

Title 17-A: MAINE CRIMINAL CODE

Chapter 53: FINES

Table of Contents

Part 3. 3

Section 1301. AMOUNTS AUTHORIZED..... 3

Section 1301-A. USE OF FINE RELATIVE TO NATURAL PERSONS..... 4

Section 1302. CRITERIA FOR IMPOSING FINES..... 4

Section 1302-A. MULTIPLE FINES..... 5

Section 1303. TIME AND METHOD OF PAYMENT OF FINES..... 5

Section 1303-A. POSTCONVICTION RELIEF..... 6

Section 1303-B. MODIFICATION OF PAYMENT OF FINE..... 6

Section 1304. DEFAULT..... 6

Section 1305. REVOCATION OF FINES (REPEALED)..... 8

Section 1306. DEPOSIT OF CERTAIN FINES IN MAINE MILITARY FAMILY RELIEF
FUND..... 8

Maine Revised Statutes
Title 17-A: MAINE CRIMINAL CODE
Chapter 53: FINES

§1301. AMOUNTS AUTHORIZED

1.

[1989, c. 872, §3 (RP) .]

1-A. A natural person who has been convicted of a Class A, Class B, Class C, Class D or Class E crime may be sentenced to pay a fine, unless the law that the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person must be sentenced to the imprisonment and required to pay the fine authorized in that law. Subject to these sentences and to section 1302, the fine may not exceed:

A. \$50,000 for a Class A crime; [1991, c. 355, §1 (AMD) .]

B. \$20,000 for a Class B crime; [1991, c. 355, §1 (AMD) .]

C. \$5,000 for a Class C crime; [1991, c. 355, §1 (AMD) .]

D. \$2,000 for a Class D crime; [1991, c. 355, §1 (AMD) .]

E. \$1,000 for a Class E crime; and [1991, c. 355, §1 (AMD) .]

F. Regardless of the classification of the crime, any higher amount that does not exceed twice the pecuniary gain derived from the crime by the defendant. [1989, c. 872, §4 (NEW) .]

[1991, c. 355, §1 (AMD) .]

2. As used in this section, "pecuniary gain" means the amount of money or the value of property at the time of the commission of the crime derived by the defendant from the commission of the crime, less the amount of money or the value of property returned to the victim of the crime or seized by or surrendered to lawful authority prior to the time sentence is imposed. When the court imposes a fine based on the amount of gain, the court shall make a finding as to the defendant's gain from the crime. If the record does not contain sufficient evidence to support a finding, the court may conduct, in connection with its imposition of sentence, a hearing on this issue.

[1975, c. 499, §1 (NEW) .]

3. If the defendant convicted of a crime is an organization and the law that the organization is convicted of violating expressly provides that the fine it authorizes may not be suspended, the organization must be sentenced to pay the fine authorized in that law. Otherwise, the maximum allowable fine that such a defendant may be sentenced to pay is:

A. Any amount for murder; [1981, c. 317, §27 (RPR) .]

B. \$100,000 for a Class A crime; [1991, c. 355, §2 (AMD) .]

C. \$40,000 for a Class B crime; [1991, c. 355, §2 (AMD) .]

D. \$20,000 for a Class C crime; [1991, c. 355, §2 (AMD) .]

E. \$10,000 for a Class D crime or a Class E crime; and [1991, c. 355, §2 (AMD) .]

F. Any higher amount that does not exceed twice the pecuniary gain derived from the crime by the convicted organization. [1991, c. 355, §2 (AMD).]

[1991, c. 355, §2 (AMD) .]

4. Whenever a statute makes the possession of a particular item, whether animate or inanimate, a criminal offense, the statute may expressly provide that the fine depends upon the quantity of the item possessed by the defendant. In such case, the fine is as provided for in the statute and is not subject to the maximum limits placed on fines by subsections 1-A and 3.

[2005, c. 1, §2 (COR) .]

5. Notwithstanding any other provision of this section, any person convicted of a crime under section 1103, 1105-A, 1105-B, 1105-C, 1105-D, 1106 or 1107-A may be sentenced to pay a fine of an amount equal to the value at the time of the offense of the scheduled drug or drugs upon which the conviction is based.

When the court imposes a fine under this subsection, the court shall make a finding as to the value of the scheduled drug or drugs. If the record does not contain sufficient evidence to support a finding, the court may conduct, in connection with its imposition of a sentence, a hearing on this issue.

[2001, c. 383, §152 (AMD); 2001, c. 383, §156 (AFF) .]

