

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 560

S.P. 168

In Senate, February 18, 1993

An Act to Provide Probation Periods to Facilitate Payment of Restitution.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator CONLEY of Cumberland.

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

4 **Sec. 1. 17-A MRSA §362, sub-§2, as amended by PL 1977, c. 510,**
§48, is further amended to read:

6 2. Theft is a Class B crime if:

8 A. The value of the property or services exceeds \$5,000;

10 B. The property stolen is a firearm or an explosive device;
or

12 C. The actor is armed with a dangerous weapon at the time
14 of the offense.

16 Notwithstanding section 1202, the period of probation may be
18 extended by one year for every multiple of \$5,000 of value of the
property or services over \$5,000.

20 **STATEMENT OF FACT**

22 This bill addresses a problem raised in the Law Court
24 opinion State v. Fournier, No. 6357 (Me. Nov. 30, 1992) regarding
payment of restitution while on probation.

26 This bill allows the court to sentence a person convicted of
28 Class B theft to a period of probation longer than the authorized
maximum of 4 years when the value of the property or services
30 stolen is large. The formula the court will use is one
32 additional year of probation for every \$5,000 above the initial
\$5,000 in value. For example, if a person is convicted of theft
34 of \$25,000, under current law the person could receive a maximum
of 4 years probation. Under this bill, the person may be
36 sentenced to up to 8 years probation. The purpose of the longer
probation is to give the convicted person more time to pay
38 restitution but still keep the person on probation as a strong
incentive to comply with the restitution order.