

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

**CHAPTER 568**  
**H.P. 1204 - L.D. 1598**

**An Act To Clarify the Court's  
Authority To Grant Credit  
Given for Jail Time toward  
Payment of Fines**

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

**Sec. 1. 17-A MRSA §1304, sub-§3, ¶A**, as amended by PL 2011, c. 334, §1, is further amended to read:

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 \$100 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, which may not be less than \$25 or more than \$100 of unpaid fine for each day of confinement. 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, as authorized in chapter 54-C, 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~~ the offender must receive a credit against the unpaid fine of no less than \$25 for every 8 hours of community service work completed, which may not exceed 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 each 8-hour day of community service work performed at the rate specified in the court's order. The offender is also given credit toward the payment of the fine for each day that the offender is detained as a result of an arrest warrant issued pursuant to this section at a rate specified in the court's order that is up to \$100 of unpaid fine per day of confinement. An offender is responsible for paying any fine remaining after receiving credit for any detention and for community service work performed. A default on the remaining fine is also governed by this section.

See title page for effective date.

**CHAPTER 569**  
**H.P. 1311 - L.D. 1786**

**An Act To Amend the  
Requirement That the  
Department of Labor Calculate  
the Livable Wage**

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

**Sec. 1. 26 MRSA §1-A**, as enacted by PL 2007, c. 363, §1, is amended to read:

**§1-A. Livable wage defined**

As used in this Title, unless the context otherwise indicates, "livable wage" means the statewide average livable wage for a 2-parent household with 2 earners and 2 children as reported by the Department of Labor in the most recent ~~annual~~ biennial report required pursuant to section ~~1405~~ 1406.

**Sec. 2. 26 MRSA §1405**, as amended by PL 2009, c. 11, §1, is repealed.

**Sec. 3. 26 MRSA §1406** is enacted to read:

**§1406. Calculation of livable wage**

By July 1, 2013 and biennially thereafter, the department shall calculate the livable wage and develop a basic needs budget for households in this State based on, at a minimum, a 2-parent household with 2 earners and 2 children representative family size, but only if funding has been appropriated for these purposes.

By December 1, 2013 and biennially thereafter, the department shall report the livable wages calculated and the basic needs budget for households developed pursuant to this section to the Legislature if funds have been appropriated for these purposes.

See title page for effective date.