

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

DEPARTMENT OF TRANSPORTATION		
TOTAL	\$50,657	\$52,732

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect June 30, 1999.

Effective June 10, 1999.

CHAPTER 469

S.P. 268 - L.D. 761

An Act to Improve the Collection of Restitution

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

Sec. 1. 17-A MRSA §§1326-A to 1326-C are enacted to read:

§1326-A. Time and method of restitution

When restitution is authorized, the time and method of payment or of the performance of the services must be specified. Except when the offender is placed on probation, monetary compensation may be ordered paid to the office of the prosecuting attorney who is prosecuting the case or to the clerk of the court. If the offender is placed on probation, the compensation may be ordered paid to the Department of Corrections. The state agency receiving the restitution shall deposit any money received in the account maintained by the Treasurer of State for deposit of state agency funds, from which funds are daily transferred to an investment account and invested. Interest accrued on that money is the property of and accrues to the State for deposit in the General Fund. The agency receiving the restitution shall make the disbursement to the victim or other authorized claimant as soon as possible after the agency receives the money.

§1326-B. Income withholding order

1. When restitution is required of an offender who will not be commencing service of a period of institutional confinement and who is employed, the court shall, at the time of ordering restitution, enter a separate order for income withholding. The withholding order must direct the employer to deduct from all income due and payable to the offender an amount required by the court to meet the offender's restitution obligation. The withholding order must include an instruction to the employer that upon receipt of a copy of the withholding order the employer shall:

A. Immediately begin to withhold the offender's income when the offender is usually paid;

B. Send each amount withheld to the agency to which restitution has been ordered to be paid at the address set forth in the order within 7 business days of the withholding; and

C. Identify each amount sent to the agency by indicating the court's docket number.

2. The income withholding order is effective as long as the order for restitution upon which it is based is effective or until further order of the court.

§1326-C. Deceased victims

An offender's obligation to pay restitution is not affected by the death of the victim to whom the restitution is due. The money collected as restitution must be forwarded to the estate of the victim.

Sec. 2. 17-A MRSA §1330, sub-§1, as amended by PL 1997, c. 358, §1, is further amended to read:

1. Work program; payment of restitution and fines. ~~No~~ A prisoner who has been ordered to pay restitution or fines may not be released pursuant to a work program administered by the Department of Corrections under Title 34-A, section 3035, or a sheriff under Title 30-A, section 1605, unless the prisoner consents to pay at least 25% of the prisoner's gross weekly wages to the victim or the court until such time as full restitution has been made or the fine is paid in full. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's wages agreed to as payment of restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's wages agreed to as payment of fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution ~~have died or~~ cannot be located, the correctional facility shall inform the court that ordered restitution. The court shall determine the distribution of these funds.

Sec. 3. 17-A MRSA §1330, sub-§2, as amended by PL 1997, c. 358, §2, is further amended to read:

2. Payment of restitution or fines from other sources. ~~Any~~ A prisoner, other than one addressed by subsection 1, who is able to generate money, from whatever source, shall pay 25% of that money to any victim or the court if the court has ordered that restitution or a fine be paid. The chief administrative officer of the correctional facility in which the prisoner is incarcerated shall collect and disburse to

the victim or victims that portion of the prisoner's money ordered as restitution. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall also collect and disburse to the court that portion of the prisoner's money ordered as fines after the restitution is paid in full. If the victim or victims ordered by the court to receive restitution ~~have died or~~ can not be located, the correctional facility shall inform the court that ordered restitution. The court shall determine the distribution of these funds.

See title page for effective date.

CHAPTER 470

S.P. 587 - L.D. 1667

An Act to Amend Motor Vehicle Laws

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

Whereas, effective implementation of new license plate designs requires that the Secretary of State have the immediate authority to issue temporary facsimile plates for persons who have reserved their plate numbers; 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:

Sec. 1. 5 MRSA §12004-I, sub-§80-A, as enacted by PL 1995, c. 605, §1, is repealed.

Sec. 2. 10 MRSA §1171-B, sub-§1, ¶E is enacted to read:

E. Manufacturers and distributors of motorcycles and recreational vehicles are exempt from the manufacturer licensing requirements.

Sec. 3. 29-A MRSA §114 is enacted to read:

§114. Business and occupational licenses

The provisions of Title 5, chapter 341 do not apply to business and occupational licenses authorized to be issued by the Secretary of State.

Sec. 4. 29-A MRSA §461, sub-§1, as amended by PL 1997, c. 776, §11, is further amended to read:

1. Plate issue year. In a year in which new registration plates are issued, the Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for a person who notifies in writing the Secretary of State prior to May 1st of that person's desire to retain that registration number. The fee for retention of the same registration number is \$15.

The Secretary of State may issue a facsimile plate that is valid for a 90-day period during production of a reserved plate. A facsimile plate must be attached to the rear plate bracket.

If a person does not have a vehicle to register on May 1st, a registration number may be held for a maximum of 2 registration years by depositing with the Secretary of State \$15 for each year; except that the registered owner of an antique vehicle may reserve the antique registration assigned to that person for 4 years by depositing the sum of \$15 for each registration year. These fees are not refundable and may not be applied against the registration fee.

All numbers other than those reserved must be released and issued in rotation after July 1st.

A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of \$15.

A holder of vanity registration plates must pay the sum of \$15 to reserve those letters or combination of letters and numbers, which is credited toward the renewal fee.

Sec. 5. 29-A MRSA §519, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Registration plate design. The Secretary of State may design a numerical registration plate ~~with the letters "FF" as a suffix.~~

Sec. 6. 29-A MRSA §521, sub-§11 is enacted to read:

11. Violation. A person other than a person with a disability or an organization transporting a person with a disability using a set of disability registration plates or a windshield placard commits a traffic infraction and is subject to a \$100 penalty. The disability registration plates or removable windshield placard may be suspended for improper use.

Sec. 7. 29-A MRSA §603, sub-§1, as amended by PL 1997, c. 776, §23, is further amended to read:

1. Fee of \$15. A fee of \$15 must be paid to the Secretary of State for the following: