

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 970

S.P. 311

In Senate, February 25, 2003

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### **An Act To Allow a Judge To Assess a Fee on a Defendant To Reimburse a Municipality for a Drug Test**

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Reference to the Committee on Criminal Justice and Public Safety 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 MARTIN of Aroostook.  
Cosponsored by Representative BUNKER of Kossuth Township and  
Senator: EDMONDS of Cumberland, Representatives: KOFFMAN of Bar Harbor, MAKAS of  
Lewiston, PINEAU of Jay, SAVIELLO of Wilton, THOMPSON of China, TOBIN of  
Windham, TWOMEY of Biddeford.

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

4 **Sec. 1. 15 MRSA §1702**, as amended by PL 1989, c. 104, Pt. C,  
§§8 and 10, is repealed and the following enacted in its place:

6 **§1702. No punishment until conviction; costs**

8 **1. No punishment before conviction.** A person may not be  
10 punished for an offense until convicted of that offense in a  
court having jurisdiction over the person and case.

12 **2. Costs included in sentence.** If a person is convicted  
and the court imposes a fine, the court:

14 **A. May sentence the defendant to pay the costs of**  
16 **prosecution;**

18 **B. May sentence the defendant to pay the costs of drug**  
20 **tests, other than tests under Title 29-A, administered to**  
22 **the defendant by a law enforcement officer or medical**  
24 **personnel at the request of a law enforcement officer. The**  
**court shall transfer all amounts paid by a defendant under**  
**this paragraph to the municipality, county or agency that**  
**incurred the costs; and**

26 **C. Shall, if the case is prosecuted in District Court,**  
28 **sentence the defendant to pay a fine sufficient to cover the**  
30 **costs as provided in Title 4, section 173. This paragraph**  
32 **does not apply to defendants prosecuted for violations of**  
**Title 26, chapter 7, subchapter 1-B or for violations of**  
**Title 28-A, sections 2078 and 2223.**

34 **SUMMARY**

36 This bill authorizes a court to include in a sentence for a  
38 crime the costs of drug tests administered by a law enforcement  
40 agency to the defendant. The court must then pay over any  
42 amounts collected to the municipality, county or law enforcement  
agency that incurred the costs. This bill does not apply to a  
test administered under the Maine Revised Statutes, Title 29-A  
for OUI.