

MAINE STATE LEGISLATURE

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L.D. 1052

DATE: May 16, 1995

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CRIMINAL JUSTICE

Reported by: Senator BENOIT of Franklin for the Committee

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 375, L.D. 1052, Bill, "An Act to Allow the Collection of Reimbursement for Medical Expenses"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 30-A MRSA §1562, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

§1562. Restitution

The imposition of restitution at all jails is subject to the following conditions.

1. Damage to property. Restitution may be imposed for the purpose of replacing or repairing property destroyed or damaged by a prisoner or juvenile while the prisoner or juvenile is at the jail. When restitution is imposed at a jail, a prisoner or a juvenile who is subject to that restitution and who is able to generate money from whatever source shall pay 25% of that money to the facility where the damage occurred. The facility shall collect that money and apply it to defray the cost of replacement or repair of the items destroyed or damaged.

2. Medical care. Restitution may be imposed for the purpose of paying the cost of medical care incurred as a result of the conduct of a prisoner or juvenile while the prisoner or juvenile is at the jail. When restitution is imposed at a jail,

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2 a prisoner or a juvenile who is subject to that restitution and
3 who is able to generate money from whatever source shall pay 25%
4 of that money to the jail where the medical care was provided.
5 The facility shall collect that money and apply it to defray the
6 cost of medical care.

7
8 3. Transfer of prisoner or juvenile. A prisoner or
9 juvenile who is transferred to another facility remains liable
10 for any restitution authorized under this subchapter. The
11 facility receiving the prisoner or juvenile shall collect the
12 restitution and transfer it to the facility where the damage
13 occurred or where the medical care was provided.

14 4. Money available. Restitution is not authorized if its
15 imposition would create an excessive financial hardship, as
16 determined by the sheriff, on the dependents of the prisoner.
17 Any payments made for the support of the dependents that are
18 required by the Department of Human Services may not be used for
19 restitution payments.

20
21 **Sec. 2. 34-A MRS §3032, sub-§5-A,** as amended by PL 1991, c.
22 314, §38, is further amended to read:

23 **5-A. Restitution.** The imposition of restitution at all
24 facilities is subject to the following conditions.

25
26 A. Restitution may be imposed for the purpose of replacing
27 or repairing property destroyed or damaged by the prisoner
28 or juvenile while the prisoner or juvenile is at the
29 institution. When restitution is imposed as a punishment at
30 a facility, any a prisoner or any a juvenile who is subject
31 to that punishment restitution and who is able to generate
32 income money from whatever source, shall pay 25% of that
33 income money to the facility where the damage occurred. The
34 facility shall collect that income money and apply it to
35 defray the cost of replacement or repair of the items
36 destroyed or damaged. ~~Restitution is not authorized if the~~
37 ~~imposition of that punishment would create an excessive~~
38 ~~financial hardship, as determined by the department, on the~~
39 ~~dependents of the client. Any payments made for the support~~
40 ~~of the dependents that is required by the Department of~~
41 ~~Human Services is not available for restitution payments.~~

42
43 A-1. Restitution may be imposed for the purpose of paying
44 the cost of medical care incurred as a result of the conduct
45 of a prisoner or juvenile while the prisoner or juvenile is
46 at the institution. When restitution is imposed at a
47 facility, a prisoner or a juvenile who is subject to that
48 restitution and who is able to generate money from whatever

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2 source shall pay 25% of that money to the facility where the
3 medical care was provided. The facility shall collect that
4 money and apply it to defray the cost of medical care.

6 B. A prisoner or juvenile who is transferred to another
7 facility remains liable for any restitution authorized under
8 this chapter. The facility receiving the prisoner or
9 juvenile ~~must~~ shall collect the restitution and transfer it
10 to the facility where the damage occurred or where the
11 medical care was provided.

12 C. Restitution is not authorized if its imposition would
13 create an excessive financial hardship, as determined by the
14 department, on the dependents of the prisoner. Any payments
15 made for the support of the dependents that are required by
16 the Department of Human Services may not be used for
17 restitution payments.'

20 **STATEMENT OF FACT**

22 This amendment replaces the bill. The amendment allows the
23 Department of Corrections and the counties to impose restitution
24 to help pay for the cost of medical care incurred by the
25 misconduct of prisoners or juveniles at correctional facilities
26 or jails. Under current law, restitution may be collected to pay
27 for the costs of repairing and replacing property damaged by
28 prisoners or juveniles at correctional facilities or jails.