

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 591

H.P. 441

House of Representatives, January 30, 1997

**An Act to Require Courts to Take Court Costs into Consideration in
Criminal Proceedings.**

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative CLUKEY of Houlton.
Cosponsored by Representative WHEELER of Bridgewater.

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

2

4 **Sec. 1. 4 MRSA §173, sub-§2**, as amended by PL 1975, c. 731,
§8, is further amended to read:

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8 **2. Defendant not to be sentenced to pay costs of court as**
such. The District Court may not, in any criminal proceeding,
sentence any defendant to pay costs of court as such, but may
10 shall take the costs into consideration and may include in any
fine imposed a sum adequate to cover all or any part of them
without reference to such costs and without taxing them, provided
12 as long as the maximum fine for the particular offense is not
exceeded.

14

16 **Sec. 2. 15 MRSA §1901**, as repealed and replaced by PL 1975,
c. 775, §2, is amended to read:

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**§1901. Respondent not to be sentenced to pay costs of
court as such**

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22 The Superior Court ~~shall~~ may not, in any criminal
proceeding, sentence any respondent to pay costs of court as
such, but may shall take costs into consideration and may include
24 in any fine imposed a sum adequate to cover all or any part of
them, including any costs arising from proceedings in the lower
26 court, without reference to such costs and without taxing them,
provided as long as the maximum fine for the particular offense
28 is not exceeded.

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SUMMARY

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34 Current law prohibits a District Court or Superior Court
from sentencing a defendant to pay court costs but allows the
court at its discretion to take the costs into consideration.

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38 This bill requires the court to consider the court costs but
allows the court discretion in whether to impose a sum adequate
to cover all or part of the court costs, including costs at the
40 District Court level.