

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 632

H.P. 446

House of Representatives, February 19, 2009

An Act To Increase Payments to Victims of Crimes

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 STEVENS of Bangor.
Cosponsored by Representative PIOTTI of Unity, Senator SIMPSON of Androscoggin and Representatives: CAIN of Orono, DILL of Cape Elizabeth, DOSTIE of Sabattus, HASKELL of Portland, HUNT of Buxton, MAGNAN of Stockton Springs, WELSH of Rockport.

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

2 **Sec. 1. 5 MRSA §3360, sub-§2-A is enacted to read:**

3 **2-A. Catastrophic injury.** "Catastrophic injury" means an extremely serious injury
4 **that may result in permanent disability or a long-lasting medical condition.**

5 **Sec. 2. 5 MRSA §3360, sub-§4, as amended by PL 2003, c. 243, §2, is further**
6 **amended to read:**

7 **4. Eligible expenses and losses.** "Eligible expenses and losses" means expenses and
8 losses resulting from a personal injury sustained by an individual as a direct result of a
9 crime specified in subsection 3 and may include medical and medically related expenses,
10 psychological or mental health counseling expenses, lost wages and, funeral and, burial
11 and other homicide-related expenses and travel expenses and loss of income of a claimant
12 or family member for providing or obtaining care for the personal injury of a minor or
13 incapacitated victim. "Eligible expenses and losses" may include costs of eyeglasses,
14 hearing aids, dentures or other prosthetic devices taken, lost, destroyed or damaged as a
15 result of the crime, costs to repair or, replace or install locks or security devices and, costs
16 of crime scene cleanup and security deposits. Expenses and losses claimed under this
17 subsection must be expenses or losses actually and reasonably incurred.

18 **Sec. 3. 5 MRSA §3360-B, sub-§3, as enacted by PL 1997, c. 378, §5, is amended**
19 **to read:**

20 **3. Eligibility for payment of mental health treatment for family members.** The
21 board may award compensation for the benefit of a surviving family or household
22 member of a person who dies or suffers catastrophic injury as a direct result of a crime, a
23 family or household member who witnessed a crime or a family or household member of
24 a sexual assault victim who is a minor for unreimbursed mental health treatment expenses
25 directly related to the crime.

26 **Sec. 4. 5 MRSA §3360-M, sub-§2, as amended by PL 2007, c. 240, Pt. WW, §2,**
27 **is further amended to read:**

28 **2. Forensic examination; forensic examiner training and education.** The board
29 shall determine by rule what a forensic examination may include for purposes of
30 payment. An examination must include at least all services directly related to the
31 gathering of forensic evidence and related testing and treatment for pregnancy and
32 sexually transmitted diseases. The board shall pay a licensed hospital or licensed health
33 care practitioner the actual cost of the forensic examination up to a maximum of \$500
34 \$750.

35 The cost of sexual assault forensic examiner training and education provided by the
36 sexual assault forensic examiner program must be paid from the Victims' Compensation
37 Fund in an amount that may not exceed \$50,000 per year.

1

SUMMARY

2 This bill amends the Victims' Compensation laws to add other homicide-related
3 expenses, expenses incidental to obtaining care for personal injury, the cost of security
4 deposits and the cost to install locks or security devices to the definition of "eligible
5 expenses and losses." The bill also gives the Victims' Compensation Board authority to
6 award compensation for unreimbursed mental health treatment expenses directly related
7 to a crime for the benefit of a surviving family or household member of a person who
8 suffers catastrophic injury as a direct result of the crime. The bill also defines
9 "catastrophic injury." The bill also adjusts the payment for forensic examinations for
10 alleged victims of gross sexual assault out of the Victims' Compensation Fund from \$500
11 to \$750, in order to better reflect the cost of performing the examinations.