

CHAPTER 65

FINES, FEES, ASSESSMENTS AND SURCHARGES

SUBCHAPTER 1

FINES

§1701. Definite fine amount required

In imposing a sentencing alternative pursuant to section 1502 that includes a fine, the court shall set a specific amount of money. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1702. Criteria for imposing sentencing alternative that includes fine

1. Consideration of financial capacity to pay and financial burden. 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 convicted person to pay the fine and the nature of the financial burden that payment of the fine will impose on the person or a dependent, if any, of the person.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Burden of proving financial hardship or incapacity to pay. A convicted person who asserts a present or future incapacity to pay a fine or asserts that the fine will cause an excessive financial hardship on the person or on a dependent of the person 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 person has the burden of demonstrating that the incapacity or excessive financial hardship was proven as a matter of law.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1703. Use of fine relative to individuals

Except when specifically precluded, in choosing the appropriate punishment for an individual 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 a sentencing alternative involving imprisonment. A sentencing alternative involving imprisonment may not be imposed by a court solely for the reason that the individual does not have the present or future financial capacity to pay a fine. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1704. Maximum fine amounts authorized for convicted individuals

An individual 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. Except as provided in section 1706 and unless a different maximum fine is specified by statute, the maximum fine that may be imposed by a court on a convicted individual is as follows: [PL 2019, c. 113, Pt. A, §2 (NEW).]

1. Class A crime. In the case of a Class A crime, \$50,000; [PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Class B crime. In the case of a Class B crime, \$20,000; [PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Class C crime. In the case of a Class C crime, \$5,000; [PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Class D crime. In the case of a Class D crime, \$2,000; and [PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Class E crime. In the case of a Class E crime, \$1,000. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1705. Maximum fine amounts authorized for convicted organizations

An organization that has been convicted of murder or a Class A, Class B, Class C, Class D or Class E crime may be sentenced to pay a fine. Except as provided in section 1706 and unless a different maximum fine is specified by statute, the maximum fine that may be imposed by a court on a convicted organization is as follows: [PL 2019, c. 113, Pt. A, §2 (NEW).]

1. Crime of murder. In the case of the crime of murder, any amount; [PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Class A crime. In the case of a Class A crime, \$100,000; [PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Class B crime. In the case of a Class B crime, \$40,000; [PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Class C crime. In the case of a Class C crime, \$20,000; and [PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Class D crime or Class E crime. In the case of a Class D crime or a Class E crime, \$10,000. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1706. Exceptions to maximum fine amounts

Notwithstanding the maximum fine amounts specified in sections 1704 and 1705, a court may impose fines as provided in this section. [PL 2019, c. 113, Pt. A, §2 (NEW).]

1. Pecuniary gain. Regardless of the classification of the crime, the court may impose a fine on a convicted person that is in an amount greater than the maximum fine amounts specified in section 1704 for an individual and section 1705 for an organization as long as the fine does not exceed twice the pecuniary gain derived from the crime by the convicted person. The State must plead and prove the amount of money or the value of the property obtained by the person at the time of the commission of the crime. At sentencing, if the court is considering imposing a fine based upon pecuniary gain, it shall hold a hearing in order to determine the pecuniary gain. At the hearing the court shall determine whether any money or property was returned to the victim of the crime or was seized by or surrendered to a lawful authority prior to the time of sentencing, and shall determine the value of any such property. If the court finds that money or property was returned, seized or surrendered, the court shall reduce the pecuniary gain pleaded and proved by the State by the amount of money or the value of property returned, seized or surrendered in order to arrive at the net amount of pecuniary gain upon which a fine

may be based pursuant to this subsection. If the court determines that no money or property was returned, seized or surrendered, the court shall base the fine on the amount pleaded and proved by the State.

