

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND REGULAR SESSION-2004

Legislative Document

No. 1738

H.P. 1260

House of Representatives, December 22, 2003

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

Submitted by the Department of Conservation pursuant to Joint Rule 204.

Received by the Clerk of the House on December 17, 2003. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SMITH of Monmouth.
Cosponsored by Senator BRYANT of Oxford and
Representatives: HONEY of Boothbay, JACKSON of Fort Kent, McKEE of Wayne,
THOMPSON of China.

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

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

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7 **4. Restitution.** The court shall inquire of the prosecutor
8 or the owner of the property on which the tree was cut down or
9 felled the extent of the owner's financial loss. With the
10 owner's consent, the court shall order restitution when
11 appropriate on the basis of an adequate factual foundation. The
12 order of restitution must designate the amount of restitution to
13 be paid and the person or persons to whom the restitution must be
14 paid. Restitution ordered under this subsection is in addition
15 to any forfeitures adjudged under subsection 2; however, the
16 court may order that restitution be adjudged in lieu of or based
on the forfeitures in subsection 2.

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

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25 This bill amends the law awarding restitution for the
26 unlawful cutting of trees by:

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27 1. Allowing evidence of more than just financial loss; and

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29 2. Allowing the court to award restitution in lieu of or
30 based upon the schedule of forfeiture for unlawfully cutting
trees.