

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 939

H.P. 660

House of Representatives, March 6, 1991

Received by the Clerk of the House on March 4, 1991. Referred to the Committee on Judiciary and 1400 ordered printed pursuant to Joint Rule 14.

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

EDWIN H. PERT, Clerk

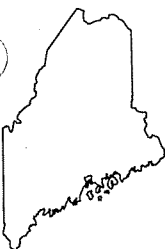
Presented by Representative FARNSWORTH of Hallowell.

Cosponsored by Representative CATHCART of Orono, Senator McCORMICK of Kennebec and Representative PARADIS of Augusta.

STATE OF MAINE

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

An Act to Provide Funding for Sexual Abuse Victims and Offenders.



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

2
3 Sec. 1. 4 MRSA §116, first ¶, as amended by PL 1987, c. 339,
4 §1, is further amended to read:

6 All revenue received by the Supreme Judicial or Superior
7 Court from fines, forfeitures, penalties, fees and costs shall
8 accrue to the State, except as otherwise provided under section
9 1057, Title 12, sections ~~3055~~ 7800 and ~~4508~~ 7910, Title 23,
10 section 1653 and Title 29, section 2302. Notwithstanding any
11 other provision of law, any criminal fine or penalty that is part
12 of a sentence imposed for violation of Title 17-A, chapter 11
13 must be credited as provided in Title 4, section 1058.

14
15 Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1989, c. 501,
16 Pt. P, §3, is further amended to read:

18 1. District Court funds. Except as otherwise provided by
19 law, all fines, forfeitures and fees collected in any division of
20 the District Court shall must be paid to the clerk thereof, who
21 shall deposit them in a special account within 72 hours of their
22 receipt. Once each month, the clerk shall remit such sums to the
23 Treasurer of State, who shall credit them to the General Fund.
24 Notwithstanding any other provision of law, any criminal fine or
25 penalty that is part of a sentence imposed for violation of Title
26 17-A, chapter 11 must be credited as provided in Title 4, section
27 1058. At the same time, the clerk shall remit such sums as have
28 been collected in accordance with section 1057. Funds received
29 by the clerk as bail in criminal cases shall must be deposited
30 daily in a special interest-bearing account. Interest accrued in
31 the account shall ~~be~~ is the property of and shall ~~accrue~~ accrues
32 to the State. The forfeiture and setoff of bail shall ~~be~~ is
33 governed as otherwise provided by law.

34
35 The court shall file a monthly report with the State Auditor
36 itemizing the amount of fines imposed and to whom each is payable.

38 Sec. 3. 4 MRSA §§1058 and 1059 are enacted to read:

40 §1058. Disposition of criminal fines and penalties for
41 sexual assaults

42
43 1. Fund established. There is established a fund to be
44 known as the Sexual Abuse Victims and Offenders Fund. The
45 Treasurer of State shall maintain the fund for the purposes of
46 providing treatment and services for victims of sexual abuse and
47 for persons convicted of sexual assaults. The fund does not
48 lapse, but any balance in the fund carries forward.

50 2. Source of funds. The Treasurer of State shall credit
51 all criminal fines and penalties imposed as part of a sentence

2 for violating Title 17-A, chapter 11 to the Sexual Abuse Victims
3 and Offenders Fund.

4 3. Administration of fund. The Interdepartmental Committee
5 on Services for Sexual Abuse Victims and Offenders shall
6 distribute the money in the fund as provided under Title 22,
7 chapter 1683.

8 Sec. 4. 5 MRSA §12004-L, sub-§7 is enacted to read:

10 7. Interdepartmental Not Autho- 22 MRSA §8701
12 Committee on Services rized
13 for Sexual Abuse Victims
14 and Offenders

16 Sec. 5. 17-A MRSA §1301, sub-§6 is enacted to read:

18 6. Wage or income base. Notwithstanding any other
19 provision of this section, any person convicted of a crime under
20 chapter 11 may be sentenced to pay a fine based on the hourly
21 wage or daily income of that person.

22 Sec. 6. 22 MRSA c. 1683 is enacted to read:

24 CHAPTER 1683

26 SERVICES FOR SEXUAL ABUSE VICTIMS AND OFFENDERS

28 §8701. Interdepartmental Committee on Services for Sexual Abuse
30 Victims and Offenders

32 1. Establishment. The Interdepartmental Committee on
33 Services for Sexual Abuse Victims and Offenders is established
34 pursuant to Title 5, section 12004-L, subsection 7, to encourage
35 the coordination of policies and programs for sexual abuse
36 victims and offenders.

38 2. Membership. The committee is composed of 4 members: the
39 Commissioner of Corrections; the Commissioner of Education; the
40 Commissioner of Human Services; and the Commissioner of Mental
41 Health and Mental Retardation.

42 3. Duties of the committee. The committee shall:

44 A. Establish a statewide system of coordinated services,
45 that are responsive to the current needs of both sexual
46 abuse victims and offenders and that may be delivered by a
47 partnership of public, private and nonprofit state and
48 community-based agencies, and promote access to services for
49 all persons who are in need of these services;
50

2 B. Allocate resources from the Sexual Abuse Victims and
4 Offenders Fund to provide or ensure the availability of
comprehensive services for victims of sexual abuse and
sexual abuse offenders;

6 C. Evaluate on a continuing basis to ensure that the
8 allocation of resources is consistent with the needs of
sexual abuse victims and offenders; and

10 D. Continue the development of a comprehensive and
12 coordinated approach to initiation and revision of policy
affecting services to sexual abuse victims and offenders.

14 4. Meetings. The committee shall meet on a regular basis.

16 5. Chair. The committee shall select a chair from among
18 its members and the chair shall serve for a term established by
the committee.

20 6. Subcommittees. The committee may appoint subcommittees
22 to carry out its work. Subcommittee membership may include
24 representatives of public and private agencies that serve victims
or offenders and other persons with special knowledge of,
26 responsibility for or interest in an area related to the goals of
the committee.

28 7. Report. The committee shall report annually to the
30 joint standing committee of the Legislature having jurisdiction
over human resource matters on its progress in carrying out the
duties cited in subsection 3 and its proposals for implementing
32 these same duties in the forthcoming year.

34 8. Administration. The costs associated with the committee
36 must be shared among the members of the committee. Nothing in
this section may be construed to prohibit a member department
from assigning its employees to serve as staff to the committee.
38 The Department of Human Services shall serve as fiscal agent for
the committee.

40 9. Authorization to accept funds. The Department of Human
42 Services may accept, on behalf of the committee, funds from the
Federal Government, from any political subdivision of the State
or from any individual, foundation or corporation and may expend
44 these funds for purposes that are consistent with this section.

46
48 **STATEMENT OF FACT**

50 This bill helps provide services for both the victims of
52 sexual abuse and the perpetrators of the abuse.

2 This bill allows courts to set fines for sexual assaults
3 based on the convicted person's hourly or daily wage. This
4 ensures a penalty commensurate with the person's ability to pay.
5 The fines for all sexual assaults are then segregated into a
6 special fund, the Sexual Abuse Victims and Offenders Fund.

7 An interdepartmental committee is established to develop
8 services for both victims and offenders and to administer the
9 Sexual Abuse Victims and Offenders Fund. The interdepartmental
10 committee will determine the appropriate allocation of the funds
11 to provide services for both victims and offenders.

12 The interdepartmental committee consists of the Commissioner
13 of Human Services, the Commissioner of Corrections, the
14 Commissioner of Mental Health and Mental Retardation and the
15 Commissioner of Education.
16