

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 379, L.D. 492, Bill, "An Act to Require Judges to Consider the Desirability of Financial Forfeitures"

Amend the bill by striking out all of section 1 (page 1, lines 3 to 9 in L.D.) and inserting in its place the following:

Sec. 1. 17-A MRSA §1152, sub-§2, ¶G, as amended by PL 1989, c. 502; Pt. D, §11, is further amended to read:

G. A fine as authorized by chapter 53. ~~Subject to the limitations of section 1302, such~~ Such a fine may be imposed in addition to the sentencing alternatives in paragraphs B, D, E and F; or

Sec. 2. 17-A MRSA §1152, sub-§2-B is enacted to read:

2-B. Except when specifically precluded, in choosing the appropriate punishment for every natural person convicted of a crime, the court shall consider the desirability of imposing a sentencing alternative involving a fine either in conjunction with or in lieu of imposing a sentencing alternative involving imprisonment.

Sec. 3. 17-A MRSA §1152, sub-§3, ¶C, as amended by PL 1987, c. 769, Pt. B, §3, is further amended to read:

C. A fine as authorized by chapter 53. ~~Subject to the limitations of section 1302, such~~ Such a fine may be imposed in addition to the sentencing alternative in paragraph D; or'

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

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STATEMENT OF FACT

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6 This amendment retains the original bill's purpose of
8 requiring courts to at least consider imposing a fine when
10 considering the appropriate punishment for any crime, unless no
12 fine is authorized for that crime. Section 1 of the bill is
replaced with 3 amendments to the section of the Maine Criminal
Code that authorizes the use of various sentencing alternatives.
Sections 1 and 3 delete unnecessary language from current law and
section 2 requires judges to consider the desirability of fines.

Reported by the Committee on Judiciary
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