

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
106TH LEGISLATURE

COMMITTEE AMENDMENT "B" to H.P. 206, L.D. 279, Bill, "AN ACT  
Relating to Penalty for Burglary."

Amend said Bill by striking out everything after the enacting  
clause and inserting in place thereof the following:

'Sec. 1. R. S., T. 17, §751, amended. Section 751 of Title 17  
of the Revised Statutes is amended by inserting after the 2nd  
sentence the following new sentences:

The imposition or execution of such sentence shall not be suspended  
and probation shall only be granted when said convicted person is  
ordered to make full restitution to the owner of any property for  
any damages to said property that are found to have resulted from  
the conduct of such person which was found to be in violation of  
this section and which resulted in his conviction. The court may,  
in its discretion, order said person to make such restitution by  
means of installment payments. Upon the refusal or neglect of said  
person to make such full restitution, whether by lump sum payment  
or by installments, he shall be ordered to serve the full sentence  
on which probation was originally granted.

Sec. 2. R. S., T. 17, §754, amended. Section 754 of Title 17  
of the Revised Statutes is amended by adding at the end the following  
new sentences:

The imposition or execution of such sentence shall not be suspended  
and probation shall only be granted when said convicted person is

*(Filing No. H-171)*

ordered to make full restitution to the owner of any property for any damages to said property that are found to have resulted from the conduct of such person which was found to be in violation of this section and which resulted in his conviction. The court may, in its discretion, order said person to make such restitution by means of installment payments. Upon the refusal or neglect of said person to make such restitution, whether by lump sum payment or by installments, he shall be ordered to serve the full sentence or pay the full fine on which probation was originally granted.'

Statement of Fact

The purpose of this amendment is to provide the courts with the discretionary authority to grant probation for a person convicted under the statutory provisions in question if that person makes full restitution for any property damages that resulted from the conduct for which he was so convicted.

Reported by the Minority of the Committee on Judiciary.

Reproduced and distributed under the direction of the Clerk of the House.

4/9/73

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