

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 843

H.P. 592

House of Representatives, February 26, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MELENDY of Rockland.

Cosponsored by Representative SWAZEY of Bucksport, Representative STEVENS of Bangor and Representative LAWRENCE of Kittery.

STATE OF MAINE

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

An Act to Assist Victims of Crime.

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

17-A MRSA §1330-A is enacted to read:

§1330-A. Fund for crime victims

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Department" means the Department of the Attorney General.

B. "Economic loss" has the meaning set forth in section 1322, subsection 3, except that it does not include expense of an emergency response as defined in that subsection.

C. "Restitution" means monetary reimbursement, in whole or in part, for economic loss.

D. "Victim" means a person who suffers personal injury, death or economic loss as a result of a crime or of the good faith effort of any person to prevent a crime.

2. Assessment. When an offender is sentenced, the sentencing court shall consider and may assess as part of the sentence a fee to be paid into the fund established in subsection 3. The fee may not exceed \$10. The court clerk shall collect any fee assessed and shall pay the fee into the fund established in subsection 3. The court, in determining whether to assess a fee under this subsection and in establishing the amount of that fee, shall consider the evidence set forth in section 1341, subsection 2 and the exception set forth in section 1325, subsection 3. Any fee assessed must bear a reasonable relationship to the offender's ability to pay. If the offender is sentenced to pay a fee under this subsection, the court may order payment of the fee immediately or within a specified time period. An offender who is sentenced to pay a fee under this subsection and who defaults in payment of the fee must be returned to court for further disposition.

3. Fund. There is established the Crime Victims' Restitution Fund to be administered by the department. The court clerks shall deposit all fees assessed under subsection 2 with the department to be credited to the Crime Victims' Restitution Fund. This is a nonlapsing fund, and any interest earned on this money must also be credited to the fund.

4. Payments from fund. The department shall adopt rules, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375, to provide for:

2 A. The procedures a victim or any person legally authorized
4 to act on behalf of a victim may follow to apply for
6 restitution from the fund established in subsection 3; and

8 B. The standards for payment of restitution from the fund,
10 provided that the criteria set forth in section 1325,
12 subsection 1, paragraphs A and B and subsection 2,
14 paragraphs A, B and C must be included in these standards.

16 5. Notice. At least every 6 months, the department shall
18 publish legal notice in 3 newspapers of general circulation in
20 the State advising victims that money is available for the
22 payment of restitution from the fund established in subsection 3.

24 STATEMENT OF FACT

26 This bill establishes a fund, to be administered by the
28 Attorney General, to provide restitution to crime victims.
30 Current law permits a court to order an offender to pay
restitution to the victim of the offender's crime. This bill
permits a court to order any offender to pay a fee of no more
than \$10 that will be contributed to a fund available generally
for restitution to victims of any crime. The restitution
available from this fund includes payments for property loss,
many types of allowable expenses, work loss, replacement services
loss and, if a victim died, dependent's economic loss and
dependent's replacement service loss.