



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 926

H.P. 686

House of Representatives, March 8, 2011

An Act To Increase the Credit Toward Payment of Fines Given for Jail Time

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative HASKELL of Portland.
Cosponsored by Senator KATZ of Kennebec and
Representatives: DILL of Cape Elizabeth, FOSSEL of Alna, HANLEY of Gardiner,
HARLOW of Portland, LAJOIE of Lewiston, WAGNER of Lewiston, Senator: GERZOFKY
of Cumberland.

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

2 **Sec. 1. 17-A MRSA §1304, sub-§3, ¶A,** as amended by PL 2009, c. 608, §11, is
3 further amended to read:

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

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

19 (2) If the unexcused default relates to a fine imposed for a Class D or Class E
20 crime, as authorized by chapter 53, order the offender to perform community
21 service work, as authorized in chapter 54-C, until all or a specified part of the
22 fine is paid. The number of hours of community service work must be specified
23 in the court's order and may not exceed 8 hours for every \$25 of unpaid fine or
24 one hundred 8-hour days, whichever is shorter. An offender ordered to perform
25 community service work pursuant to this subparagraph is given credit toward the
26 payment of the fine for each 8-hour day of community service work performed at
27 the rate specified in the court's order. The offender is also given credit toward the
28 payment of the fine for each day that the offender is detained as a result of an
29 arrest warrant issued pursuant to this section at a rate specified in the court's order
30 that is not less than ~~\$5~~ \$25 of unpaid fine per day of confinement. An offender is
31 responsible for paying any fine remaining after receiving credit for any detention
32 and for community service work performed. A default on the remaining fine is
33 also governed by this section.

34 **SUMMARY**

35 Current law allows a court to order a person who fails to pay a criminal fine to be
36 committed to a county jail and receive credit toward payment of the fine at the rate of \$5
37 for each day of confinement. This bill increases the rate of credit to \$25 per day of
38 confinement.