

MAINE STATE LEGISLATURE

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3/11/11
R. 4. 3
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Date: 5/24/11

L.D. 787

(Filing No. H-343)

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 594, L.D. 787, Bill, "An Act To Establish an Elder Victims Restitution Fund"

Amend the bill in section 1 in §2-105 in the last line (page 1, line 9 in L.D.) by striking out the following: "to be used to compensate elderly victims of financial crimes"

Amend the bill by striking out all of section 2 and inserting the following:

'Sec. 2. 18-A MRS §2-806 is enacted to read:

§2-806. Effect of criminal conviction on intestate succession, wills, joint assets, beneficiary designations and other property acquisition when restitution is owed to the decedent

A person who has been convicted of a crime of which the decedent was a victim is not entitled to the following benefits to the extent that the benefits do not exceed the amount of restitution the person owes to the decedent as a result of the sentence for the crime:

- (a). Any benefits under the decedent's will or under this Article;
- (b). Any property owned jointly with the decedent;
- (c). Any benefit as a beneficiary of a bond, life insurance policy or other contractual arrangement in which the principal obligee or the person upon whose life the policy is issued is the decedent; and
- (d). Any benefit from any acquisition of property in which the decedent had an interest.'

Amend the bill in section 3 in §1214-A in subsection 3 in the last 2 lines (page 2, lines 23 and 24 in L.D.) by striking out the following: "The fund may also receive private donations, federal funds and state funds designated by law."

COMMITTEE AMENDMENT

R. S.

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SUMMARY

This amendment deletes language referencing the purposes of the new Elder Victims Restitution Fund created in the bill to avoid inconsistencies in terms and purposes.

This amendment strikes out the section amending the provision of existing law that prohibits killers from benefiting from their crimes against their victims. Instead, this amendment adds a new section to the Probate Code that prohibits a person convicted of any crime of which the decedent was a victim from benefiting to the extent the convicted person owes restitution to the decedent.

This amendment removes the provision of the bill that authorizes the Elder Victims Restitution Fund to accept private donations, federal funds and state funds designated by law.

FISCAL NOTE REQUIRED

(See attached)



Approved: 05/23/11 *mac*

125th MAINE LEGISLATURE

LD 787

LR 1002(02)

An Act To Establish an Elder Victims Restitution Fund

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Minor cost increase - Other Special Revenue Funds

Minor revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

The additional costs to administer the Elder Victims Restitution Fund can be absorbed by the Department of Corrections utilizing existing budgeted resources.