

MAINE STATE LEGISLATURE

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R.S.

L.D. 1069

DATE: 5-6-97

(Filing No. H-378)

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CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 781, L.D. 1069, Bill, "An Act to Require Prisoners in Correctional Facility Work Programs to Pay Court Fines"

Amend the bill by striking out the title and substituting the following:

'An Act to Require Prisoners to Pay Court Fines and Family Support'

Further amend the bill by inserting after the title and before the enacting clause the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the courts are currently unable to collect many of the fines imposed on prisoners; and

Whereas, uncollected fines account for approximately \$4,500,000 in lost revenues and are a significant financial detriment to the State; and

Whereas, many dependent children of prisoners do not receive financial support from their incarcerated parent; and

COMMITTEE AMENDMENT

2 **Whereas,** dependent children of prisoners should have the
same access to parental support as children whose parents are not
4 incarcerated; and

6 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
8 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
10 safety; now, therefore, '

12 Further amend the bill in section 2 in subsection 2 in the
3rd line (page 1, line 32 in L.D.) by striking out the following:
14 "~~money income~~" and inserting in its place the following: 'money'

16 Further amend the bill in section 2 in subsection 2 in the
4th line (page 1, line 33 in L.D.) by striking out the following:
18 "~~money income~~" and inserting in its place the following: 'money'

20 Further amend the bill in section 2 in subsection 2 in the
8th line (page 1, line 37 in L.D.) by striking out the following:
22 "~~money income~~" and inserting in its place the following: 'money'

24 Further amend the bill in section 2 in subsection 2 in the
12th line (page 1, line 41 in L.D.) by striking out the
26 following: "~~income~~" and inserting in its place the following:
'~~money~~'

28 Further amend the bill by inserting after section 2 the
30 following:

32 '**Sec. 3. 30-A MRSA §1607** is enacted to read:

34 **§1607. Family support**

36 A prisoner may not participate in a work program under
38 section 1605 or any other program administered by the sheriff by
which a prisoner is able to generate money unless the prisoner
40 consents to pay at least 25% of that money for the support of any
dependent child if the parent, legal guardian or legal custodian
42 of the child requests that payment. Upon the written request of
a parent, legal guardian or legal custodian, the sheriff of the
44 county jail where the prisoner is incarcerated shall collect and
disburse to the parent, legal guardian or legal custodian that
46 portion of the prisoner's money to be paid for the support of the
dependent child. This section does not apply to any prisoner
48 making payments for the support of a dependent child pursuant to
a support order issued by a court or by the Department of Human
50 Services.

2 **Sec. 4. 34-A MRSA §3039-A** is enacted to read:

4 **§3039-A. Family support**

6 A prisoner may not participate in an industry program under
8 section 1403 or a work program under section 3035 or any other
10 program administered by the department by which a prisoner is
12 able to generate money unless the prisoner consents to pay at
14 least 25% of that money for the support of any dependent child if
16 the parent, legal guardian or legal custodian of the child
18 requests that payment. Upon the written request of a parent,
20 legal guardian or legal custodian, the chief administrative
 officer of the correctional facility where the prisoner is
 incarcerated shall collect and disburse to the parent, legal
 guardian or legal custodian that portion of the prisoner's money
 to be paid for the support of the dependent child. This section
 does not apply to any prisoner making payments for the support of
 a dependent child pursuant to a support order issued by a court
 or by the Department of Human Services.

22 **Sec. 5. PL 1997, c. 41** is repealed.

24 **Emergency clause.** In view of the emergency cited in the
 preamble, this Act takes effect when approved.'

26 Further amend the bill by inserting at the end before the
28 summary the following:

30 **FISCAL NOTE**

32 The requirement that the chief administrative officer of a
34 county jail collect and disburse child support, court ordered
36 fines and victim restitution from prisoners generating income
38 represents a state mandate pursuant to the Constitution of
40 Maine. The additional local costs cannot be determined at this
 time. Pursuant to the Mandate Preamble, the two-thirds vote of
 all members elected to each House exempts the State from the
 constitutional requirement to fund 90% of the additional local
 costs.

42 The additional costs associated with disbursing funds from
44 an inmate's account to the court can be absorbed by the
 Department of Corrections utilizing existing budgeted resources.

46 These additional collection methods may increase General
48 Fund revenue by minor amounts.'

SUMMARY

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This amendment makes several changes:

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1. It adds an emergency preamble and a mandate preamble to the bill.

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2. It eliminates references to a prisoner's income and reinstates the original language, which refers generally to a prisoner's money.

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3. It repeals Public Law 1997, chapter 41 and reenacts Maine Revised Statutes, Title 30-A, section 1607 and Title 34-A, section 3039-A, so that a mandate preamble and emergency preamble can be added to them.

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4. It adds a fiscal note.