As used in this subsection, "pecuniary gain" means the amount of money or the value of property at the time of the commission of the crime derived by the person from the commission of the crime.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Fine based on quantity of item illegally possessed by convicted person. Whenever a statute makes the possession of a particular item, whether animate or inanimate, a criminal offense and provides that the amount of the fine depends upon the quantity of the item possessed by the person, if the State pleads and proves the quantity of the item possessed by the person, the fine is as provided for in the statute and is not subject to the maximum limits placed on fines by sections 1704 and 1705.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Fine based on value of scheduled drug at time of offense. Whenever a statute authorizes that the amount of the fine for a specific drug offense be based on the value of the scheduled drug at the time of the offense upon which the conviction is based, if the State pleads and proves the value of the scheduled drug at the time of the offense, the fine may be as provided for in the statute and is not subject to the maximum limits placed on fines by sections 1704 and 1705.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1707. Multiple fines imposed on convicted person

When multiple fines are imposed on a convicted person at the same time or when a fine is imposed on a convicted person already subject to an unpaid or partly unpaid fine, the fines must be cumulative, unless the court specifies that only the highest single fine must 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. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1708. Time and method of payment of fines imposed on convicted person

1. Timing of fine payment. 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 such permission is not included in the sentence, the fine must be paid immediately to the clerk of the court.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Payment as condition of probation or administrative release. If a convicted person sentenced to pay a fine is also placed on probation or administrative release, the court may make the payment of the fine a condition of probation or administrative release. In the case of probation, the court may order that the fine be paid to the convicted person's probation officer.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1709. Post-conviction relief invalidating conviction; potential return of fine payments

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 that person. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1710. Modification of payment of fine

If a convicted person who has been sentenced to pay a fine is in danger of default, that person 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. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1711. Default

1. Return to court upon default. A convicted person who has been sentenced to pay a fine and who fails to pay part or all of that fine is in default and must be returned to court to explain the failure to pay the fine.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Court authorized to conduct default hearing. A convicted person who has defaulted on the payment of a fine and is required to be returned to a court pursuant to a warrant may be returned to the court that issued the warrant or to the court having jurisdiction over the area where the warrant was executed. Either court is authorized to conduct the default hearing pursuant to subsection 4.

For purposes of this subsection, "convicted person" includes an individual or individuals authorized to make disbursements from the assets of a convicted organization.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Reporting of default; motion to revoke probation, revoke administrative release or enforce payment. A probation officer having knowledge of a default in payment of a fine by a convicted person 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 a convicted person 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 1811. If the fine was a requirement of administrative release, the attorney for the State may file a motion to enforce payment of the fine or a motion to revoke administrative release under section 1855. If the fine was not a condition of probation or a requirement of administrative release, the attorney for the State may file a motion to enforce payment of the fine.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Procedure for motion to enforce payment. 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 convicted person's last known address. If the person 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 person 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 person comply with Title 14, section 3141, subsection 3 or 4; in this case, if the person fails to appear as directed by the court's fine order, the court may issue a bench warrant.

A. Unless the person 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 person'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 person 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. A person committed for nonpayment of a fine is given credit toward the payment of the fine for each day of confinement that the person 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 person is also given credit for each day that the person is detained as the result of an arrest warrant issued pursuant to this section. A person 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 this subchapter, order the person to perform a specified number of hours of community service work for the benefit of the State, a county, a municipality, a school administrative district or other public entity, a charitable institution or other entity approved by the court 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 person must receive a credit against the unpaid fine at a rate equal to the current hourly minimum wage. A person 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. The person is also given credit toward the payment of the fine for each day that the person 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. A person who fails to complete the work in the manner ordered by the court must be returned to the court to explain the failure. A person 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.

The Department of Corrections is not responsible for supervision of community service work performed pursuant to this subparagraph. [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. If it appears that the default is excusable, the court may give the person additional time for payment, may reduce the amount of each installment or may permit the person to perform community service work at the 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. [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. If the court commits a person to the custody of the sheriff for nonpayment of a fine pursuant to 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. [PL 2019, c. 113, Pt. A, §2 (NEW).]

