

# 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)



# 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 black ink 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:

6

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16       **Sec. 2. 15 MRSA §1901**, as repealed and replaced by PL 1975,  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:

18

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

20

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.

30

**SUMMARY**

32

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.

36

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.