

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1487

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H.P. 1055

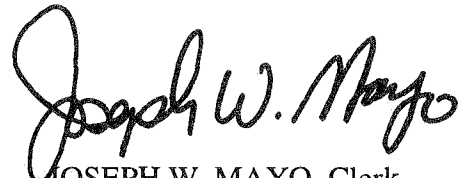
House of Representatives, March 11, 1997

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**An Act to Authorize Clerks to Sign Notices of Certain Court Actions.**

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Submitted by the Judicial Department pursuant to Joint Rule 204.  
Reference to the Committee on Judiciary suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative NASS of Acton.

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

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3       **Sec. 1. 4 MRSA §107**, as amended by PL 1995, c. 560, Pt. I,  
4 §14, is further amended by adding at the end a new paragraph to  
5 read:

6       The clerk of the Superior Court may sign notices to appear  
7 in court for hearings on nonpayment of fines, counsel fees or  
8 restitution.

9  
10       **Sec. 2. 4 MRSA §159**, as amended by PL 1995, c. 560, Pt. I,  
11 §14, is further amended by adding at the end a new paragraph to  
12 read:

13       The clerk of the District Court may sign notices to appear  
14 in court for hearings on nonpayment of fines, counsel fees or  
15 restitution.

16  
17       **Sec. 3. 17-A MRSA §1304, sub-§1**, as amended by PL 1987, c.  
18 861, §15, is further amended to read:

19       1. When a convicted person sentenced to pay a fine defaults  
20 in the payment of the fine or of any installment, the court, upon  
21 the motion of the official to whom the money is payable, as  
22 provided in section 1303, or upon its own motion, may require  
23 that person to show cause why that person should not be committed  
24 to the custody of the sheriff for nonpayment and may issue a  
25 summons or a warrant of arrest for that person's appearance. The  
26 clerk of the court shall notify the person to appear in court.  
27 Unless such person shows that the default was not attributable to  
28 a willful refusal to obey the order of the court or to a failure  
29 on that person's part to make a good faith effort to obtain the  
30 funds required for the payment, the court shall find that the  
31 default was unexcused and may commit that person to the custody  
32 of the sheriff until the fine or a specified part of the fine is  
33 paid. The length of incarceration for such unexcused nonpayment  
34 of the fine shall must be specified in the court's order and  
35 shall may not exceed one day for each \$5 of the fine or 6 months,  
36 whichever is the shorter. When a fine is imposed on an  
37 organization, it is the duty of the person or persons authorized  
38 to make disbursements from the assets of the organization to pay  
39 it from such assets and failure so to do may subject every such  
40 person to court action pursuant to this section. A person  
41 committed for nonpayment of a fine shall must be given credit  
42 towards its payment for each day after ~~commitment~~ commitment  
43 that the person is in custody, at the rate specified in the  
44 court's order. The person shall must also be given credit for  
45 each day that the person has been detained as a result of an  
46 arrest warrant issued pursuant to this section.  
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48  
49  
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## SUMMARY

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4       This bill authorizes court clerks to sign the notice to  
appear that is sent to a person who has not paid the ordered  
fine, counsel fees or restitution, before a court hearing  
6       investigating the nonpayment. It also clarifies the Maine  
Criminal Code, authorizing the clerk of the court to sign the  
8       notice to appear in court for nonpayment of fines. It also makes  
grammatical corrections.