D. The confinement ordered under paragraph A, subparagraph (1) must be nonconcurrent with any judgment of conviction involving a term of imprisonment. [PL 2019, c. 113, Pt. A, §2 (NEW).]
[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Levy of execution or other civil measures authorized; consequence of levy of execution.

Upon any default, the court may order execution to be levied and may order other measures authorized for the collection of unpaid civil judgments to be taken to collect the unpaid fine. A levy of execution does not discharge a convicted person confined to a county jail or performing community service work under subsection 4 for unexcused default until the full amount of the fine has been collected or credited. [PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Payment of fine imposed on organization; consequence of failure. When a fine is imposed on an organization, the individual or individuals 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 individual or individuals to court action pursuant to this section.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1712. 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. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

SUBCHAPTER 2

FEES, ASSESSMENTS AND SURCHARGES

§1751. County jail reimbursement fee

1. Assessment of reimbursement fee. When an individual is sentenced to incarceration in a county jail, the sentencing court shall consider and may assess as part of the sentence a jail reimbursement fee, referred to in this section as "the reimbursement fee," to help defray the expenses of the individual's room and board.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Evidence. The court, in determining whether a reimbursement fee as set out in subsection 1 is to be assessed and in establishing the amount of that fee, shall consider evidence relevant to the individual's ability to pay that fee, including, but not limited to, the factors set forth in section 2005, subsection 2, paragraph D, subparagraphs (1) to (5). The court may not consider as evidence the following:

A. Joint ownership, if any, that the individual may have in real property; [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. Joint ownership, if any, that the individual may have in any assets, earnings or other sources of income; and [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. The income, assets, earnings or other property, both real and personal, owned by the individual's spouse or family. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

3. Amount of reimbursement fee; collection. After considering all relevant evidence on the issue of the individual's ability to pay under subsection 2, the court may enter, as part of its sentence, a reimbursement fee that must be paid by the individual for incarceration in the county jail. The reimbursement fee may not exceed the cost of incarcerating the individual or \$80 per day, whichever is less, and must bear a reasonable relationship to the individual's ability to pay. Upon petition by the individual, the amount may be modified to reflect any changes in the financial status of the individual.

Any reimbursement fee assessed must be collected by the county treasurer of the county in which the individual is incarcerated, paid into the treasury of that county and credited to the county responsible for paying for the incarceration of the individual.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

4. Timing of fee payment. If an individual is sentenced to pay a reimbursement fee, the court may allow the individual to pay the reimbursement fee within a specified time or in specified installments. If such permission is not contained in the sentence, the reimbursement fee is payable immediately.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

5. Default. An individual who has been sentenced to pay a reimbursement fee and who fails to pay part or all of that fee is in default and must be returned to court to explain the failure to pay that fee.

A probation officer who knows of a default in payment of a reimbursement fee by an individual shall report the default to the office of the attorney for the State or the attorney for the county. If the reimbursement fee was a condition of probation, the attorney for the State or the attorney for the county may file a motion to enforce payment of the reimbursement fee or, with the written consent of the probation officer, the attorney for the State may file a motion to revoke probation under section 1811. If the reimbursement fee was a requirement of administrative release, the attorney for the State or the attorney for the county may file a motion to enforce payment of the reimbursement fee or the attorney for the State may file a motion to revoke administrative release under section 1855. If the reimbursement fee was not a condition of probation or a requirement of administrative release, the attorney for the State or the attorney for the county may file a motion to enforce payment of the reimbursement fee.

[PL 2019, c. 113, Pt. A, §2 (NEW).]

6. Motion to enforce payment of reimbursement fee. The attorney for the State, the attorney for the county or the court may initiate a motion to enforce payment of a reimbursement fee. Notification for the hearing on the motion must be sent by regular mail to the individual's last known address. If the individual does not appear for the hearing after proper notification has been sent, the court may issue a bench warrant.

