

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 590

S.P. 176

In Senate, February 23, 1993

**An Act to Amend the Statutory Provisions Governing the Time and
Method of Paying Restitution.**

Submitted by the Department of Corrections pursuant to Joint Rule 24.
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script, reading "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HANLEY of Oxford.
Cosponsored by Representative: OTT of York.

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

Sec. 1. 17-A MRSA §1326, as amended by PL 1991, c. 816, §1,
is further amended to read:

§1326. Time and method of restitution

When restitution is authorized, the time and method of payment or of the performance of the services must be specified. Except when the offender is placed on probation, monetary compensation may be ordered paid to the office of the prosecuting attorney who is prosecuting the case or to the clerk of the court. If the offender is placed on probation, the compensation may be ordered paid to the Department of Corrections, Division of Probation and Parole. The state agency receiving the restitution shall deposit any money received in the account maintained by the ~~State-Treasurer~~ Treasurer of State for deposit of state agency funds, from which funds are daily transferred to an investment account and invested. Interest accrued on that money is the property of and accrues to the State for deposit in the General Fund. The agency receiving the restitution shall make the disbursement to the victim or other authorized claimant as soon as possible after the agency receives the money. If the compensation is paid to the Department of Corrections, Division of Probation and Parole, the office of the prosecuting attorney who prosecuted the case may request that the Commissioner of Corrections direct that the compensation be forwarded to the office of the prosecuting attorney, which shall make the disbursement to the victim or other authorized claimant as soon as possible.

STATEMENT OF FACT

This bill allows the office of a prosecuting attorney to request that the Commissioner of Corrections direct that the restitution collected by the Department of Corrections, Division of Probation and Parole be forwarded to the prosecuting attorney's office which, in turn, would disburse the restitution to the victim or other authorized claimant.