

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 1938

H.P. 1372

House of Representatives, December 12, 2007

An Act To Allow Community Service in Lieu of Fines

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 11, 2007. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CLEARY of Houlton.

Cosponsored by Representatives: BLANCHARD of Old Town, BRAUTIGAM of Falmouth, CONNOR of Kennebunk, CONOVER of Oakland, SIMPSON of Auburn.

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

2 **Sec. 1. 17-A MRSA §1303-B**, as enacted by PL 1999, c. 367, §4, is amended to
3 read:

4 **§1303-B. Modification of payment of fine**

5 A convicted person who has been sentenced to pay a fine shall move the court for a
6 modification of time or method of payment to avoid a default. The court may modify its
7 prior order to allow additional time for payment or to reduce the amount of each
8 installment, order community service work pursuant to chapter 54-C or, when the court
9 reasonably determines that the fine is uncollectible due to death or disability of the
10 convicted person, reduce or discharge completely the remaining balance of the fine.

11 **Sec. 2. 17-A MRSA §1304, sub-§3, ¶A**, as enacted by PL 1999, c. 367, §5, is
12 repealed and the following enacted in its place:

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

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

28 (2) Order the offender to perform a specified number of hours of community
29 service work pursuant to chapter 54-C; or

30 (3) Submit the unpaid fine to a collection agency pursuant to subsection 4.

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

33 B. If it appears that the default is excusable, the court may:

34 (1) Give the offender additional time for payment;

35 (2) Reduce the amount of each installment;

36 (3) Order the offender to perform a specified number of hours of community
37 service work pursuant to chapter 54-C; or

1 3. Submission of the unpaid fine to a collection agency. If the fine is submitted to a
2 collection agency, the court may order an additional amount of no more than 33% of the
3 original fine to be added to the fine. This additional amount may be retained by the
4 collection agency.

5 If the court finds that the default was excusable, it may provide the defendant with
6 additional time to pay the fine, reduce the amount of each installment or order the
7 defendant to perform community service work.

8 This bill also allows a court, when it reasonably finds that the fine is uncollectible
9 due to the death or disability of the defendant, to reduce or discharge completely the
10 unpaid balance of the fine.