

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1510

H.P. 1103

House of Representatives, April 2, 2003

### **An Act To Improve Access to the Victims' Compensation Fund**

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Submitted by the Department of the Attorney General pursuant to Joint Rule 204.  
Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative BUNKER of Kossuth Township.  
Cosponsored by Senator STRIMLING of Cumberland.

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

**Sec. 1. 5 MRSA §3360, sub-§3,** as amended by PL 1997, c. 378, §§1 to 3, is further amended to read:

**3. Crime.** "Crime" means one of the following:

A. Offenses against the person as described in Title 17-A, chapter 9;

B. Sexual assaults as described in Title 17-A, chapter 11;

C. Kidnapping and criminal restraint as described in Title 17-A, chapter 13;

D. Robbery as described in Title 17-A, chapter 27;

E. Operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as described in Title 29-A, section 2411; or

F. An act of terrorism, as defined in United States Code, Title 18, Section 2331, committed outside of the United States against a resident of this State; or

G. Leaving the scene of a motor vehicle accident involving personal injury or death, in violation of Title 29-A, section 2252.

**Sec. 2. 5 MRSA §3360, sub-§4,** as amended by PL 1999, c. 360, §2 and affected by §9, is further 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, 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 a result of the crime, costs to repair or replace locks or security devices 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-§5,** as enacted by PL 1997, c. 378, §4, is amended to read:

**5. Family or household member.** "Family or household member" means: the parent, stepparent, sibling, grandparent,

2 spouse, child or stepchild of a victim; a person who bears a  
3 significant relationship to the victim; or a person who at the  
4 time or discovery of the crime was living in the household of the  
5 victim or who previously had lived in the household of the victim  
6 for a period of not less than 2 years.

7 **Sec. 4. 5 MRSA §3360-C, sub-§1, ¶B,** as enacted by PL 1991, c.  
8 806, §3, is amended to read:

10 B. The claim was filed with the board within ~~one-year~~ 3  
11 years of the occurrence of the injury or compensable loss,  
12 or within 60 days of the discovery of injury or compensable  
13 loss, whichever is later.

14 **Sec. 5. 5 MRSA §3360-D, sub-§2,** as amended by PL 1999, c. 360,  
15 §6 and affected by §9, is further amended by adding at the end a  
16 new paragraph to read:

17 Upon request of the board, health care providers and health plans  
18 and insurers or other persons who pay or discharge the costs of  
19 health care through settlements, judgments, insurance, public  
20 benefits or charity care are required to submit directly to the  
21 board, pursuant to the claimant's authorization as provided in  
22 the signed application for compensation, any information that is  
23 required to support a claimant's application or that is necessary  
24 to process a claim for payment.

25 **Sec. 6. 17-A MRSA §1330-B** is enacted to read:

26 **§1330-B. Restitution for benefit of victim**

27 When compensation is awarded from the Victims' Compensation  
28 Fund pursuant to Title 5, chapter 316-A, the amount of any  
29 restitution ordered to be paid to or for the benefit of the  
30 victim and collected by the agency specified in section 1326-A as  
31 part of a sentence imposed must be paid by the agency collecting  
32 the restitution in an amount not to exceed the amount of the  
33 payments from the fund, directly to the fund if, when added to  
34 the payments from the fund, the restitution exceeds the victim's  
35 actual loss.

36 **SUMMARY**

37 This bill makes the following changes to the laws regarding  
38 the Victims' Compensation Fund:

39 1. It expands the definition of family or household member  
40 to include other individuals "who bear an equally significant  
41 relationship to the victim";

2           2. It adds leaving the scene of a motor vehicle accident to  
the list of covered crimes if the crime results in personal  
injury or death;

4  
6           3. It adds to eligible expenses repair or replacement of  
locks or other security devices;

8           4. It extends the application filing deadline from one year  
to 3 years;

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12           5. It requires disclosure of relevant health care  
information to the Victims' Compensation Board pursuant to a  
victim's signed application to the board; and

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16           6. It provides for reimbursement to the Victims'  
Compensation Fund from restitution payments made by the offender  
after the victim's actual losses are covered.