

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

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be frivolous did so knowing the charge to be frivolous, it shall state its findings of fact and shall issue an order requiring that person to pay the reasonable attorneys fees and double the amount of other reasonable costs incurred by the person against whom the charge was made in defending against the charge before the board. Where it is disputed, reasonableness shall be determined by the board. The order shall also require that person to reimburse the State for the per diem payments made to board members for their attendance at the hearing on the charge. Failure to comply with such an order is a violation of this article.

Effective September 29, 1987.

CHAPTER 156

S.P. 314 — L.D. 916

AN ACT to Extend the Freeze on Maximum Weekly Benefits Under the Workers' Compensation Act.

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

Sec. 1. 39 MRSA §53-A, as enacted by PL 1985, c. 372, Pt. A, §15, is amended to read:

§53-A. Maximum benefit levels

The maximum weekly benefit payable under section 54-A, 55-A or 58-A is \$447.92. Beginning on ~~July 1, 1988~~ August 1, 1988, this maximum benefit level shall be adjusted annually so that it continues to bear the same percentage relationship to the state average weekly wage, as computed by the Maine Unemployment Insurance Commission, as it did on ~~July 1, 1987~~ August 1, 1987.

Sec. 2. Application. This Act shall apply only as to injuries occurring on or after June 30, 1985.

Effective September 29, 1987.

CHAPTER 157

S.P. 403 — L.D. 1243

AN ACT to Clarify the Law Relating to Restitution for Victims of Crime by Expressly Providing that Cities, Counties and other Governmental Entities can be Victims and that Organizations may be Ordered to Pay Restitution.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature has declared in the Maine Revised Statutes, Title 17-A, section 1321, that repay-

ment, in whole or in part, to the victim by a person convicted of a crime may operate to rehabilitate the offender in certain instances; and

Whereas, the Legislature has recognized the need to encourage the compensation of crime victims by the person most responsible for the victim's loss, that is, the offender; and

Whereas, restitution by the offender may serve to reinforce the offender's sense of responsibility for the crime and to provide him the opportunity to pay his debts to society and to his victim in a constructive manner; and

Whereas, the term "victim" as it is now defined in the Maine Revised Statutes, Title 17-A, section 1322, subsection 7, includes an organization and a human being but does not include cities, towns, counties and other governmental entities; and

Whereas, towns, cities, counties, departments and agencies of the State, and other governmental entities within the meaning of Title 17-A, section 2, subsection 13, frequently suffer economic loss as a result of crimes, as do human beings or organizations within the meaning of Title 17-A, section 2, subsection 19; and

Whereas, in the year 1986, the Department of the Attorney General prosecuted thefts of government property valued between \$70,000 to \$100,000; and

Whereas, it is unclear whether under Title 17-A, chapter 54, courts have authority to order restitution, when appropriate, to governmental entities that are victims of crime; and

Whereas, it is desirable to clarify as soon as possible that courts in Maine do have authority to order criminal offenders to make restitution to governmental entities; and

Whereas, the Maine Criminal Code contains a chapter on fraud which includes criminal conduct by businesses; and

Whereas, the Maine Criminal Code now does not include restitution as a sentencing alternative for organizations such as corporations, partnerships or other business entities convicted of a crime; and

Whereas, restitution, which would prevent an organization from keeping funds obtained as a result of a crime, would have a direct economic impact and be of significant deterrent value; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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