6. In addition to any other authorized sentencing alternative, the court shall impose a minimum fine of \$400, none of which may be suspended, for a person convicted of a crime under section 1103; 1104; 1105-A; 1105-B; 1105-C; 1105-D; 1106; 1107-A; 1108; 1109; 1110; 1111; 1111-A, subsection 4-A; 1116; 1117; or 1118.

[2011, c. 464, §22 (AMD) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1975, c. 740, §§121-123 (AMD). 1977, c. 510, §§83-86 (AMD). 1981, c. 317, §27 (AMD). 1985, c. 699, (AMD). 1989, c. 872, §§3,4 (AMD). 1991, c. 355, §§1,2 (AMD). 2001, c. 383, §152 (AMD). 2001, c. 383, §156 (AFF). RR 2005, c. 1, §2 (COR). 2005, c. 386, §DD2 (AMD). 2011, c. 464, §22 (AMD).

§1301-A. USE OF FINE RELATIVE TO NATURAL PERSONS

Except when specifically precluded, in choosing the appropriate punishment for every natural person convicted of a crime, the court shall consider the desirability of imposing a sentencing alternative involving a fine either in conjunction with or in lieu of imprisonment. A sentencing alternative involving imprisonment may not be imposed by a court solely for the reason that the person does not have the present or future financial capacity to pay a fine. [1999, c. 367, §2 (NEW).]

SECTION HISTORY

1999, c. 367, §2 (NEW).

§1302. CRITERIA FOR IMPOSING FINES

1. In determining the amount of a fine, unless the fine amount is mandatory, and in determining the method of payment of a fine, the court shall take into account the present and future financial capacity of the offender to pay the fine and the nature of the financial burden that payment of the fine will impose on the offender or a dependent of the offender, if any.

[2003, c. 143, §11 (AMD) .]

2. An offender who asserts a present or future incapacity to pay a fine or asserts that the fine will cause an excessive financial hardship on the offender or on a dependent of the offender has the burden of proving the incapacity or excessive hardship by a preponderance of the evidence. On appeal of a sentencing alternative involving a fine, the offender has the burden of demonstrating that the incapacity or excessive financial hardship was proven as a matter of law.

[1999, c. 367, §3 (NEW) .]

3. Notwithstanding any other provision of law, the court may suspend all or a portion of a minimum fine under section 1301, subsection 6 or under section 207, subsection 3 or under Title 29-A, section 2412-A, subsection 3, and the court may impose a fine other than the mandatory fine if the court finds by a preponderance of the evidence that there are exceptional circumstances that justify imposition of a lesser financial penalty. In making a finding of exceptional circumstances, the court may consider:

A. Reliable evidence of financial hardship on the part of the offender and the offender's family and dependents; [2015, c. 436, §9 (NEW).]

B. Reliable evidence of special needs of the offender or the offender's family and dependents; [2015, c. 436, §9 (NEW).]

C. Reliable evidence of the offender's income and future earning capacity and the offender's assets and financial resources from whatever source; [2015, c. 436, §9 (NEW).]

D. Reliable evidence regarding any pecuniary gain derived from the commission of the offense; and [2015, c. 436, §9 (NEW).]

E. The impact of imposition of the mandatory fine on the offender's reasonable ability to pay restitution under chapter 54. [2015, c. 436, §9 (NEW).]

[2015, c. 436, §9 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1993, c. 103, §4 (AMD). 1999, c. 367, §3 (RPR). 2003, c. 143, §11 (AMD). 2015, c. 436, §9 (AMD).

§1302-A. MULTIPLE FINES

When multiple fines are imposed on a person at the same time or when a fine is imposed on a person already subject to an unpaid or partly unpaid fine, the fines shall be cumulative, unless the court specifies that only the highest single fine shall be paid in the case of offenses based on the same conduct, or arising out of the same criminal episode or for other good cause stated on the record or in the sentences. [1981, c. 324, §35 (NEW).]

SECTION HISTORY

1981, c. 324, §35 (NEW).

§1303. TIME AND METHOD OF PAYMENT OF FINES

1. If a convicted person is sentenced to pay a fine, the court may grant permission for the payment to be made within a specified period of time or in specified installments. If no such permission is embodied in the sentence, the fine shall be payable forthwith to the clerk.

[1975, c. 499, §1 (NEW) .]

2. If a convicted person sentenced to pay a fine is also placed on probation, the court may make the payment of the fine a condition of probation. In such cases, the court may order that the fine be paid to the probation officer.

[1975, c. 499, §1 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW).

§1303-A. POSTCONVICTION RELIEF

If, in any judicial proceeding following conviction, a court issues a final judgment invalidating the conviction, the judgment may include an order that a fine payment or any part of a fine payment that the convicted person paid pursuant to the sentence for that conviction be returned to the convicted person.

