

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

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Legislative Document

No. 1758

H.P. 1229

House of Representatives, March 9, 1999

### **An Act to Amend the Victims' Compensation Fund Law.**

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Reference to the Committee on Criminal Justice suggested and ordered printed.

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

JOSEPH W. MAYO, Clerk

Presented by Representative McGLOCKLIN of Embden.  
Cosponsored by Senator O'GARA of Cumberland and  
Representatives: CLARK of Millinocket, COLWELL of Gardiner, DUNCAN of Presque Isle,  
PIEH of Bremen, SAVAGE of Buxton, SAXL of Portland, SCHNEIDER of Durham,  
TWOMEY of Biddeford.

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

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**Sec. 1. 5 MRSA §3360, sub-§2,** as enacted by PL 1991, c. 806, §3, is repealed.

**Sec. 2. 5 MRSA §3360, sub-§4,** as enacted by PL 1991, c. 806, §3, is amended to read:

**4. Eligible expenses and losses.** "Eligible expenses and losses" means expenses and losses resulting from a personal injury sustained by an individual as a direct result of a crime specified in subsection 3 and may include medical and medically related expenses, ~~which--may--include~~ psychological or mental health counseling expenses, lost wages, and funeral and burial expenses. "Eligible expenses and losses" may include costs of eyeglasses, hearing aids, dentures or other prosthetic devices taken, lost, destroyed or damaged as ~~the-direct~~ a result of a ~~the~~ crime ~~specified--in--subsection--3~~ and costs of crime scene cleanup. Expenses and losses claimed under this subsection must be expenses or losses actually and reasonably incurred.

**Sec. 3. 5 MRSA §3360, sub-§6** is enacted to read:

**6. Personal injury.** "Personal injury" means bodily injury as defined in Title 17-A, section 2, subsection 5 or psychological injury incurred by a victim who has sustained bodily injury or the threat of bodily injury.

**Sec. 4. 5 MRSA §3360-B, sub-§1,** as amended by PL 1997, c. 378, §5, is further amended to read:

**1. Eligibility of victims.** The board may award compensation to any individual who:

A. Suffers bodily personal injury as a direct result of a crime specified in section 3360, committed within the jurisdiction of the State;

B. Has been sexually assaulted within this State in violation of Title 17-A, chapter 11 without regard to whether bodily injury or the threat of bodily injury occurred;

C. Would otherwise be eligible for compensation, even though:

(1) The criminal conduct occurred in this State but within the exclusive jurisdiction of the United States;

2 (2) The bedily personal injury resulted from conduct  
that violates a criminal law of the United States; or

4 (3) The crime occurred in another state, but only if  
6 the person is a resident of this State and the other  
8 state does not have a victim compensation program for  
which residents of this State are eligible, and the  
person would have been eligible under this chapter if  
the conduct had occurred in this State; or

10 D. Is a resident of this State and suffers bedily personal  
12 injury as a direct result of a crime specified in section  
3360, subsection 3, paragraph F committed outside of the  
14 United States.

16 **Sec. 5. 5 MRSA §3360-D, sub-§1, ¶A**, as enacted by PL 1991, c.  
806, §3, is amended to read:

18 A. Claims must be in writing ~~and-under-oath~~.

20 **Sec. 6. 5 MRSA §3360-E, first ¶**, as amended by PL 1997, c. 378,  
22 §9, is further amended to read:

24 The board may award compensation to a claimant of up to  
\$7,500 for actual and unreimbursed losses and eligible expenses  
26 of any person who is sexually assaulted or who suffers bedily  
personal injury or death as the result of a crime specified in  
28 section 3360, subsection 3.

30 **Sec. 7. 5 MRSA §3360-F, sub-§3**, as enacted by PL 1991, c. 806,  
§3, is amended to read:

32 **3. Determination of award.** The board shall determine by a  
34 preponderance of the evidence whether a specified crime occurred,  
whether the bedily personal injury or death was the result of  
36 that criminal conduct, the amount of eligible expenses and losses  
suffered by the claimant, whether to award compensation and the  
38 amount of the compensation. In determining the amount of  
compensation to be paid, the board shall consider the amount  
40 available to pay victim compensation claims, the history of  
claims paid by the board, the number and amount of currently  
42 pending claims and the nature and cost of expenses submitted by  
the claimant.

44 **Sec. 8. Application.** Notwithstanding the Maine Revised  
46 Statutes, Title 1, section 302, this Act applies to all requests  
for compensation pending before the Victims' Compensation Board  
48 on the effective date of this Act.

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## SUMMARY

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This bill expands the category of harm that gives rise to the application of laws under the Maine Revised Statutes, Title 5, chapter 316-A to include psychological injury when the victim sustains bodily injury or a threat of bodily injury. The bill also provides coverage to victims of stalking, terrorizing and criminal threatening, including victims of domestic abuse.

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The bill also clarifies the list of eligible expenses and losses and adds costs of cleaning up a crime scene.

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The bill removes the cumbersome requirement of notarization of an application. An applicant will be subject to the penalties for unsworn falsification.

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This bill is the recommendation of the Attorney General.