

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

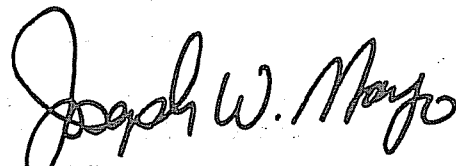
No. 492

H.P. 379

House of Representatives, February 16, 1993

An Act to Require Judges to Consider the Desirability of Financial Forfeitures.

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative KETTERER of Madison.
Cosponsored by Senator CONLEY of Cumberland and
Representative: LIPMAN of Augusta, Senator: HANLEY of Oxford.

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

4 **Sec. 1. 17-A MRSA §1252, sub-§9 is enacted to read:**

6 9. Before imposing a sentence of imprisonment in all cases
8 except those in which minimum mandatory sentences are specified
10 by statute, the court shall consider the desirability of
12 sentencing the convicted person to pay a fine authorized under
14 section 1301.

16 **Sec. 2. 17-A MRSA §1302, as enacted by PL 1975, c. 499, §1,**
18 **is amended to read:**

20 **§1302. Criteria for imposing fines**

22 ~~No convicted person shall be sentenced to pay a fine unless~~
24 ~~the court determines that he is or will be able to pay the fine.~~
26 In determining the amount and method of payment of a fine, the
28 court shall take into account the financial resources of the
30 offender and the nature of the burden that its payment will
32 impose. No person shall may be imprisoned solely for the reason
34 ~~that he~~ the person will not be able to pay a fine.
36

STATEMENT OF FACT

28 This bill requires judges to review the possible sentencing
30 options authorized by statute to encourage the use of fines as
32 punishment, either alone or in addition to imprisonment. Judges
34 often do not impose fines that are permitted and instead sentence
36 convicted persons to jail or prison time. This bill requires the
court to consider the desirability of sentencing a convicted
person to pay a fine before any sentence of imprisonment is
imposed. It does not intrude upon judicial discretion or mandate
that the court require a convicted person to pay a fine.