

CHAPTER 502-A

ENFORCEMENT OF FINES OWED TO THE STATE

§3141. Scope and procedure

1. Applicability. The procedures established by this chapter:

A. Apply to all monetary fines, surcharges and assessments, however designated, imposed by a court:

(1) In a civil violation or traffic infraction proceeding; or

(2) As part of a sentence for a criminal conviction; [PL 1999, c. 743, §3 (NEW).]

B. Must be utilized, to the maximum extent possible, to obtain prompt and full payment of all such fines, surcharges and assessments; and [PL 1999, c. 743, §3 (NEW).]

C. Are in addition to, and not in lieu of, those otherwise authorized by law. [PL 1999, c. 743, §3 (NEW).]

As used in this chapter, "fine" includes any surcharge or assessment required by law to be imposed as all or part of a sentence for a criminal conviction and any other costs or other fees the court assesses or imposes against a defendant in any civil or criminal adjudication, including appointed counsel fees and restitution.

[PL 1999, c. 743, §3 (RPR).]

2. Notice to defendant.

[PL 2007, c. 475, §1 (RP).]

3. Immediate payment. When a court has imposed a fine, as described in subsection 1, the imposition of such a fine constitutes an order to pay the full amount of the fine in accordance with this chapter. Following imposition of the fine, the court shall inform the defendant that full payment of the fine is due immediately and shall inquire of the defendant what arrangements the defendant has made to comply with the court's order to pay the fine. Without utilizing the provisions of subsection 4, the court may allow the defendant a period of time, not to extend beyond the time of the close of the clerk's office on that day, within which to return to the court and tender payment of the fine. If the defendant fails to appear as directed, the court shall issue a civil order of arrest. The arrest order must be carried out by the sheriff as a civil order of arrest is carried out under section 3135. If the underlying offense involves any violation of Title 23, section 1980; Title 28-A, section 2052; or Title 29-A, the court shall also, upon the defendant's failure to appear, suspend the defendant's license or permit to operate motor vehicles in this State and the right to apply for or obtain a license or permit to operate a motor vehicle in this State.

If the defendant claims an inability to pay the fine, the court shall inquire into the defendant's ability to pay and shall make a determination of the defendant's financial ability to pay the fine. If the court finds that the defendant has the financial ability to make immediate payment of the fine in full, the court shall order the defendant to pay the fine. Failure or refusal to pay as ordered by the court subjects the defendant to the contempt procedures provided in section 3142.

[PL 1995, c. 65, Pt. A, §39 (AMD); PL 1995, c. 65, Pt. A, §153 (AFF); PL 1995, c. 65, Pt. C, §15 (AFF).]

4. Installment payments. If the court concludes that the defendant has the ability to pay the fine, but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the defendant's dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subsection. When a court authorizes payment

of a fine by means of installment payments, it shall issue, without a separate disclosure hearing, an order that the fine be paid in full by a date certain, that the defendant has a legal duty to move the court for a modification of time or method of payment to avoid a default and that in default of payment the defendant must appear in court to explain the failure to pay.

In fixing the date of payment, the court shall issue an order that will complete payment of the fine as promptly as possible without creating a severe and undue hardship for the defendant and the defendant's dependents.

[PL 2007, c. 475, §2 (AMD).]

5. Appointment of agent. Any defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his agent upon whom all papers affecting his liability may be served.

[PL 1987, c. 414, §2 (NEW).]

6. Ability to pay the fine. "Ability to pay" means that the resources of the defendant and his dependents, including all available income and resources, are sufficient to provide the defendant and his dependents with a reasonable subsistence compatible with health and decency.

[PL 1987, c. 414, §2 (NEW).]

7. Remedies. Failure to pay by the date fixed by the court's order or an amended order subjects the defendant to the contempt procedures provided in section 3142 and all procedures for collections provided for in sections 3127-A, 3127-B, 3131, 3132, 3134, 3135 and 3136. An installment agreement under this section must be considered an agreement under section 3125 and a court order to pay under section 3126-A. In addition to other penalties provided by law, the court may impose on the defendant reasonable costs for any failure to appear.

[PL 2019, c. 603, §1 (AMD).]

8. Remedies.

[PL 2019, c. 603, §2 (RP).]

SECTION HISTORY

PL 1987, c. 414, §2 (NEW). PL 1987, c. 708, §§11,12 (AMD). PL 1989, c. 875, §§E17,18 (AMD). PL 1991, c. 548, §A4 (AMD). PL 1991, c. 806, §4 (AMD). PL 1995, c. 65, §§A39,40 (AMD). PL 1995, c. 65, §§A153,C15 (AFF). PL 1999, c. 587, §9 (AMD). PL 1999, c. 743, §3 (AMD). PL 2007, c. 475, §§1, 2 (AMD). PL 2017, c. 462, §§1, 2 (AMD). PL 2019, c. 603, §§1, 2 (AMD).

§3141-A. Setoff of fines against lottery winnings

The State Court Administrator appointed pursuant to Title 4, section 15 shall provide the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, referred to in this subsection as "the bureau," access to an electronic database of all persons who owe a monetary fine, surcharge or assessment imposed by a court to the State under this Title. Before paying any lottery winnings of an amount equal to or greater than the amount for which the bureau is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the bureau shall determine whether the lottery winner owes a monetary fine, surcharge or assessment imposed by a court to the State under this Title. If the bureau determines that the winner owes a monetary fine, surcharge or assessment imposed by a court, the bureau shall suspend payment of the winnings and provide notice to the winner of its intention to set off the winnings against the monetary fine, surcharge or assessment owed. The bureau shall provide the winnings due to the winner to the State Court Administrator in payment of any monetary fine, surcharge or assessment owed by the winner under this Title. The bureau shall release any remaining winnings in accordance with state law. [PL 2021, c. 543, §1 (AMD).]

