

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1826

H.P. 1274

House of Representatives, April 4, 2007

An Act To Allow a County Jail To Assess a Surcharge on Bail as a Processing Fee

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BARSTOW of Gorham.

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

2 **Sec. 1. 15 MRSA §1032** is enacted to read:

3 **§1032. Surcharge on bail as processing fee**

4 A county jail may assess a surcharge on the bail of a person processed by that county
5 jail as a processing fee as set forth in Title 30-A, section 1510.

6 **Sec. 2. 30-A MRSA §1661** is enacted to read:

7 **§1661. Processing fee**

8 **1. Processing fee.** A person processed by a county jail may be held liable for a
9 processing fee of \$50. The jail may collect a processing fee from money generated by the
10 person from whatever source, including a surcharge on that person's bail, and apply the
11 fee collected to defray the cost of processing the person.

12 **2. Limitations.** The processing fee under subsection 1 may not be assessed if its
13 imposition creates an excessive financial hardship, as determined by the sheriff, on a
14 dependent of the person against whom the fee is assessed. A payment made for the
15 support of such a dependent that is required by the Department of Health and Human
16 Services may not be used for the processing fee.

17 **3. Civil action for recovery of expenses.** Notwithstanding this section, a county
18 may bring a civil action in a court of competent jurisdiction to recover the processing fee
19 under subsection 1. The following assets of a person are not subject to judgment under
20 this subsection:

21 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
23 ownership; and

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

26 **SUMMARY**

27 This bill provides that a person processed by a county jail may be held liable for a
28 processing fee of \$50, which may be in the form of a surcharge on the bail of that person.