

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

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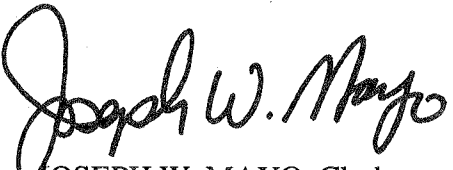
H.P. 231

House of Representatives, January 21, 1997

**An Act to Facilitate Payment of Restitution for Thefts by Extending the
Period of Probation.**

Reported by Representative POVICH for the Criminal Law Advisory Commission under the Maine Revised Statutes, Title 17-A, section 1354, subsection 2.

Reference to the Joint Standing Committee on Criminal Justice suggested and printing ordered under Joint Rule 218.


JOSEPH W. MAYO, Clerk

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 1995, c. 224,
§3, is further amended to read:

6 2. Theft is a Class B crime if:

8 A. The value of the property or services exceeds \$10,000;

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

14 C. The actor is armed with a dangerous weapon at the time
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 \$10,000.

20 **SUMMARY**

22 This bill addresses an issue raised in the Law Court opinion
24 of State v. Fournier, 617 A.2d 998 (Me. 1982) 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 bill permits the court to extend probation
by one additional year for every \$5,000 above the initial \$10,000
32 in value of the property or services stolen. For example, if a
person is convicted of theft of \$25,000, under current law the
34 person could receive a maximum of 4 years probation. Under this
bill, the person may be sentenced to up to 7 years probation.
36 The purpose of the longer probation is to give the convicted
person more time to pay restitution but still keep the person on
38 probation as a strong incentive to comply with the restitution
order.