

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1409

H. P. 1185

House of Representatives, March 19, 1981

Referred to the Committee on Judiciary. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Prescott of Hampden.

Cosponsors: Representative J. Diamond of Bangor, Representative M. Michaud of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Amending the Statutes Relating to Restitution.

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

Sec. 1. 17-A MRSA § 1157, first sentence, as amended by PL 1977, c. 696, § 171, is further amended to read:

When a person is convicted of a criminal homicide in the first or 2nd degree or of a Class A, B or C crime the prosecutor's office shall obtain and shall furnish to the court, prior to the imposition of sentence on that person, a criminal history report on that person from the State Bureau of Investigation setting forth all available information of prior criminal prosecutions, if any, of that person and the disposition of each prosecution.

Sec. 2. 17-A MRSA § 1322, sub-§ 3, ¶ A, 2nd sentence, as enacted by PL 1977, c. 455, § 3, is amended to read:

The term includes a total charge not in excess of ~~\$500~~ \$5,000 for expenses in any way related to funeral, cremation and burial.

Sec. 3. 17-A MRSA § 1325, sub-§ 1, ¶¶ A and B, as enacted by PL 1977, c. 455, § 3, are amended to read:

A. The contributory misconduct of the victim; and

B. Failure to report the crime to a law enforcement officer within 72 hours after its occurrence, without good cause for failure to report within that time ~~;~~ **and.**

Sec. 4. 17-A MRSA § 1325, sub-§ 1, ¶ C, as enacted by PL 1977, c. 455, § 3, is repealed.

Sec. 5. 17-A MRSA § 1325, sub-§ 2, ¶¶ B and C, as enacted by PL 1977, c. 455, § 3, are amended to read:

B. To a victim who is an accomplice of the offender; **and**

C. To a victim who has otherwise been compensated from a collateral source, but economic loss in excess of the collateral compensation may be authorized ~~;~~ **and.**

Sec. 6. 17-A MRSA § 1325, sub-§ 2, ¶ D, as enacted by PL 1977, c. 455, § 3, is repealed.

Sec. 7. 17-A MRSA § 1326, first sentence, as enacted by PL 1977, c. 455, § 3, is amended to read:

When restitution is authorized, the time and method of payment or of the performance of the services shall be specified **in writing by the court and agreed to in writing by the offender and the victim, county, person providing recovery or person acting on behalf of the victim.**

Sec. 8. 17-A MRSA § 1326, as enacted by PL 1977, c. 455, § 3, is amended by adding after the first sentence 2 new sentences to read:

The written agreement between the offender and the victim, county, person providing recovery or person acting on behalf of the victim shall provide notice that the offender shall be considered as a volunteer and not an employee of those persons, and that those persons receiving services are not responsible for any injuries suffered by the offender in the performance of required services. The offender shall be notified of his opportunity to purchase insurance through an appropriate agency.

Sec. 9. 17-A MRSA § 1329 is enacted to read:

§ 1329. Default

A convicted person who has been sentenced to make restitution and has defaulted in payment or service thereof shall be returned to the court for further disposition.

In the case of multiple offenders making restitution for the same crime, all shall be held liable for the default of any one offender.

STATEMENT OF FACT

The bill adds to the current restitution laws language requiring a written agreement between the offender and the victim, and requires the offender to purchase insurance for coverage while performing services. Each of multiple offenders are responsible for the default of others; any offender who defaults on restitution must be returned to court for additional action.