

# MAINE STATE LEGISLATURE

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L.D. 1938

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Date: 3/10/18

(Filing No. H-736)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
123RD LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1372, L.D. 1938, Bill, "An Act To Allow Community Service in Lieu of Fines"

Amend the bill by striking out all of sections 1, 2 and 3 (page 1, lines 2 to 37 and page 2, lines 1 to 3 in L.D.) and inserting the following:

**Sec. 1. 17-A MRSA §1304, sub-§3, ¶A**, as enacted by PL 1999, c. 367, §5, is repealed and the following enacted in its place:

A. Unless the offender shows by a preponderance of the evidence that the default was not attributable to an intentional or knowing refusal to obey the court's order or to a failure on the offender's part to make a good faith effort to obtain the funds required for the payment, the court shall find that the default was unexcused and may:

(1) Commit the offender to the custody of the sheriff until all or a specified part of the fine is paid. The length of confinement in a county jail for unexcused default must be specified in the court's order and may not exceed one day for every \$5 of unpaid fine or 6 months, whichever is shorter. An offender committed for nonpayment of a fine is given credit toward the payment of the fine for each day of confinement that the offender is in custody, at the rate specified in the court's order. The offender is also given credit for each day that the offender is detained as the result of an arrest warrant issued pursuant to this section. An offender is responsible for paying any fine remaining after receiving credit for confinement and detention. A default on the remaining fine is also governed by this section; or

(2) If the unexcused default relates to a fine imposed for a Class D or Class E crime, as authorized by chapter 53, order the offender to perform community service work until all or a specified part of the fine is paid. The number of hours of community service work must be specified in the court's order and may not exceed 8 hours for every \$25 of unpaid fine or one hundred 8-hour days, whichever is shorter. An offender ordered to perform community service work pursuant to this subparagraph is given credit toward the payment of the fine for

**COMMITTEE AMENDMENT**

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1 each 8-hour day of community service work performed at the rate specified in the  
2 court's order. The offender is also given credit toward the payment of the fine for  
3 each day that the offender is detained as a result of an arrest warrant issued  
4 pursuant to this section at a rate specified in the court's order that is not less than  
5 \$5 of unpaid fine per day of confinement. An offender is responsible for paying  
6 any fine remaining after receiving credit for any detention and for community  
7 service work performed. A default on the remaining fine is also governed by this  
8 section.'

9 Amend the bill by striking out all of section 6 (page 2, lines 17 to 26 in L.D.) and  
10 inserting the following:

11 '17-A MRSA §1304, sub-§4, as repealed and replaced by PL 1999, c. 367, §5, is  
12 amended to read:

13 4. Upon any default, execution may be levied and other measures authorized for the  
14 collection of unpaid civil judgments may be taken to collect the unpaid fine. A levy of  
15 execution does not discharge an offender confined to a county jail or performing  
16 community service work under subsection 3 for unexcused default until the full amount  
17 of the fine has been collected.'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or  
19 section number to read consecutively.

20 **SUMMARY**

21 This amendment strikes provisions in the bill that allow courts to change sentencing  
22 alternatives upon a default of a fine payment. Instead the amendment specifies that if the  
23 court finds that a default was unexcused, in addition to the option of committing the  
24 offender to the custody of the sheriff until all or a specified part of the fine is paid as  
25 provided by current law, the court may instead, if the unexcused default relates to a fine  
26 imposed for a Class D or Class E crime, order the offender to perform community service  
27 work until all or a specified part of the fine is paid. The number of hours of community  
28 service work must be specified in the court's order and may not exceed 8 hours for every  
29 \$25 of unpaid fine or one hundred 8-hour days, whichever is shorter. An offender  
30 ordered to perform community service work is given credit toward the payment of the  
31 fine for each 8-hour day of community service work performed at the rate specified in the  
32 court's order. The offender is also given credit toward the payment of the fine for each  
33 day that the offender is detained as a result of an arrest warrant issued in connection with  
34 a default, at a rate specified in the court's order that is not less than \$5 of unpaid fine per  
35 day of confinement. An offender is responsible for paying any fine remaining after  
36 receiving credit for any detention and for community service work performed. A default  
37 on the remaining fine is also governed by this provision.

38 **FISCAL NOTE REQUIRED**  
39 **(See attached)**

**COMMITTEE AMENDMENT**



Approved: 02/27/08 *MAC*

# 123rd MAINE LEGISLATURE

LD 1938

LR 3239(02)

An Act To Allow Community Service in Lieu of Fines

Fiscal Note for Bill as Amended by Committee Amendment "A"  
Committee: Criminal Justice and Public Safety  
Fiscal Note Required: Yes

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## Fiscal Note

Minor revenue decrease - General Fund

### Correctional and Judicial Impact Statements

This legislation provides the court with provisions that apply only if failure to pay fines by offenders is determined to be "unexcused". This "unexcused" determination allows the fine to be worked off through community service as well as authorizing credit for confinement and detention. It is assumed that this legislation will result in a minor decrease in revenue collections by the Judicial Department.