



## 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

Legislative Document

No. 644

H.P. 454

House of Representatives, February 14, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

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.

STATE OF MAINE

1. 日本時代 在底上的中心。

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

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:

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

All revenue received by the Supreme Judicial or Superior Court from fines, forfeitures, penalties, fees and costs shall accrue to the State, except as otherwise provided under section 1057, Title 12, sections 3955 <u>7800</u> and 4598 <u>7910</u>, Title 23, section 1653 and Title 29, section 2302. <u>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.</u>

Sec. 2. 4 MRSA  $\S163$ , sub- $\S1$ , as amended by PL 1989, c. 501, Pt. P,  $\S3$ , is further amended to read:

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

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

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

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

crime may-be-sentenced to pay a fine, unless taking into account the person's ability to pay. If the statute law that the person 2 is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in 4 which -- case the convicted person must be sentenced to the imprisonment and required to pay the fine authorized in that 6 Subject to these sentences and to section 1302, the statute. 8 fine may not exceed: 10 Α. \$25,000 \$50,000 for a Class A crime; \$10,000 <u>\$20,000</u> for a Class B crime; 12 в. 14c. \$2,500 \$5,000 for a Class C crime; 16 D. \$1,000 <u>\$2,000</u> for a Class D crime; \$500 <u>\$1,000</u> for a Class E crime; and 18 Ε. F. Regardless of the classification of the crime, any 20 higher amount that does not exceed twice the pecuniary gain 22 derived from the crime by the defendant. Sec. 5. 17-A MRSA §1301, sub-§3, as repealed and replaced by 24 PL 1981, c. 317, §27, is amended to read: 26 3. If the defendant convicted of a crime is an organization and , the court shall sentence the organization to pay a fine, 28 taking into account the organization's ability to pay. If the statute law which it the organization is convicted of violating 30 expressly provides that the fine it authorizes may not be 32 suspended, the organization shall must be sentenced to pay the fine authorized therein in that law. Otherwise Subject to these sentences, the maximum allowable fine which-such-a-defendant-may 34 be-sentenced-to-pay-shall-be: 36 Any May be any amount for murder; Α. 38 в. \$50,000 May not exceed \$100,000 for a Class A crime; 40 C. \$20,000 May not exceed \$40,000 for a Class B crime; 42 \$10,000 May not exceed \$20,000 for a Class C crime; D. 44 E. \$5,000 May not exceed \$10,000 for a Class D crime or a 46 Class E crime; and F. Any May be any higher amount which does not exceed twice 48 the pecuniary gain derived from the crime by the convicted 50 organization.

Sec. 6. 17-A MRSA §1302, as enacted by PL 1975, c. 499, §1, 2 is amended by adding at the end a new paragraph to read: 4 If the court does not sentence a convicted person to pay a fine that is authorized by law, the court shall specifically . 4 . state in writing why a fine was not part of the sentence. · 6 Sec. 7. 34-A MRSA §1402, sub-§10 is enacted to read: 8 10. Rehabilitation programs. The commissioner shall 10 establish and maintain programs, inside and outside of correctional facilities, that provide rehabilitation services and 12 opportunities for committed offenders. 14 Sec. 8. 34-A MRSA §1403, sub-§4, ¶D is enacted to read: 16 D. The commissioner may accept funds under Title 4, section 18 1058 to be used solely to establish and maintain rehabilitation programs for committed offenders as required under section 1402, subsection 10. 20 . . . . 22 STATEMENT OF FACT 24 The purpose of this bill is to require that rehabilitation 26 programs for committed offenders be paid from criminal fines. 28 Sections 1 and 2 require that all fines and penalties imposed as sentences for crimes that would otherwise go to the 3.0 General Fund be credited to the Department of Corrections to be . . used to establish and maintain rehabilitation programs. 32 and the second i ta gina Section 3 requires the Treasurer of State to credit the 34 total criminal fines and penalties collected to the Department of Corrections, which must use the funds to establish and maintain 36 rehabilitation programs. The teacher of the second second second 38 Sections 4 and 5 double the maximum fine levels for each class of crime as established in the Maine Criminal Code. 40 They also require the court to include a fine in each sentence for a crime, after taking into account the defendant's ability to pay 42 that fine. disclose the logical second terms of the 44 Section 6 requires the court, if no fine is imposed, to provide a written statement explaining why no fine is imposed. 46 Section 7 requires the Commissioner of Corrections tò 48 establish and maintain rehabilitation programs for convicted The programs must be established both inside and 50 persons. outside of correctional facilities. 52

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

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