[1999, c. 367, §4 (NEW) .]

SECTION HISTORY

1999, c. 367, §4 (NEW).

§1303-B. MODIFICATION OF PAYMENT OF FINE

A convicted person who has been sentenced to pay a fine shall move the court for a modification of time or method of payment to avoid a default. The court may modify its prior order to allow additional time for payment or to reduce the amount of each installment. [1999, c. 367, §4 (NEW) .]

SECTION HISTORY

1999, c. 367, §4 (NEW).

§1304. DEFAULT

1. An offender who has been sentenced to pay a fine and has defaulted in payment of that fine must be returned to court for further disposition.

[1999, c. 367, §5 (RPR) .]

1-A. For purposes of this section, if an offender is returned to court pursuant to a warrant, both the court located where the warrant is issued and the court located where the warrant is executed are authorized to conduct the default hearing pursuant to subsection 3.

[2009, c. 608, §10 (NEW) .]

2. A probation officer having knowledge of a default in payment of a fine by an offender shall report the default to the office of the attorney for the State. An attorney for the State having knowledge of a default in payment of a fine by an offender shall report the default to the court. If the fine was a condition of probation, the attorney for the State may file a motion to enforce payment of the fine or, with the written consent of the probation officer, a motion to revoke probation under section 1205. If the fine was not a condition of probation, the attorney for the State may file a motion to enforce payment of the fine.

[1999, c. 367, §5 (RPR) .]

3. Either the attorney for the State or the court may initiate a motion to enforce payment of a fine. 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 court need not bring a motion to enforce payment of a fine nor notify the offender by

regular mail of the date of the hearing if at the time of sentence imposition the court's order to pay the fine and accompanying warnings to the offender comply with Title 14, section 3141, subsection 3 or 4 and, if the offender fails to appear as directed by the court's fine order, 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 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 6 months. 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 C, 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 the offender must receive a credit against the unpaid fine at a rate equal to the current hourly minimum wage. 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. [2015, c. 436, §10 (AMD).]

B. If it appears that the default is excusable, the court may give the offender additional time for payment, may reduce the amount of each installment or may permit the offender to perform community service work at a rate authorized by paragraph A, subparagraph (2), supervised by the sheriff of the county in which the court that assessed the fine is located or by a community confinement monitoring agency with which that sheriff has contracted under Title 30-A, section 1659-A. [2013, c. 266, §8 (AMD).]

C. If the court commits a person to the custody of the sheriff for nonpayment of a fine pursuant to subsection 3, paragraph A, subparagraph (1), 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. [2007, c. 517, §2 (AMD).]

D. The confinement ordered under subsection 3, paragraph A, subparagraph (1) must be nonconcurrent with any judgment of conviction involving a term of imprisonment. [2007, c. 517, §3 (AMD).]

[2009, c. 608, §11 (AMD); 2011, c. 334, §1 (AMD); 2015, c. 436, §10 (AMD).]

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 or performing community service work under subsection 3 for unexcused default until the full amount of the fine has been collected.

[2007, c. 517, §4 (AMD) .]

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.

[1999, c. 367, §5 (NEW) .]

SECTION HISTORY

1975, c. 499, §1 (NEW). 1987, c. 769, §B4 (AMD). 1987, c. 861, §15 (AMD). 1997, c. 54, §1 (AMD). 1997, c. 135, §3 (AMD). 1997, c. 393, §B8 (AMD). 1999, c. 367, §5 (RPR). 2007, c. 517, §§1-4 (AMD). 2007, c. 518, §7 (AMD). 2009, c. 608, §§10, 11 (AMD). 2011, c. 334, §1 (AMD). 2011, c. 568, §1 (AMD). 2013, c. 266, §8 (AMD). 2015, c. 436, §10 (AMD).

§1305. REVOCATION OF FINES

(REPEALED)

SECTION HISTORY

1975, c. 499, §1 (NEW). 1999, c. 367, §6 (RP).

§1306. DEPOSIT OF CERTAIN FINES IN MAINE MILITARY FAMILY RELIEF FUND

Notwithstanding any provision of law to the contrary, if a person is convicted under section 354, subsection 2, paragraph A of theft by deception due to that person's intentional creation or reinforcement of a false impression that the person is a veteran or a member of the Armed Forces of the United States or a state military force, any fine imposed on that person by the court must be deposited in the Maine Military Family Relief Fund established in Title 37-B, section 158. [2015, c. 437, §2 (NEW).]

SECTION HISTORY

2015, c. 437, §2 (NEW).

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