

# MAINE STATE LEGISLATURE

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SMG  
R. 603

Date: 3/17/10

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
124TH LEGISLATURE  
SECOND REGULAR SESSION**

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COMMITTEE AMENDMENT "A" to H.P. 1277, L.D. 1789, Bill, "An Act Containing the Recommendations of the Criminal Law Advisory Commission"

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Amend the bill in section 7 in §1177 in subsection 2 in the last line (page 3, line 14 in L.D.) by inserting after the following: "subsection 2" the following: ', subject to exceptions in Title 16, section 53-B, subsection 3'

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Amend the bill in section 7 in §1177 in subsection 3 in the last line (page 3, line 18 in L.D.) by inserting after the following: "subsection 2" the following: ', subject to exceptions in Title 16, section 53-C, subsection 3'

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Amend the bill by striking out all of sections 14 and 15 and inserting the following:  
'**Sec. 14. 17-A MRSA §1326-F** is enacted to read:

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**§1326-F. Former Department of Corrections' clients owing restitution**

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An offender is responsible for paying any restitution outstanding at the time the term of commitment to the Department of Corrections or period of probation is completed. An offender who has complied with the time and method of payment of monetary compensation determined by the Department of Corrections during the period of probation shall continue to make payments to the Department of Corrections in accordance with that payment schedule unless modified by the court pursuant to section 1328-A or 1329. An offender who has not complied with the time and method of payment of monetary compensation determined by the Department of Corrections during the period of probation must be returned to the court for further disposition pursuant to section 1329. An offender who is unconditionally released and discharged from institutional confinement with the Department of Corrections upon the expiration of the sentence must, upon application of the office of the attorney for the State, be returned to the court for specification by the court of the time and method of payment of monetary compensation, which may be ordered paid to the office of the attorney for the State who prosecuted the case or to the clerk of the court. Prior to the offender's release and discharge, the Department of Corrections shall provide the office of the attorney for the State who prosecuted the case written notice as to the amount of restitution outstanding.

**COMMITTEE AMENDMENT**

R 22

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**Sec. 15. 17-A MRSA §1329, sub-§6** is enacted to read:

6. Payments made pursuant to this section must be made to the same agency to which the restitution was required to be paid under section 1326-A or section 1326-F, except that if the offender is no longer in the custody or under the supervision of the Department of Corrections the payments must be made to the office of the attorney for the State who prosecuted the case or the clerk of the court, as ordered by the court.

**SUMMARY**

This amendment includes by reference to the Maine Revised Statutes, Title 16, section 53-B, subsection 3 and section 53-C, subsection 3 certain exceptions to disclosure privileges in a provision of the bill making certain communications made by victims privileged from disclosure.

This amendment also clarifies the duties of the Department of Corrections in regard to overseeing payment of restitution by offenders who are no longer incarcerated or on probation.

**FISCAL NOTE REQUIRED**  
(See attached)



# 124th MAINE LEGISLATURE

LD 1789

LR 2591(02)

**An Act Containing the Recommendations of the Criminal Law Advisory Commission**

**Fiscal Note for Bill as Amended by Committee Amendment "A"**  
**Committee: Criminal Justice and Public Safety**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

The additional costs to the Department of Corrections can be absorbed utilizing existing budgeted resources.