

MAINE STATE LEGISLATURE

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S.
R. of S.

1

L.D. 1216

2

(Filing No. S-205)

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STATE OF MAINE

4

SENATE

5

113TH LEGISLATURE

6

FIRST REGULAR SESSION

7

COMMITTEE AMENDMENT "A " to S.P. 397, L.D.

8

1216, Bill, "AN ACT to Implement Certain Recommendations

9

of the Judicial Council's Committee on the Collection

10

of Fines."

11

Amend the bill in section 1 in that part designated

12

"§173-A" in the first paragraph in the 2nd line

13

(page 1, line 13 in L.D.) by inserting after the following:

14

"civil violation" the following: 'and traffic

15

infraction' and in the 4th line (page 1, line 15

16

in L.D.) by inserting after the following: "civil

17

violation" the following: 'or traffic infraction'

18

Further amend the bill in section 2 in that part

19

designated "§3141." by striking out all of subsection

20

3 and inserting in its place the following:

21

'3. Immediate payment. When a court has imposed

22

a fine, as described in subsection 1, the imposition

23

of such a fine constitutes an order to pay the full

24

amount of the fine in accordance with this chapter.

25

Following imposition of the fine, the court shall in-

26

form the defendant that full payment of the fine is

27

due immediately and shall inquire of the defendant

28

what arrangements he has made to comply with the

29

court's order to pay the fine. Without utilizing the

30

provisions of subsection 4, the court may allow the

31

defendant a period of time, not to extend beyond the

32

time of the close of the clerk's office on that day,

33

within which to return to the court and tender pay-

34

ment of the fine. If the defendant fails to appear

35

as directed, the court shall issue a civil order of

36

arrest. The arrest order shall be carried out by the

37

sheriff as a civil order of arrest is carried out under

38

section 3135. If the underlying offense involves

39

any violation of Title 29, the court shall also, upon

40

the defendant's failure to appear, suspend the de-

COMMITTEE AMENDMENT "A" to S.P. 397, L.D. 1216

1 defendant's license or permit to operate motor vehicles
2 in this State and the right to apply for or obtain a
3 license or permit to operate a motor vehicle in this
4 State or his motor vehicle registration.

5 If the defendant claims an inability to pay the fine,
6 the court shall inquire into the defendant's ability
7 to pay and shall make a determination of the defend-
8 ant's financial ability to pay the fine. If the
9 court finds that the defendant has the financial
10 ability to make immediate payment of the fine in
11 full, the court shall order him to pay the fine.
12 Failure or refusal to pay as ordered by the court
13 shall subject the defendant to the contempt proce-
14 dures provided in section 3142.'

15 Further amend the bill in section 2 by striking
16 out all of that part designated "§3143." and insert-
17 ing in its place the following:

18 '§3143. Default judgments

19 If a person who has been summoned or ordered to
20 answer for a civil violation or a traffic infraction
21 fails to appear, the court shall direct the clerk to
22 send notice by a regular mail to appear to the person
23 at the address appearing on the summons or order to
24 appear.

25 The notice shall advise the person that he was
26 summoned or ordered to answer for a civil violation
27 or a traffic infraction and failed to appear on the
28 date directed. The notice shall set a new date and
29 time for the person's appearance to answer the civil
30 violation or traffic infraction and shall inform the
31 person that failure to appear on this occasion will
32 result in the adjudication of the person having com-
33 mitted the offense and the imposition of a fine. No-
34 tice under this section shall be complete upon mail-
35 ing.

36 Notwithstanding the Maine Rules of Civil Proce-

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 397, L.D. 1216

1 dure, Rule 55, or the Maine District Court Rules of
2 Civil Procedure, Rule 55, if a person who has been
3 summoned or ordered to answer for a civil violation
4 or a traffic infraction fails to appear, has been
5 mailed notice as provided in this section and there-
6 after again fails to appear, the court, on its own
7 motion, shall adjudicate the defendant to have com-
8 mitted the offense and shall impose a fine. In the
9 case of an adjudication for a traffic infraction, the
10 court shall immediately suspend the defendant's li-
11 cence or permit to operate motor vehicles in this
12 State or the right to apply for or obtain a license
13 or permit to operate motor vehicles in this State or
14 the registration of motor vehicles registered by the
15 defendant, in accordance with Title 29, section
16 2301-A. Relief from a default judgment entered pur-
17 suant to this section may be addressed to the court
18 and may be granted in the court's discretion upon a
19 finding that it will further the interest of jus-
20 tice.'

21 Further amend the bill in section 2 by striking
22 out all of that part designated "§3147." and insert-
23 ing in its place the following:

24 '§3147. Payment by credit card

25 The Judicial Department may implement a procedure
26 for the payment of fines up to \$500 by use of major
27 credit cards and may assess a reasonable fee upon the
28 defendant to cover any administrative expenses in-
29 curring in connection with the use of credit cards as
30 a method of paying fines.'

31 Further amend the bill by inserting before the
32 statement of fact the following:

33 'FISCAL NOTE

34 Any additional costs to the department as a re-

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1 sult of the new mailing requirements would be ab-
2 sorbed within existing resources of the Judicial De-
3 partment.'

4 STATEMENT OF FACT

5 This amendment:

6 1. Provides that, if a defendant fails to appear
7 after being adjudicated of committing a civil viola-
8 tion or traffic infraction and being permitted by the
9 court to leave to secure the payment of his fine, the
10 court shall issue a civil order of arrest. If the
11 fine is for a traffic infraction, the court shall al-
12 so suspend the defendant's license;

13 2. Provides that the court must notify a defend-
14 ant by regular mail if the defendant fails to appear
15 in answer to a summons or order to appear for a civil
16 violation or traffic infraction before the court may
17 enter a default judgment. If the defendant fails to
18 appear again after the mailing of the notice, the
19 court shall adjudicate the defendant as having com-
20 mitted the offense and shall impose a fine. If the
21 offense is a traffic infraction, the court shall also
22 suspend the defendant's license; and

23 3. Permits the court to implement procedures for
24 payment of civil fines up to \$500 by credit card.

25

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