

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 774

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H.P. 527

House of Representatives, March 10, 2015

### An Act To Assist Victims of Crime To Obtain Restitution

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Reference to the Committee on Judiciary suggested and ordered printed.

*Robert B. Hunt*  
ROBERT B. HUNT  
Clerk

Presented by Representative HOBBS of Saco.

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

2 **Sec. 1. 17-A MRSA §1330-C** is enacted to read:

3 **§1330-C. Civil remedy upon default**

4 An order to make restitution is deemed to be a money judgment and, upon default, is  
5 enforceable by the victim under the provisions of Title 14, chapter 502 if the following  
6 requirements have been met:

7 1. **Notice.** Prior to entry of the order to pay restitution, the court informed the  
8 defendant of the right to a judicial determination of the amount of restitution and the  
9 restitution hearing was held, or the defendant waived the hearing or stipulated the amount  
10 of restitution; and

11 2. **Entry of order.** After the court ordered payment of restitution, the clerk of the  
12 court entered the order to pay restitution in the same manner as a judgment in a civil  
13 action is entered.

14 **SUMMARY**

15 This bill provides a civil remedy for victims of crime when restitution has not been  
16 paid as ordered. The bill deems an order to make restitution a money judgement and sets  
17 requirements for the enforcement. Specifically, the bill requires that prior to entry of the  
18 order to pay restitution, the court informed the defendant of the right to a judicial  
19 determination of the amount of restitution and the restitution hearing was held, or the  
20 defendant waived the hearing or stipulated the amount of restitution and that after the  
21 court ordered payment of restitution, the clerk of the court entered the order to pay  
22 restitution in the same manner as a judgment in a civil action is entered.