A. Unless the individual 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 individual's part to make a good faith effort to obtain the funds required to make payment, the court shall find that the default was unexcused and may commit the individual to the custody of the sheriff until all or a specified part of the reimbursement fee 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 individual committed for nonpayment of a reimbursement fee is given credit toward the payment of a reimbursement fee for each day of confinement that the individual 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 reimbursement fee for each day of confinement. The individual is also given credit for each day that the individual has been detained as the result of an arrest warrant issued pursuant to this section. An individual is responsible for paying any reimbursement fee remaining after receiving credit for confinement and detention. [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. If it appears that the default is excusable, the court may give the individual additional time for payment or may reduce the amount of each installment. [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. The confinement ordered under this subsection must be nonconcurrent with any judgment of conviction involving a term of imprisonment. [PL 2019, c. 113, Pt. A, §2 (NEW).]

[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1752. Supervision fee as condition of probation

If a court imposes a sentencing alternative authorized under section 1502 that includes a period of probation, it must attach as a condition of probation that the convicted individual pay, through the Department of Corrections, a supervision fee imposed pursuant to section 1807, subsection 6 for the term of probation. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1753. Electronic monitoring fee and substance testing fee as conditions of probation

If a court imposes a sentencing alternative authorized under section 1502 that includes a period of probation, upon the request of the Department of Corrections, the court shall attach as a condition of probation an electronic monitoring fee, a substance testing fee or both, as governed by section 1807, subsection 7. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1754. Fee for applying to Department of Corrections to temporarily or periodically leave jurisdiction

If a court requires as a condition of probation that the convicted individual remain within the jurisdiction of the court, unless permission to leave temporarily is granted in writing by the convicted individual's probation officer, the Department of Corrections may impose on the individual applying for permission to leave either temporarily or periodically an application fee, as governed by section 1807, subsection 8. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1755. Administrative supervision fee as nonmandatory requirement of administrative release

If a court imposes a suspended sentence with administrative release pursuant to section 1853 and attaches requirements for the term of the administrative release, the court-imposed requirements of administrative release may include an administrative supervision fee, as governed by section 1854, subsection 2, paragraph A. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1756. Administrative supervision fee as nonmandatory requirement of deferred disposition

If an individual consents to a deferred disposition pursuant to section 1901 and a court orders sentencing to be deferred and imposes requirements to be in effect during the period of deferment, the court-imposed deferment requirements may include an administrative supervision fee, as governed by sections 1902 and 1903. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1757. Surcharges and assessments outside the code

In addition to the fees authorized by this subchapter, the court shall impose, as applicable, the following surcharges and assessments. [PL 2019, c. 113, Pt. A, §2 (NEW).]

1. Surcharge and assessment applicable to all criminal cases. The court shall impose on all persons convicted of a crime:

A. The surcharges for the Government Operations Surcharge Fund and the General Fund authorized under Title 4, section 1057, subsection 2-A; [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. The assessment for the Victims' Compensation Fund authorized under Title 5, section 3360-I; and [PL 2019, c. 113, Pt. A, §2 (NEW).]

C. The surcharge for the County Jail Operations Fund authorized under Title 34-A, section 1210-D, subsection 5. [PL 2019, c. 113, Pt. A, §2 (NEW).]
[PL 2019, c. 113, Pt. A, §2 (NEW).]

2. Surcharge applicable to violation of animal welfare laws or operating under the influence laws. The court shall impose:

A. The surcharge authorized under Title 17, section 1015 for a violation of Title 17, chapter 42; and [PL 2019, c. 113, Pt. A, §2 (NEW).]

B. The surcharge authorized under Title 29-A, section 2411, subsection 7 for a violation of Title 29-A, section 2411. [PL 2019, c. 113, Pt. A, §2 (NEW).]
[PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

§1758. Authority to impose fees, surcharges and assessments by Supreme Judicial Court

Nothing in this chapter limits the authority of the Supreme Judicial Court to impose fees, surcharges or assessments by administrative order or rule. [PL 2019, c. 113, Pt. A, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 113, Pt. A, §2 (NEW).

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