

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 454, L.D. 644, Bill, "An Act to Require Convicted Felons to Contribute to the Cost of Rehabilitation Programs"

Amend the bill by striking out all of sections 1 to 3.

Further amend the bill in section 4 in subsection 1-A by striking out all of the first paragraph (page 1, lines 51 and 52 and page 2, lines 1 to 8 in L.D.) and inserting in its place the following:

'1-A. A natural person who has been convicted of a Class A, Class B, Class C, Class D or Class E crime may be sentenced to pay a fine, unless the statute law that the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person must be sentenced to the imprisonment and required to pay the fine authorized in that statute law. Subject to these sentences and to section 1302, the fine may not exceed:'

Further amend the bill in section 5 by striking out all of subsection 3 and inserting in its place the following:

'3. If the defendant convicted of a crime is an organization and the ~~statute-which-it~~ law that the organization is convicted of violating expressly provides that the fine it authorizes may not be suspended, the organization shall must be sentenced to pay the fine authorized ~~therein~~ in that law. Otherwise, the maximum allowable fine which that such a defendant may be sentenced to pay shall-be is:

- A. Any amount for murder;
- B. ~~\$50,000~~ \$100,000 for a Class A crime;
- C. ~~\$20,000~~ \$40,000 for a Class B crime;

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2 D. ~~\$10,000~~ \$20,000 for a Class C crime;

4 E. ~~\$5,000~~ \$10,000 for a Class D crime or a Class E crime;
and

6 F. Any higher amount which that does not exceed twice the
8 pecuniary gain derived from the crime by the convicted
organization.'

10 Further amend the bill by striking out all of section 6.

12 Further amend the bill in section 7 by striking out all of
subsection 10 and inserting in its place the following:

14 '10. Rehabilitation programs. Within the limits of
16 available resources, the commissioner shall establish and
18 maintain programs, inside and outside of correctional facilities,
that provide rehabilitation services and opportunities for
clients.'

20 Further amend the bill by striking out all of section 8.

22 Further amend the bill by renumbering the sections to read
24 consecutively.

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

30 **FISCAL NOTE**

32 This bill doubles the maximum criminal fines for Class A, B,
34 C, D and E crimes and requires the Department of Corrections to
establish and maintain rehabilitation programs within available
36 resources. Limited rehabilitation programs are available in
each correctional institution and such programs will be
38 established and maintained to the extent that the funds are
available within the budgeted resources of the Department of
Corrections.

40 The Judicial Department will be impacted by increased
42 administrative costs associated with fine collections, increased
caseload caused by additional failure to pay hearings and
44 increased indigent defense costs. These costs can not be
quantified at this time. There will be an increase in General
46 Fund revenue as a result of doubling the fine level. The amount
can not be quantified as it will be dependent on the number of
48 cases in which the maximum fine amount is ordered to be paid.'

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STATEMENT OF FACT

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This amendment deletes the 4 sections of the bill that proposed to dedicate all criminal fines to the Department of Corrections for rehabilitation programs.

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This amendment amends the bill to retain the judiciary's discretion in imposing fines. This amendment maintains the doubling of maximum fines.

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This amendment requires the Commissioner of Corrections to establish and maintain rehabilitation programs for the clients of the department within available resources.

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16

This amendment includes a fiscal note.

Reported by the Committee on Judiciary
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