



# 125th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2012

---

Legislative Document

No. 1598

H.P. 1204

House of Representatives, December 13, 2011

---

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

---

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 9, 2011. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

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

HEATHER J.R. PRIEST  
Clerk

Presented by Representative HASKELL of Portland.

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

2 **Sec. 1. 17-A MRS §1304, sub-§3, ¶A**, as amended by PL 2011, c. 334, §1, 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 \$100 of unpaid fine or 6 months, whichever is shorter, but may not exceed~~  
12 6 months. An offender committed for nonpayment of a fine is given credit  
13 toward the payment of the fine for each day of confinement that the offender is in  
14 custody, at the rate specified in the court's order that is up to \$100 of unpaid fine  
15 per day of confinement. The offender is also given credit for each day that the  
16 offender is detained as the result of an arrest warrant issued pursuant to this  
17 section. An offender is responsible for paying any fine remaining after receiving  
18 credit for confinement and detention. A default on the remaining fine is also  
19 governed by this section; or

20 (2) If the unexcused default relates to a fine imposed for a Class D or Class E  
21 crime, as authorized by chapter 53, order the offender to perform community  
22 service work, as authorized in chapter 54-C, until all or a specified part of the  
23 fine is paid. The number of hours of community service work must be specified  
24 in the court's order and may not exceed 8 hours for every \$25 of unpaid fine or  
25 one hundred 8-hour days, whichever is shorter. An offender ordered to perform  
26 community service work pursuant to this subparagraph is given credit toward the  
27 payment of the fine for each 8-hour day of community service work performed at  
28 the rate specified in the court's order. The offender is also given credit toward the  
29 payment of the fine for each day that the offender is detained as a result of an  
30 arrest warrant issued pursuant to this section at a rate specified in the court's order  
31 that is up to \$100 of unpaid fine per day of confinement. An offender is  
32 responsible for paying any fine remaining after receiving credit for any detention  
33 and for community service work performed. A default on the remaining fine is  
34 also governed by this section.

35 **SUMMARY**

36 Current law allows a judge to incarcerate a person who fails to pay a fine and  
37 provides a credit in an amount specified by the judge towards the payment of the unpaid  
38 fine; the length of confinement may not exceed one day for every \$100 of unpaid fines.  
39 If a person who owes a fine for a Class D or E crime is detained, however, that person  
40 must be given credit at a rate specified by the court, up to a maximum of \$100 per day the  
41 person is detained.

1           This bill removes that difference by specifying that a person incarcerated for failing  
2 to pay a fine must be given credit towards the payment of that fine in an amount up to  
3 \$100 per day for each day the person is incarcerated, the same as for a person  
4 incarcerated for failing to pay a fine imposed for a Class D or E crime.