral, the district
9 attorney, upon receipt of the referral, shall notify
10 the defendant of the default and shall further inform
11 the defendant that an additional \$25 administrative
12 charge will be added to the fine for each 30-day pe-
13 riod the fine remains unpaid up to a maximum of \$100,
14 in addition to the interest, expenses, costs and
15 charges set out in section 3142, subsection 2, para-
16 graph H and subsection 4. If, after the maximum \$100
17 administrative charge has been imposed, the fine re-
18 mains unpaid, the district attorney shall commence
19 prosecution of the defendant for the Class E offense
20 of failure to appear in accordance with Title 17-A,
21 section 17, subsection 4. Relief from a default
22 judgment shall be by motion in accordance with the
23 Maine Rules of Civil Procedure, Rule 60(b), and Maine
24 District Court Rules of Civil Procedure, a copy of
25 which shall be served upon the district attorney.

26 B. That surrender of the license is required be-
27 cause his home state has not joined the Nonresi-
28 dent Violator Compact of 1977;

29 C. That he may regain possession of his license
30 by appearing before the clerk of the court having
31 jurisdiction over the infraction and posting a
32 cash security deposit; and

33 D. That surrender of his license does not con-
34 stitute a suspension of his right to operate a
35 motor vehicle in this State.

36 2. Return of license; posting security. A non-
37 resident motorist who has surrendered his license
38 pursuant to subsection 1 may regain possession of his
39 license by appearing in person before the clerk of
40 the court having jurisdiction of the infraction on
41 the next day on which court is open and by posting a

1 cash security deposit in an amount equal to the fine
2 for the infraction as determined by the list of fines
3 as promulgated by the Chief Judge of the District
4 Court. The clerk shall make an appropriate notation
5 on the traffic citation indicating that the
6 motorist's license has been returned and the amount
7 of the security deposit posted. If the defendant ap-
8 pears as required, the clerk shall forthwith refund
9 to the defendant, or to such person as the defendant
10 directs, any funds deposited by the defendant pursu-
11 ant to this subsection.

12 3. Failure to appear. If a defendant who has
13 posted a cash security deposit pursuant to this sec-
14 tion fails to appear as required, the court, on its
15 own motion, shall adjudicate the defendant to have
16 committed the offense, shall impose a fine and shall
17 declare a forfeiture of the cash security deposit.
18 The amount of the cash security deposit shall be ap-
19 plied to payment of the fine and the court shall re-
20 fer the matter to the district attorney for the ini-
21 tiation of collection efforts for the balance of the
22 fine due, in accordance with sections 3142 and
23 3143-A.

24 4. Officer's duty to file licenses. Any law en-
25 forcement officer who has taken possession of a non-
26 resident motorist's license pursuant to this section
27 shall take reasonable steps to file any licenses so
28 surrendered, together with the traffic citation, with
29 the clerk of the court of appropriate jurisdiction on
30 the next day on which the court is open.

31 5. List of compact states. The Secretary of
32 State shall provide to all law enforcement agencies
33 within the State a current listing of those states
34 which are members of the Nonresident Violator Compact
35 of 1977.

36 §3144-A. Criminal failure to appear; cost of extra-
37 dition

38 The district attorney shall prosecute all cases
39 including failure to appear in accordance with sec-
40 tion 3143-A. Any costs of extradition of a defendant
41 who has been charged with the offense of failure to
42 appear shall be assessed against the defendant and

1 shall be reimbursed to the extradition account in the
2 appropriate prosecutorial district.

3 §3145. Appeal

4 A court order to pay a fine for a civil violation
5 or a traffic infraction shall be stayed by the court
6 upon request of the defendant if an appeal is taken
7 and if the defendant deposits the whole of the fine
8 with the clerk of the court. If, on appeal, the
9 judgment is reversed, the clerk shall forthwith re-
10 fund to the defendant, or to such person as the de-
11 fendant directs, any funds deposited to cover the de-
12 fendant's fine. If the judgment is affirmed, the
13 funds so deposited shall be applied by the clerk in
14 payment of the fine. The clerk shall forthwith noti-
15 fy the defendant and the court that an application
16 has been made and the fine paid in full.

17 §3145-A. Exemptions

18 The exemptions from attachment and execution
19 specified in sections 4421 to 4426 do not apply to
20 the collection of fines covered by this chapter.

21 §3146. Financial disclosure statement and forms

22 The Judicial Department shall prepare a financial
23 disclosure statement form containing the defendant's
24 social security number and any other relevant finan-
25 cial information. Any defendant who claims a finan-
26 cial inability to make immediate payment in full of a
27 fine at the time it is imposed shall be required to
28 complete the financial disclosure statement under
29 oath. A defendant, who completes a financial disclo-
30 sure statement in accordance with this chapter, shall
31 be under a continuing obligation to provide updated
32 information concerning changes in address, employ-
33 ment, bank accounts and any other information re-
34 quested on the form until the fine is paid in full.
35 The defendant shall be informed of this obligation at
36 the time he completes the financial disclosure form.
37 Title 17-A, section 452, governing false swearing
38 shall apply to false statements made on the financial
39 disclosure statement. The Judicial Department shall
40 prepare all necessary forms in order to implement
41 this chapter.

1 drive, but will constitute collateral or security for
2 the payment of the fine as ordered. A temporary li-
3 cense will be issued to the defendant with a specific
4 expiration date, which date will be the date set for
5 payment of the fine.

6 The bill amends the Maine Revised Statutes, Title
7 4, section 173-A to provide that costs in the amount
8 of \$25 will be automatically taxable for the State
9 where the fine remains unpaid 30 days after entry of
10 judgment. The bill is expressly applicable to judg-
11 ments involving unpaid fines which predate the effec-
12 tive date of the bill. This bill is needed because it
13 is believed that costs under the present version of
14 the Maine Revised Statutes, Title 4, section 173-A
15 may not be assessed against the defendant who has
16 failed to pay a fine, unless the case is returned to
17 the court and the judge imposes the taxable costs.
18 From 1976 to 1984 there were approximately 11,500
19 cases involving unpaid fines and it would create an
20 administrative nightmare to manually pull those case
21 files so that a judge could impose the \$25 costs.

22

5687021286