

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 522

H.P. 401

House of Representatives, February 6, 2001

**An Act to Hold Persons Incarcerated in County Jails Accountable for
Certain Costs Associated with Their Incarceration.**

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LESSARD of Topsham.
Cosponsored by Senator DAVIS of Piscataquis and
Representatives: CARR of Lincoln, GERZOFKY of Brunswick, MAYO of Bath, USHER of
Westbrook.

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

2
4 **Sec. 1. 30-A MRSA §1510** is enacted to read:

6 **§1510. Processing fee**

8 **1. Processing fee.** Any person booked by a county jail may be held liable for the cost, as fixed by the sheriff, of being processed by the jail. The jail may collect a processing fee from money generated by the person from whatever source and apply the fee collected to defray the cost of processing the person.

12 **2. Limitations.** A processing fee may not be assessed if its imposition would create an excessive financial hardship, as determined by the sheriff, on a dependent of the person against whom the fee is assessed. Any payment made for the support of such a dependent that is required by the Department of Human Services may not be used for the processing fee.

16 **3. Civil action for recovery of expenses.** Notwithstanding this section, a county may bring a civil action in a court of competent jurisdiction to recover the cost of processing a person in a jail. The following assets are not subject to judgment under this subsection:

20 A. Real property that the person holds in joint ownership;

22 B. Assets, earnings or other sources of income that the person holds in joint ownership; and

24 C. Income, assets, earnings or other property, both real and personal, owned by the person's spouse or family.

26 **Sec. 2. 30-A MRSA §1565** is enacted to read:

28 **§1565. Board fee and damage deposit**

30 **1. Board fee.** Any person incarcerated in a county jail may be held liable for the cost, as fixed by the sheriff, of board in the jail if the person is not paying the board pursuant to section 1605. The jail may collect the board from money generated by the person from whatever source and apply the amount collected to defray the cost of housing, clothing and feeding the person.

34 **2. Damage deposit.** Any person incarcerated in a county jail may be required to pay a damage deposit, as fixed by the sheriff, for damage to jail property. If property is destroyed or damaged by a person while at the jail, excepting ordinary wear and tear, the jail may keep all or part of the deposit as

2 necessary and apply it to defray the cost of replacement or
3 repair of the property destroyed or damaged. Any part of the
4 deposit not kept by the jail must be returned to the person.

6 3. Limitation. A board fee or damage deposit may not be
7 imposed if its imposition would create an excessive financial
8 hardship, as determined by the sheriff, on a dependent of the
9 person against whom it is assessed. Any payment made for the
10 support of such a dependent that is required by the Department of
11 Human Services may not be used for the board fee or damage
12 deposit.

14 4. Civil action for recovery of expenses. Notwithstanding
15 this section, a county may bring a civil action in a court of
16 competent jurisdiction to recover a board fee or damage deposit
17 for an incarcerated person. The following assets are not subject
18 to judgment under this subsection:

20 A. Real property that the person holds in joint ownership;

22 B. Assets, earnings or other sources of income that the
23 person holds in joint ownership; and

24 C. Income, assets, earnings or other property, both real
25 and personal, owned by the person's spouse or family.

28 SUMMARY

30 This bill provides that a person booked by a county jail may
31 be held liable for the cost of being processed by the jail. It
32 also provides that a person incarcerated in a county jail may be
33 held liable for the cost of board in the jail and may be required
34 to pay a damage deposit.