

MAINE STATE LEGISLATURE

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L.D. 1738

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DATE: 2-11-04

(Filing No. H-690)

CRIMINAL JUSTICE AND PUBLIC SAFETY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
SECOND SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1260, L.D. 1738, Bill, "An Act To Amend the Law Providing Restitution to Victims of Timber Theft"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 17 MRSA §2510, sub-§4, as enacted by PL 1997, c. 152, §3, is amended to read:

4. Restitution. The court shall inquire of the prosecutor or the owner of the property on which the tree was cut down or felled the extent of the owner's financial loss. With the owner's consent, the court shall order restitution when appropriate on the basis of an adequate factual foundation. The order of restitution must designate the amount of restitution to be paid and the person or persons to whom the restitution must be paid. Restitution ordered under this subsection is in addition to any forfeitures adjudged under subsection 2; except that at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged under subsection 2 and apply it to restitution to the property owner under this section.

Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the owner against the offender based on the same facts.'

COMMITTEE AMENDMENT

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SUMMARY

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This amendment replaces the bill. The amendment specifies that, at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged for unlawfully cutting trees and apply it to restitution to the property owner of the unlawfully cut trees.

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FISCAL NOTE REQUIRED
(See attached)

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 1738

An Act To Amend the Law Providing Restitution to Victims of Timber Theft

LR 2493(02)

Fiscal Note for Bill as amended by Committee Amendment " "

Committee: Criminal Justice and Public Safety

Fiscal Note Required: Yes

Fiscal Note

Minor revenue decrease - General Fund

Correctional and Judicial Impact Statements:

Potential minor reduction in the collection of General Fund fine revenue