

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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tive procedure, policy determination, directive, authorization, privilege, form requirement, designation or agreement.

All appointments and deputizations made by the commission shall continue in force and effect on the effective date of this Act, unless revoked by the Bureau of Employment Security.

All funds, equipment, property and records of the commission shall remain in the custody and control of the Bureau of Employment Security as required by the Revised Statutes, Title 26, chapter 13.

Effective September 23, 1983.

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## CHAPTER 352

H.P. 1192 - L.D. 1578

### AN ACT Relating to Victims' Bill of Rights.

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

Sec. 1. 17-A MRSA §454, as repealed and replaced by PL 1977, c. 510, §54, is amended to read:

§454. Tampering with a witness, informant or victim

1. A person is guilty of tampering with a witness ~~or~~, informant or victim if, believing that an official proceeding, as defined in section 451, subsection 5, paragraph A, or an official criminal investigation is pending or will be instituted:

A. He induces or otherwise causes, or attempts to induce or cause, a witness ~~or~~, informant or victim:

- (1) To testify or inform falsely; or
- (2) To withhold any testimony, information or evidence, ~~which he knows the witness or informant is not privileged to withhold~~;

B. He uses force, violence or intimidation, or he promises, offers or gives any pecuniary benefit with the intent to induce a witness ~~or~~, informant or victim:

- (1) To ~~withheld~~ withhold any testimony,

information or evidence;

(2) To absent himself from any criminal proceeding or criminal investigation; or

(3) To absent himself from any other proceeding or investigation to which he has been summoned by legal process; or

C. He solicits, accepts or agrees to accept any pecuniary benefit in consideration of his doing any of the things specified in paragraph A, subparagraph (1), or in paragraph B, ~~subparagraphs~~ subparagraph (1), (2) or (3).

2. Tampering with a witness or informant is a Class C crime. Tampering with a victim is a Class B crime.

3. "Victim" means a person who suffers bodily injury, death or economic loss as a result of a crime or the good faith effort of any person to prevent a crime.

Sec. 2. 17-A MRSA §1257 is enacted to read:

§1257. Victim's right to participate in sentence

1. Prosecutor; right to be heard. In any case where a defendant has been convicted of any crime either upon his plea or after trial, the prosecutor shall have the right to be heard at the time of sentence. The prosecutor may recommend a specific sentence or other disposition.

2. Victim; right to be heard. In any case where a defendant has been convicted of a crime and a victim of the crime is present in the courtroom at the time of sentencing, the victim upon his request shall have the right to address the court. If the victim is unable or unwilling to appear in the courtroom, he may submit a written statement to the court which shall become part of the record. The prosecutor may inform the court of the victim's statement, if any, at the time of sentencing. The court shall consider any statements made by the prosecutor or victim, along with all other appropriate factors, in determining the sentence.

3. Notification of victim. To encourage victim participation in sentencing, the prosecutor shall, whenever practicable, notify any victim of the time and place of sentencing.

Sec. 3. 17-A MRSA §1323, as enacted by PL 1977,

c. 455, §3, is repealed and the following enacted in its place:

§1323. Mandatory consideration of restitution

1. Inquiry as to victim's financial loss. The court shall, whenever practicable, inquire of a prosecutor, police officer or victim with respect to the extent of the victim's financial loss, and shall order restitution where appropriate.

2. Reasons for not imposing restitution. In any case where the court determines that restitution should not be imposed in accordance with the criteria set forth in section 1325, the court shall state in open court or in writing the reasons for not imposing restitution.

Sec. 4. 17-A MRSA §1330 is enacted to read:

§1330. Work program release; restitution

1. Work program; payment of restitution. Any defendant who has been sentenced to a period of imprisonment may be released pursuant to a work program administered under Title 34, including county jail prisoners released for employment. The institution in which the inmate is incarcerated shall propose to the court a plan of restitution from the proceeds of work release where appropriate, which shall include a definite percentage of gross wages to be paid as restitution that is not less than 25%. No inmate may be released under this section unless he consents to the plan, and any plan may be terminated by the court for refusal to pay. No plan under this section may become effective without the approval of the court. The institution in which the inmate is incarcerated shall collect and disburse to any victim that portion of the inmate's wages approved for payment as restitution.

2. Payment of restitution from other sources. Any inmate, other than one addressed by subsection 1, who is able to generate income, from whatever source, shall pay 25% of that income to any victim if the court has ordered that restitution be paid.

Sec. 5. 30 MRSA §1130 is enacted to read:

§1130. Victim and witness support

Each county is encouraged to establish a victim and witness support program to assist the victims and witnesses of criminal offenses in the prosecution thereof. Each county is further encouraged to hire,

train and provide support staff to a qualified person or persons to carry out the victim and witness support program. Any program established under this section shall be administered by the District Attorney for the prosecutorial district in which the county is located.

Effective September 23, 1983.

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## CHAPTER 353

H.P. 1198 - L.D. 1589

AN ACT to Designate the Division of Eye Care as the Agency for the Provision of Certain Services to Blind Children.

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

Sec. 1. 22 MRSA §3502, as amended by PL 1973, c. 307, §3, is repealed and the following enacted in its place:

§3502. Education of blind children

1. Division of Eye Care. The Division of Eye Care shall provide the following services to blind and visually impaired individuals from birth to age 21:

A. Itinerant teacher services;

B. Mobility instruction;

C. Braille instruction;

D. Low-vision services;

E. Special aids and supplies needed to participate in the educational process; and

F. Advocacy, counseling and guidance services to students and their parents.

2. School administrative units. Nothing in this section relieves school administrative units from fulfilling their responsibilities under Title 20-A, Part 4, subpart 1.

Sec. 2. Appropriation. The following funds are