

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1557

S.P. 523

In Senate, February 25, 1999

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### An Act to Expand a Judge's Powers for Contemptuous Failure to Pay.

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

Sec. 1. 12 MRSA §6408 is enacted to read:

§6408. Suspension of license for failure to appear, answer or pay

If a license is suspended pursuant to Title 14, section 3142, the suspension remains in effect until the person pays the fine. On payment of the fine and on condition of payment of a \$25 reinstatement fee to the department, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the department, which, upon receipt of the \$25 reinstatement fee, shall delete any record of the suspension from that person's record. For the purposes of this section, "fine" has the same meaning as in Title 14, section 3141, subsection 1.

Sec. 2. 12 MRSA §7077, sub-§1-C is enacted to read:

1-C. Suspension of licenses and registrations. If a license or registration is suspended pursuant to Title 14, section 3142, the suspension remains in effect until the person pays the fine. On condition of payment of a \$25 reinstatement fee to the department, the clerk of the court in which the suspension was ordered shall rescind the suspension and notify the department, which, upon receipt of the \$25 reinstatement fee, shall delete any record of the suspension from that person's record. For the purposes of this section, "fine" has the same meaning as in Title 14, section 3141, subsection 1.

Sec. 3. 14 MRSA §3141, sub-§1, as amended by PL 1991, c. 806, §4, is repealed and the following enacted in its place:

1. Applicability. The procedures established by this chapter:

A. Apply to all monetary fines, surcharges and assessments, however designated, imposed by a court:

(1) In a civil violation or traffic infraction proceeding; or

(2) As part of a sentence for a criminal conviction;

C. Must be utilized, to the maximum extent possible, to obtain prompt and full payment of all such fines, surcharges and assessments; and

D. Are in addition to, and not in lieu of, those otherwise authorized by law.

2 As used in this chapter, "fine" includes any surcharge or  
4 assessment required by law to be imposed as all or part of a  
6 sentence for a criminal conviction and any other costs or other  
fees the court assesses or imposes against a defendant in any  
civil or criminal adjudication, including appointed counsel fees  
and restitution.

8 **Sec. 4. 14 MRSA §3142**, as amended by PL 1987, c. 708, §13, is  
10 repealed and the following enacted in its place:

12 **§3142. Contempt hearing and punishment**

14 1. Punishment. Unless the defendant shows that failure to  
16 pay a fine was not attributable to a willful refusal to obey the  
18 order or to a failure on the defendant's part to make a good  
faith effort to obtain the funds required for the payment, the  
court may find the defendant in civil contempt and may impose  
punishment, as the case requires, of:

20 A. A reasonable fine;

22 B. Imprisonment; or

24 C. The suspension of any license, certification,  
26 registration, permit, approval or other similar document  
28 evidencing admission to or granting authority to hunt, fish  
30 or trap or to engage in a profession, occupation, business  
32 or industry, not including a registration, permit, approval  
or similar document evidencing the granting of authority to  
engage in the business of banking pursuant to Title 9-B.  
Licenses and registration subject to suspension include, but  
are not limited to:

34 (1) Licenses issued by the Commissioner of Marine  
36 Resources, as provided in Title 12, section 6408;

38 (2) Licenses issued by the Commissioner of Inland  
40 Fisheries and Wildlife, as provided in Title 12,  
section 7077, subsection 1-C;

42 (3) Watercraft, snowmobile and all-terrain vehicle  
44 registrations, as provided in Title 12, section 7077,  
subsection 1-C; and

46 (4) Motor vehicle licenses or permits, the right to  
48 operate a motor vehicle in this State and the right to  
apply for or obtain a license or permit, as provided in  
Title 29-A, section 2605.

2           2. Purge of contempt. The court shall provide an  
3 opportunity for the defendant to purge the contempt by complying  
4 with the court's order to pay or to an amended order to pay.

6           **Sec. 5. 29-A MRSA §2605**, as enacted by PL 1993, c. 683, Pt.  
7 A, §2 and affected by Pt. B, §5, is amended to read:

8           **§2605. Suspension on nonappearance or nonpayment of fine**

10           **1. Suspension by clerk.** If a person fails to appear in  
11 court on the date and time specified in response to a Uniform  
12 Summons and Complaint, a summons, a condition of bail or order of  
13 court for any criminal violation of Title 23, section 1980; a  
14 civil violation under Title 28-A, section 2052; or any criminal  
15 provision of this Title, or for any further appearance ordered by  
16 the court, including one for the payment of a fine, either in  
17 person or by counsel, or fails to pay a fine imposed ~~for~~ in a  
18 civil or criminal traffic-offense violation proceeding, the clerk  
19 shall suspend the person's license or permit, the right to  
20 operate a motor vehicle in this State and, the right to apply for  
21 or obtain a license or permit and motor vehicle registrations.

22           If a person who is not an individual fails to appear or pay a  
23 fine in a civil or criminal traffic-offense violation proceeding,  
24 the clerk shall suspend the registration of the motor vehicle  
25 involved in the offense or that person's right to operate that  
26 vehicle in the State.

28           **2. Notification by Secretary of State.** On receipt of a  
29 copy of an order of any such suspension in a civil or plain type  
30 criminal traffic-offense-or-in-a-civil-violation-under-Title  
31 28-A,-section-2052 violation proceeding, the Secretary of State  
32 shall immediately notify that person of the suspension by regular  
33 mail or personal service.

36           **3. Effect of suspension.** A court-ordered suspension has  
37 the same force and effect as a suspension by the Secretary of  
38 State. The suspension remains in effect until the person  
39 appears, either in person or by counsel, or pays the fine.

40           **4. Rescission of suspension.** On appearances or payment of  
41 the fine, whichever was the basis for the suspension, and on the  
42 condition of payment of a \$25 reinstatement fee to the Secretary  
43 of State, the clerk of the court in which the suspension was  
44 ordered shall rescind the suspension and notify the Secretary of  
45 State who, upon receipt of the \$25 reinstatement fee, shall  
46 delete any record of the suspension from that person's driving  
47 record.

