

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1381, L.D. 1949)
2 (New Title)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2377

8
9 H.P. 1687 House of Representatives, April 11, 1986
10 Reported by Representative Allen from the Committee on Judiciary and
11 printed under Joint Rule 2. Original bill sponsored by Representative Paradis
12 of Augusta. Cosponsored by Speaker Martin of Eagle Lake.

EDWIN H. PERT, Clerk

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
18

19 AN ACT to Permit Assessment of a
20 Reimbursement Fee against Prisoners in
21 County Jails to Help Defray the Costs
22 of Incarceration and to Permit the
23 State and Counties to Recover
24 Prisoners' Medical Costs.
25

26 Be it enacted by the People of the State of Maine as
27 follows:

28 Sec. 1. 17-A MRSA c. 54-B is enacted to read:

29 CHAPTER 54-B

30 COUNTY JAIL REIMBURSEMENT

31 sec. 1341. Assessment of reimbursement fee against
32 prisoners

1 1. Assessment. When a person is sentenced to
2 incarceration in a county jail, the sentencing court
3 shall consider and may assess as part of the sentence
4 a reimbursement fee to help defray the expenses of
5 the offender's room and board. The fee may not ex-
6 ceed the cost of incarcerating the offender or \$20
7 per day, whichever is less. Any reimbursement fee
8 assessed shall be collected by the county treasurer
9 of the county in which the offender is incarcerated
10 and paid into the treasury of that county.

11 2. Evidence. The court, in determining whether a
12 reimbursement fee as set out in subsection 1 is to be
13 assessed and in establishing the amount of that fee,
14 shall consider evidence relevant to the offender's
15 ability to pay that fee, including, but not limited
16 to, the factors set forth in section 1325, subsection
17 2, paragraph D, subparagraphs (1) to (5). The court
18 shall not consider as evidence the following:

19 A. Joint ownership, if any, that the offender
20 may have in real property;

21 B. Joint ownership, if any, that the offender
22 may have in any assets, earnings or other sources
23 of income; and

24 C. The income, assets, earnings or other proper-
25 ty, both real and personal, owned by the
26 offender's spouse or family.

27 3. Amount of fee. After considering all rele-
28 vant evidence on the issue of the offender's ability
29 to pay under subsection 2, the court may enter, as
30 part of its sentence a reimbursement fee that shall
31 be paid by the offender for his incarceration in the
32 county jail. The fee shall bear a reasonable rela-
33 tionship to the offender's ability to pay. Upon pe-
34 tion by the offender, the amount may be modified to
35 reflect any changes in the financial status of the
36 offender.

37 If an offender is sentenced to pay a reimburse-
38 ment fee, the court may grant permission for the pay-
39 ment to be made within a specified time or in speci-
40 fied installments. If no such permission is embodied
41 in the sentence, the reimbursement fee shall be pay-
42 able forthwith.

1 An offender who has been sentenced to pay a reim-
2 bursment fee and who has defaulted in payment of the
3 fee shall be returned to court for further disposi-
4 tion.

5 Sec. 2. 30 MRSA sec. 1712 is enacted to read:

6 sec. 1712. Recovery of medical expenses

7 The county may bring a civil action in any court
8 of competent jurisdiction to recover the cost of any
9 medical, dental, psychiatric or psychological ex-
10 penditures incurred by the county on behalf of a prisoner
11 incarcerated in a county jail. The following assets
12 are not subject to judgment under this section:

13 1. Joint ownership of real property. Joint own-
14 ership, if any, that the offender may have in real
15 property;

16 2. Joint ownership in sources of income. Joint
17 ownership, if any, that the offender may have in any
18 assets, earnings or other sources of income; and

19 3. Assets of offender's spouse or family. The
20 income, assets, earnings or other property, both real
21 and personal, owned by the offender's spouse or fami-
22 ly.

23 Sec. 3. 34-A MRSA sec. 3031, sub-sec. 2, as re-
24 pealed and replaced by PL 1983, c. 581, sec. sec. 16
25 and 59, is amended to read:

26 2. Medical care. Adequate professional medical
27 care, not including medical treatment requested by
28 the prisoner which the correctional facility's treat-
29 ing physician deems unnecessary. The State may bring
30 a civil action in any court of competent jurisdiction
31 to recover the cost of any medical, dental, psychiat-
32 ric or psychological expenses incurred by the State
33 on behalf of any prisoner incarcerated in a correc-
34 tional facility. The following assets are not subject
35 to judgment under this subsection:

36 A. Joint ownership, if any, that the offender
37 may have in real property;

1 B. Joint ownership, if any, that the offender
2 may have in any assets, earnings or other sources
3 of income; and

4 C. The income, assets, earnings or other proper-
5 ty, both real and personal, owned by the
6 offender's spouse or family;

7 Sec. 4. 34-A MRSA sec. 3071, sub-sec. 4 is en-
8 acted to read:

9 4. Civil action to recover certain costs. The
10 State may bring a civil action in any court of compe-
11 tent jurisdiction to recover the cost of any medical,
12 dental, psychiatric or psychological expenses in-
13 curring by the State on behalf of a committed offender
14 under this section. The following assets are not
15 subject to judgment under this subsection:

16 A. Joint ownership, if any, that the offender
17 may have in real property;

18 B. Joint ownership, if any, that the offender
19 may have in any assets, earnings or other sources
20 of income; and

21 C. The income, assets, earnings or other proper-
22 ty, both real and personal, owned by the
23 offender's spouse or family.

24 Sec. 5. 34-A MRSA sec. 3231, sub-sec. 3,
25 para. L, as repealed and replaced by PL 1983, c. 581,
26 sec. sec. 34 and 59, is amended to read:

27 L. Upon consultation with the prison physician
28 and in other cases when he deems it necessary,
29 the warden shall cause any sick prisoner to be
30 removed forthwith to a hospital where the prison-
31 er shall receive such care, attention, medicine
32 and diet as the situation requires, until the
33 warden, in consultation with the hospital medical
34 staff, determines that the prisoner may leave the
35 hospital without injury to his health. The State
36 may bring a civil action in any court of compe-
37 tent jurisdiction to recover the cost of provid-
38 ing medical care to a prisoner under this subsec-
39 tion. The following assets are not subject to
40 judgment under this paragraph:

1 In determining the offender's ability to pay, the
2 court shall not consider as assets of the offender
3 any property or source of income owned jointly by the
4 offender and another person or persons, or the prop-
5 erty or income of the offender's spouse or family.

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