

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 102

H.P. 70

House of Representatives, January 17, 2017

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**An Act To Make a Person Convicted of a Crime Liable for Payment  
of Investigative and Prosecutorial Costs**

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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 "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative STEWART of Presque Isle.  
Cosponsored by Senator ROSEN of Hancock and  
Representatives: FREDETTE of Newport, GERRISH of Lebanon, HERRICK of Paris,  
JOHANSEN of Monticello, SAMPSON of Alfred, WARD of Dedham.

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

2 **Sec. 1. 17-A MRSA §1301, sub-§7** is enacted to read:

3 7. In addition to any other authorized sentencing alternative, the court shall impose  
4 on a person convicted of a crime under this code a fine of an amount equal to the actual  
5 costs of investigation and prosecution of the crime for which the person is convicted that  
6 have been incurred by the office of the attorney for the State, a law enforcement agency  
7 or any other governmental entity that requests payment of such costs.

8 A. Notwithstanding any provision of law to the contrary, the court shall impose a  
9 fine under this subsection notwithstanding the financial incapacity of the convicted  
10 person to pay the fine.

11 B. The court shall require the convicted person to pay the fine within a specified  
12 period of time or in specified installments, consistent with section 1303, except that  
13 the end of such period or the last such installment may not be later than:

14 (1) The end of a period of probation, if the sentence imposed by the court on the  
15 convicted person includes a term of imprisonment with probation;

16 (2) If the sentence imposed by the court on the convicted person does not include  
17 a period of probation, 5 years after the end of the term of imprisonment imposed;  
18 or

19 (3) If the sentence imposed by the court does not include a term of  
20 imprisonment, and in all other circumstances, 5 years after the date on which the  
21 court imposes the sentence on the convicted person.

22 C. The expiration of the period for payment of the fine under paragraph B does not  
23 relieve the convicted person of the obligation to pay any unpaid portion of the fine  
24 imposed under this subsection.

25 D. If the sentence imposed by the court on the convicted person includes a period of  
26 probation, payment of the fine imposed under this subsection must be imposed as a  
27 condition of probation in accordance with section 1204.

28 E. The amount of the fine to be imposed under this subsection must be established by  
29 the court by a preponderance of the evidence. The burden of demonstrating the  
30 amount of the costs incurred by the office of the attorney for the State, a law  
31 enforcement agency or any other governmental entity requesting payment of costs is  
32 on the attorney for the State. The burden of demonstrating the financial resources  
33 and financial needs of the convicted person is on the convicted person.

34 F. Costs for the office of the attorney for the State must be set by the court in all  
35 cases at no less than \$50 per case when a Class D or Class E crime is charged and no  
36 less than \$100 per case when murder or a Class A, Class B or Class C crime is  
37 charged. The court may set a higher amount upon a showing of sufficient proof of  
38 higher costs incurred by the office of the attorney for the State.

39 G. Costs recovered under this subsection on behalf of the office of the attorney for  
40 the State, a law enforcement agency or other governmental entity must be remitted to  
41 the Treasurer of State for disbursement. Costs recovered under this subsection by the