SECTION HISTORY

PL 2019, c. 304, §2 (NEW). PL 2021, c. 543, §1 (AMD).

§3142. Contempt hearing and punishment

1. Punishment. Unless the defendant shows that failure to pay a fine was not attributable to a willful refusal to obey the order or to a failure on the defendant's part to make a good faith effort to obtain the funds required for the payment, the court may find the defendant in civil contempt and may impose punishment, as the case requires, of:

A. A reasonable fine not to exceed \$500; or [PL 2003, c. 193, §3 (AMD).]

B. [PL 2003, c. 193, §3 (RP).]

C. The suspension of any license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry, not including a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B or a motor vehicle license or permit issued by the Secretary of State, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, as provided in Title 29-A. Licenses and registration subject to suspension include, but are not limited to:

(1) Licenses issued by the Commissioner of Marine Resources, as provided in Title 12, section 6409;

(2) Licenses issued by the Commissioner of Inland Fisheries and Wildlife, as provided in Title 12, section 10902, subsection 3; and

(3) Watercraft, snowmobile and all-terrain vehicle registrations, as provided in Title 12, section 10902, subsection 3. [PL 2019, c. 603, §3 (AMD).]

D. [PL 2019, c. 603, §4 (RP).]

E. [PL 2019, c. 603, §5 (RP).]

[PL 2019, c. 603, §§3-5 (AMD).]

2. Notification of issuing entity and person. Upon suspension of the person's license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry, the court shall notify the person and the issuing agency that the court has ordered the suspension. The issuing agency shall immediately record the suspension except that, in the case of a suspension of a driver's license or right to operate a motor vehicle, if the suspension results from the nonpayment of a fine that is not related to the operation of a motor vehicle, the suspension may not take effect until 60 days after the mailing of the notice. The court shall immediately notify that person by regular mail or personal service. Written notice is sufficient if sent to the person's last known address.

[PL 2005, c. 325, §1 (AMD).]

3. Purge of contempt. The court shall provide an opportunity for the defendant to purge the contempt by complying with the court's order to pay or with an amended order to pay. The provisions of the Maine Rules of Civil Procedure, Rule 66 and the Maine Rules of Unified Criminal Procedure, Rule 42 do not apply to proceedings initiated under this section.

[PL 2015, c. 431, §2 (AMD).]

SECTION HISTORY

PL 1987, c. 414, §2 (NEW). PL 1987, c. 708, §13 (AMD). PL 1999, c. 743, §4 (RPR). PL 2001, c. 471, §A20 (AMD). PL 2003, c. 193, §3 (AMD). PL 2003, c. 414, §B26 (AMD). PL 2003, c. 414, §D7 (AFF). PL 2003, c. 614, §9 (AFF). PL 2005, c. 325, §1 (AMD). PL 2005, c. 397, §§A51,52 (AFF). PL 2015, c. 431, §2 (AMD). PL 2017, c. 462, §§3-5 (AMD). PL 2019, c. 603, §§3-5 (AMD).

§3143. Default judgments**(REPEALED)**

SECTION HISTORY

PL 1987, c. 414, §2 (NEW). PL 1987, c. 708, §13 (AMD). PL 1987, c. 861, §§12-14 (AMD). PL 1989, c. 875, §§E19,20 (AMD). PL 1991, c. 549, §6 (RP). PL 1991, c. 549, §17 (AFF).

§3144. Criminal failure to appear; cost of extradition

It is the intent of the Legislature that, when appropriate, the respective district attorney shall utilize Title 17-A, section 17, subsection 4 and prosecute defendants who fail to appear. Any costs of extradition of a defendant who has been charged with the offense of failure to appear must be assessed against the defendant and reimbursed to the Extradition and Prosecution Expenses Account in the appropriate prosecutorial district, established pursuant to Title 15, section 224-A. [PL 2013, c. 566, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 414, §2 (NEW). PL 2013, c. 566, §1 (AMD).

§3145. Appeal

A court order to pay a fine for a civil violation or a traffic infraction shall be stayed by the court upon request of the defendant if an appeal is taken and if the defendant deposits all of the fine with the clerk of the court. If, on appeal, the judgment is reversed, the clerk shall immediately refund to the defendant, or to such person as the defendant directs, any funds deposited to cover the defendant's fine. If the judgment is affirmed, the funds deposited shall be applied by the clerk in payment of the fine. The clerk shall immediately notify the defendant and the court that an application has been made and the fine paid in full. [PL 1987, c. 414, §2 (NEW).]

SECTION HISTORY

PL 1987, c. 414, §2 (NEW).

§3146. Exemptions**(REPEALED)**

SECTION HISTORY

PL 1987, c. 414, §2 (NEW). PL 2017, c. 462, §6 (RP).

§3146-A. Exemptions**(REPEALED)**

SECTION HISTORY

PL 2017, c. 462, §7 (NEW). PL 2019, c. 603, §6 (RP).

§3147. Payment by credit card

The Judicial Department may implement a procedure for the payment of fines by use of major credit cards and may assess a reasonable fee upon the defendant to cover any administrative expenses incurred in connection with the use of credit cards as a method of paying fines. [PL 2015, c. 158, §1 (AMD).]

SECTION HISTORY

PL 1987, c. 414, §2 (NEW). PL 2015, c. 158, §1 (AMD).

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