

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 644

H.P. 454

House of Representatives, February 14, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative ANTHONY of South Portland.

Cosponsored by Senator BUSTIN of Kennebec, Representative FARNSWORTH of  
Hallowell and Representative PENDLETON of Scarborough.

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STATE OF MAINE

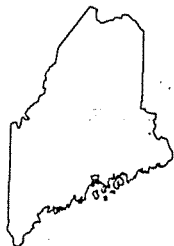
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Require Convicted Felons to Contribute to the Cost of  
Rehabilitation Programs.**

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

2  
4       **Sec. 1. 4 MRSA §116, first ¶,** as amended by PL 1987, c. 339,  
§1, is further amended to read:

6       All revenue received by the Supreme Judicial or Superior  
8       Court from fines, forfeitures, penalties, fees and costs shall  
10       accrue to the State, except as otherwise provided under section  
12       1057, Title 12, sections 3955 7800 and 4508 7910, Title 23,  
14       section 1653 and Title 29, section 2302. Notwithstanding any  
other provision of law, any criminal fine or penalty that is to  
accrue to the General Fund must be credited as provided in  
section 1058.

16       **Sec. 2. 4 MRSA §163, sub-§1,** as amended by PL 1989, c. 501,  
Pt. P, §3, is further amended to read:

18       **1. District Court funds.** Except as otherwise provided by  
20       law, all fines, forfeitures and fees collected in any division of  
22       the District Court shall must be paid to the clerk thereof, who  
24       shall deposit them in a special account within 72 hours of their  
26       receipt. Once each month, the clerk shall remit such sums to the  
28       Treasurer of State, who shall credit them to the General Fund,  
30       or, in the case of criminal fines and penalties, the Treasurer of  
State shall credit them as provided in section 1058.  
32       Notwithstanding any other provision of law, any criminal fine or  
penalty that is to accrue to the General Fund must be credited as  
provided in section 1058. At the same time, the clerk shall  
34       remit such sums as have been collected in accordance with section  
36       1057. Funds received by the clerk as bail in criminal cases  
shall must be deposited daily in a special interest-bearing  
account. Interest accrued in the account shall--be is the  
property of and shall--accrue accrues to the State. The  
forfeiture and setoff of bail shall--be is governed as otherwise  
provided by law.

38       The court shall file a monthly report with the State Auditor  
itemizing the amount of fines imposed and to whom each is payable.

40       **Sec. 3. 4 MRSA §1058** is enacted to read:

42       **§1058. Disposition of criminal fines and penalties**

44       The Treasurer of State shall credit all criminal fines and  
46       penalties subject to this section to the Department of  
Corrections.

48       **Sec. 4. 17-A MRSA §1301, sub-§1-A,** as enacted by PL 1989, c.  
50       872, §4, is amended to read:

52       **1-A.** A The court shall sentence a natural person who has  
been convicted of a Class A, Class B, Class C, Class D or Class E

2 ~~crime may be sentenced~~ to pay a fine, unless taking into account  
3 the person's ability to pay. If the statute law that the person  
4 is convicted of violating expressly provides that the fine and  
5 imprisonment penalties it authorizes may not be suspended, in  
6 which--case the convicted person must be sentenced to the  
7 imprisonment and required to pay the fine authorized in that  
8 statute. Subject to these sentences and to section 1302, the  
9 fine may not exceed:

- 10 A. ~~\$25,000~~ \$50,000 for a Class A crime;  
11  
12 B. ~~\$10,000~~ \$20,000 for a Class B crime;  
13  
14 C. ~~\$2,500~~ \$5,000 for a Class C crime;  
15  
16 D. ~~\$1,000~~ \$2,000 for a Class D crime;  
17  
18 E. ~~\$500~~ \$1,000 for a Class E crime; and  
19  
20 F. Regardless of the classification of the crime, any  
21 higher amount that does not exceed twice the pecuniary gain  
22 derived from the crime by the defendant.

23 **Sec. 5. 17-A MRSA §1301, sub-§3,** as repealed and replaced by  
24 PL 1981, c. 317, §27, is amended to read:

25  
26 3. If the defendant convicted of a crime is an organization  
27 and , the court shall sentence the organization to pay a fine,  
28 taking into account the organization's ability to pay. If the  
29 statute law which ~~it~~ the organization is convicted of violating  
30 expressly provides that the fine it authorizes may not be  
31 suspended, the organization shall must be sentenced to pay the  
32 fine authorized therein in that law. ~~Otherwise Subject to these~~  
33 sentences, the maximum allowable fine ~~which such a defendant may~~  
34 be sentenced to pay shall be:

- 35  
36 A. ~~Any May be any~~ amount for murder;  
37  
38 B. ~~\$50,000~~ May not exceed \$100,000 for a Class A crime;  
39  
40 C. ~~\$20,000~~ May not exceed \$40,000 for a Class B crime;  
41  
42 D. ~~\$10,000~~ May not exceed \$20,000 for a Class C crime;  
43  
44 E. ~~\$5,000~~ May not exceed \$10,000 for a Class D crime or a  
45 Class E crime; and  
46  
47  
48 F. ~~Any May be any~~ higher amount which does not exceed twice  
49 the pecuniary gain derived from the crime by the convicted  
50 organization.



2 Section 8 specifically authorizes the Commissioner of  
Corrections to accept the money representing all criminal fines  
and penalties, and to use those funds exclusively for  
4 rehabilitation programs.