

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1486

H.P. 1054

House of Representatives, March 11, 1997

An Act to Establish Victims' Rights Laws.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative JOYCE of Biddeford.

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

4 Sec. 1. 17-A MRS.A §1176 is enacted to read:

6 §1176. Recovery of damages and attorney's fees

8 1. Generally. Notwithstanding any other provision of law,
a victim of a crime, misdemeanor, negligence or omission of duty
in doing or forbearing by another may file a claim against the
10 defendant or the defendant's estate, heirs or assigns to recover
damages. The victim may recover compensatory damages, punitive
12 damages and attorney's fees.

14 2. Minors. If the defendant is a minor, the victim may
make a claim against the minor's parents or guardians.

16 3. Claims less than \$3,000. If the claim is for damages
18 totaling less than \$3,000, the victim may recover in small claims
court.

20 4. Installment payments. If the defendant is unable to pay
22 the amount awarded to the victim, the defendant may make weekly
installment payments until the award is paid in full. Each
24 payment must be at least 10% of the defendant's weekly income.

26 5. Failure to pay. If the defendant fails to pay the award
within 30 days of the court's order or fails to make 2
28 consecutive installment payments, the victim may attach the
defendant's real or personal property in accordance with Title
30 14, chapter 507.

32
34 **SUMMARY**

36 This bill authorizes victims of a crime, negligence or
omission of duty to make a claim against the defendant to recover
compensatory damages, punitive damages and attorney's fees. If
38 the defendant is a minor, a claim may be made against the
defendant's parents or guardians. Claims less than \$3,000 may be
40 filed in small claims court. The defendant may make installment
payments and the victim may attach the defendant's property if
42 the defendant fails to pay.