

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

the main office or headquarters of the owner of the equipment is located in this State or outside this State, must be registered in this State in accordance with this chapter.

**Sec. 2. 29-A MRSA §513, sub-§2, ¶C**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. For Class B special ~~motor~~ mobile equipment, if the gross weight is in excess of 20,000 pounds, the registrant must obtain a permit as required by section 2382, subsection 5.

See title page for effective date.

## CHAPTER 502

H.P. 1216 - L.D. 1709

### **An Act To Provide for the Issuance of a Bench Warrant upon Failure To Appear for a Hearing on Nonpayment of a County Jail Reimbursement Fee**

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

**Sec. 1. 17-A MRSA §1341**, as amended by PL 1997, c. 88, §1, is further amended to read:

#### **§1341. Assessment of reimbursement fee against prisoners**

**1. Assessment.** When a person is sentenced to incarceration in a county jail, the sentencing court shall consider and may assess as part of the sentence a reimbursement fee to help defray the expenses of the offender's room and board. The fee may not exceed the cost of incarcerating the offender or \$80 per day, whichever is less. Any reimbursement fee assessed must be collected by the county treasurer of the county in which the offender is incarcerated, paid into the treasury of that county and credited to the county responsible for paying for the incarceration of the offender.

**2. Evidence.** The court, in determining whether a reimbursement fee as set out in subsection 1 is to be assessed and in establishing the amount of that fee, shall consider evidence relevant to the offender's ability to pay that fee, including, but not limited to, the factors set forth in section 1325, subsection 2, paragraph D, subparagraphs (1) to (5). The court shall not consider as evidence the following:

A. Joint ownership, if any, that the offender may have in real property;

B. Joint ownership, if any, that the offender may have in any assets, earnings or other sources of income; and

C. The income, assets, earnings or other property, both real and personal, owned by the offender's spouse or family.

**3. Amount of fee.** After considering all relevant evidence on the issue of the offender's ability to pay under subsection 2, the court may enter, as part of its sentence, a reimbursement fee that ~~shall~~ **must** be paid by the offender for ~~his~~ incarceration in the county jail. The fee ~~shall~~ **must** bear a reasonable relationship to the offender's ability to pay. Upon petition by the offender, the amount may be modified to reflect any changes in the financial status of the offender.

**4. Timing of fee.** If an offender is sentenced to pay a reimbursement fee, the court may grant permission for the payment to be made within a specified time or in specified installments. If such permission is not contained in the sentence, the reimbursement fee is payable immediately.

**5. Default.** An offender who has been sentenced to pay a reimbursement fee and who has defaulted in payment of the fee must be returned to court for further disposition.

A probation officer who knows of a default in payment of a reimbursement fee by an offender shall report the default to the office of the attorney for the State or the attorney for the county. If the reimbursement fee was a condition of probation, the attorney for the State or the attorney for the county may file a motion to enforce payment of the reimbursement fee or, with the written consent of the probation officer, a motion to revoke probation under section 1205. If the reimbursement fee was not a condition of probation, the attorney for the State or the attorney for the county may file a motion to enforce payment of the reimbursement fee.

**6. Motion to enforce payment of reimbursement fee.** Either the attorney for the State, the attorney for the county or the court may initiate a motion to enforce payment of a reimbursement fee. Notification for the hearing on the motion must be sent by regular mail to the offender's last known address. If the offender does not appear for the hearing after proper notification has been sent, the court may issue a bench warrant.

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 to make payment, the court shall find that the default was unexcused and

may commit the offender to the custody of the sheriff until all or a specified part of the jail reimbursement fee 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 jail reimbursement fee or 6 months, whichever is shorter. An offender committed for nonpayment of a reimbursement fee is given credit toward the payment of a reimbursement fee 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 has been detained as the result of an arrest warrant issued pursuant to this section. An offender is responsible for paying any reimbursement fee remaining after receiving credit for confinement and detention. A default on the remaining reimbursement fee 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. The confinement ordered under this subsection must be nonconcurrent with any judgment of conviction involving a term of imprisonment.

~~If an offender is sentenced to pay a reimbursement fee, the court may grant permission for the payment to be made within a specified time or in specified installments. If no such permission is embodied in the sentence, the reimbursement fee shall be payable forthwith.~~

~~An offender who has been sentenced to pay a reimbursement fee and who has defaulted in payment of the fee shall be returned to court for further disposition.~~

See title page for effective date.

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## CHAPTER 503

H.P. 1270 - L.D. 1830

### An Act Regarding Promotional Materials and Mail-in Rebates for Spirits

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

**Sec. 1. 28-A MRSA §708, sub-§5,** as enacted by PL 1993, c. 615, §4, is amended to read:

**5. Combination packages.** Notwithstanding subsection 3, agency liquor store licensees may offer for sale any package or combination of packages of

spirits that the commission has approved for sale in ~~state liquor stores~~ this State.

**Sec. 2. 28-A MRSA §708, sub-§6** is enacted to read:

**6. Marketing promotions.** Upon approval by the commission, promotional materials, including mail-in rebates, designed to encourage a consumer to purchase a spirits product to be attached to or displayed near the spirits product where it is offered for sale for off-premises consumption may be offered by those whose spirits products are listed by the commission. Mail-in rebates approved by the commission must be redeemed by the manufacturer and not by the retail licensee and may not exceed the purchase price of the spirits product.

See title page for effective date.

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## CHAPTER 504

H.P. 1259 - L.D. 1819

### An Act To Protect Volunteer-earned Funds of the Maine Wildlife Park

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

**Sec. 1. 12 MRSA §10254, sub-§1,** as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §52 and affected by §422, is further amended to read:

**1. Fund established.** The Maine Wildlife Park Fund, referred to in this section as the "fund," is established. The fund receives all funds collected by the department from the operation of the Maine Wildlife Park, including gate fees, the proceeds of any sales at the Maine Wildlife Park and any donations, grants or other funds presented to the department for the benefit of the Maine Wildlife Park, except that any funds that are solicited by and earned by volunteers for the benefit of the Maine Wildlife Park may not be used, directly or indirectly, to supplant appropriations from the General Fund or allocations from other revenue sources. All money deposited in the fund and the earnings on the money remain in the fund to be used for the management and maintenance of the Maine Wildlife Park. Unexpended balances in the fund at the end of the fiscal year are nonlapsing and must be carried forward to the next fiscal year to be used for the same purposes.

See title page for effective date.