

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1999

may 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.

B. If it appears that the default is excusable, the court may give the offender additional time for payment or may reduce the amount of each installment.

C. If the court commits a person to the custody of the sheriff for nonpayment of a fine, the court may authorize, at the time of its order only, participation of the person in a project under Title 30-A, section 1606 with the agreement of the sheriff of the county jail where the person is committed. The person must be given credit according to Title 30-A, section 1606, subsection 2.

D. The confinement ordered under this subsection must be nonconcurrent with any judgment of conviction involving a term of imprisonment.

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

5. When a fine is imposed on an organization, the person or persons authorized to make disbursements from the assets of the organization shall pay the fine from the organization's assets. Failure to do so may subject the person or persons to court action pursuant to this section.

Sec. 6. 17-A MRSA §1305, as enacted by PL 1975, c. 499, §1, is repealed.

Sec. 7. 17-A MRSA §1329, sub-§3, ¶C is enacted to read:

C. The confinement ordered under this subsection must be nonconcurrent with any judgment of conviction involving a term of imprisonment.

See title page for effective date.

CHAPTER 368

H.P. 1424 - L.D. 2031

An Act to Amend the Laws Relating to Issuance of a Warrant in the Name of the District Court

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

Sec. 1. 15 MRSA §706, as amended by PL 1991, c. 484, §7, is further amended to read:

§706. District Court; warrants

Judges of District Courts ~~shall~~ have all authority and powers ~~now formerly~~ granted by law to judges of municipal courts, ~~provided no Judge of the District Court may sit as the trial judge in any case arising from a complaint to such judge and warrant of arrest resulting therefrom, unless by consent of the defendant.~~

When a complaint or an information charging a person with the commission of an offense, or a duly authenticated arrest warrant issued by the Tribal Court of the Passamaquoddy Tribe or the Penobscot Nation, is presented to any Judge of the District Court, to a justice of the peace or to any other officer of the District Court authorized to issue process, the judge, justice of the peace or other officer shall issue a warrant in the name of the District Court for the arrest of ~~such that~~ person, in that form and under the circumstances that the Supreme Judicial Court provides by rule ~~provides. The justice of the peace or other officer does not have authority to preside at any trial, and may not appear as counsel in any criminal case in which that officer has heard the complaint.~~ A clerk of the District Court may accept a guilty plea upon payment of fines as set by the judge.

A Judge of the District Court may try those brought before ~~him~~ the judge for offenses within ~~his~~ the judge's jurisdiction, although the penalty or fine accrues wholly or partly to the municipality of which ~~he~~ the judge is a resident.

See title page for effective date.
