

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1203

L.D. 1139

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48

DATE: 4-15-03

(Filing No. H-132)

MAJORITY
CRIMINAL JUSTICE AND PUBLIC SAFETY

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 842, L.D. 1139, Bill, "An Act To Increase Parental Responsibility for Restitution"

Amend the bill in section 1 in that part designated "§304." in the 3rd line from the end (page 1, line 15 in L.D.) by striking out the following: "\$10,000" and inserting in its place the following: '\$3,000'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 15 MRSA §3314, sub-§1, ¶E-1 is enacted to read:

E-1. If after ordering restitution pursuant to paragraph E the court subsequently finds that the earning capacity of the juvenile is insufficient to pay restitution to the victim, the court, in the same proceeding, may order one or both of the juvenile's custodial parents or any legal guardian to make restitution to the victim of the offense for which the juvenile was adjudicated. For the purposes of this paragraph, the definitions in Title 17-A, section 1322 and the provisions of Title 17-A, sections 1323, 1324, 1327, 1328-A and 1329 apply. The amount of restitution that may be ordered by the court is not subject to the limitations of Title 14, section 304.'

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to H.P. 842, L.D. 1139

2 decreases the limit of civil liability imposed by the bill from
3 \$10,000 to \$3,000 for a parent or guardian for damage caused by
4 that parent or guardian's minor child. The current statutory
5 limit is \$800.

6 Like the bill, this amendment provides that when a juvenile
7 has been adjudicated as having committed a juvenile crime and the
8 court orders restitution and subsequently finds that the earning
9 capacity of the juvenile is insufficient to pay restitution to
10 the victim, the court may order a custodial parent or legal
11 guardian to make restitution to the victim of the offense for
12 which the juvenile was adjudicated.

14 This amendment strikes provisions of the bill that
15 authorized a court to order the parents or legal guardian of a
16 juvenile to personally participate in counseling or treatment and
17 to allow a court to invoke its contempt powers to enforce any
18 order entered regarding dispositional alternatives.