

Maine Crime Victim Rights Law Guide

For Victim Service Providers
and Allied Professionals

Victim Witness Advocate Coordinator Pilot Program
Office of the Maine Attorney General

Current as of 6/30/2021

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Introduction

In 1995, the Maine State Legislature enacted the state's first comprehensive crime victim rights legislation, ushering in a new promise that victims and survivors of prosecuted crimes would be afforded greater respect and dignity in the court process. This blueprint enshrined in Maine's criminal code a set of fundamental rights akin to those currently afforded to crime victims in every other U.S. state and territory: the right to be notified, the right to be present, and the right to offer a victim impact statement, among others. Over the years, Maine's crime victim rights laws have evolved and expanded alongside a growing complement of civil remedies for survivors of domestic violence, sexual assault, stalking, and human trafficking.

This Guide focuses on the rights afforded to victims in the criminal justice system and is intended to serve as a resource for prosecution-based victim service professionals, prosecutors, victim/survivor attorneys, and other allied professionals. Each of the law sections are organized around the fundamental victim rights they protect. The left column of each section offers brief notes and commentary to facilitate ease of use. Citations to other relevant provisions, including some of the civil remedies and evidentiary rules, are listed as well.

Please note that these provisions are only current as of the date this Guide was released; always be sure to verify the current statutory language using a trusted source, such as the Maine State Legislature website.

The Guide is a product of the Maine Victim Witness Advocate Pilot Program made possible by a grant from the U.S. Department of Justice Office of Violence Against Women STOP Formula Program administered by the Maine Department of Public Safety (2019-WF-AX-0013). The mission of the Pilot Program is to improve prosecution statewide by supporting prosecution-based victim service professionals in their ability to effectively and consistently assist and support victims navigating the criminal justice system and ensuring that victims understand their rights within that system. Providing easy-to-access information about Maine's victim rights laws is essential to fulfilling this goal.

Thank you for doing your part to help Maine crime victims navigate the criminal justice system and have their voices heard!

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Office of the Maine Attorney General

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ACCESS TO VICTIM WITNESS SUPPORT

Each county in Maine should have a victim witness program administered by the district attorney.	
DA "shall administer" the program ⇨	<p>30-A M.R.S.A. § 460. Victim and Witness Support</p> <p>Each county is encouraged to establish a victim and witness support program to assist the victims and witnesses of criminal offenses in the prosecution of those offenses. 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. The district attorney for the prosecutorial district in which the county is located shall administer any program established under this section.</p>

The Department of Corrections is required to maintain an Office of Victim Services and a Victim Services Coordinator.	
Functions of DOC Victim services ⇨	<p>34-A MRSA §1214. Office of Victim Services</p> <p>1. Establishment. The Office of Victim Services, referred to in this section as the "office," is established within the department to advocate for compliance by the department, any correctional facility, any detention facility, community corrections as defined in former section 1210-A or in section 1210-B or any contract agency with all laws, administrative rules and institutional and other policies relating to the rights and dignity of victims.</p> <p>2. Victim Services Coordinator. The Victim Services Coordinator shall direct and coordinate the office.</p> <p>A. The Victim Services Coordinator shall report only to the commissioner or the commissioner's designee.</p> <p>B. The Victim Services Coordinator shall, with the approval of the commissioner or the commissioner's designee, select other victim advocates needed to carry out the intent of this section and who shall report only to the Victim Services Coordinator.</p> <p>3. Duties. The office, through the Victim Services Coordinator and other victim advocates, shall:</p> <p>A. Receive or refer complaints made by victims;</p> <p>B. Intercede on behalf of victims with officials of the department, any correctional facility, any detention facility, community corrections as defined in former section 1210-A or in section 1210-B or any contract agency or assist these persons in the resolution of victim-related issues;</p> <p>C. Act as an information source regarding the rights of victims and keep informed about all laws, administrative rules and institutional and other policies relating to the rights and dignity of victims and about relevant legal decisions and other developments related to the field of corrections, both in this State and in other parts of the country;</p> <p>D. Ensure that victims who request notice of release receive it;</p> <p>E. Assist victims who are being harassed by persons in the custody or under the supervision of the department with obtaining protection from that harassment;</p> <p>F. Assist victims with obtaining victim compensation, restitution and other</p>

<p>Confidentiality provision ⇨</p>	<p>benefits of restorative justice; and</p> <p>G. Ensure the safety of clients who are also victims by advising the commissioner of information that may place a client at risk if disclosed pursuant to Title 1, section 402, subsection 3-A.</p> <p>4. Confidentiality. Requests for action by the office must be treated confidentially and may be disclosed only to a state agency if necessary to carry out the statutory functions of that agency or to a criminal justice agency if necessary to carry out the administration of criminal justice as defined in Title 16, section 703, subsection 1 or the administration of juvenile criminal justice. In no case may a victim's request for notice of release be disclosed outside the department and the office of the attorney for the State with which the request was filed.</p> <p>5. Report regarding batterers intervention programs. Beginning January 2003 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters regarding the work of batterers intervention programs. The report must include information regarding: meeting program benchmarks and goals, developing and implementing new programs, measuring effectiveness of existing programs and communicating and coordinating efforts with providers of substance use disorder services, literacy support and other services with whom batterers may need to work in order to participate meaningfully in a batterers intervention program.</p>
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THE RIGHT TO CONFIDENTIALITY

<p>Victims have a right to have their address/location kept confidential, as well as any requests for notification of release/escape.</p>	
<p>Victim Address/Location protected ⇨</p> <p>Exceptions that allow for collaboration ⇨</p>	<p>17-A MRSA §2108. Confidentiality of Victim Records</p> <p>1. General rule of confidentiality. Records that pertain to a victim's current address or location or that contain information from which a victim's current address or location could be determined must be kept confidential, subject to disclosure only as authorized in this section.</p> <p>2. Disclosure to law enforcement or victims' service agency. Records that pertain to a victim's current address or location or that contain information from which a victim's current address or location could be determined may be disclosed only to:</p> <p>A. A state agency if necessary to carry out the statutory duties of that agency;</p> <p>B. A criminal justice agency if necessary to carry out the administration of criminal justice or the administration of juvenile justice;</p> <p>C. A victims' service agency with a written agreement with a criminal justice agency to provide services as a victim advocate; or</p> <p>D. A person or agency upon request of the victim;</p> <p>E. A certified domestic violence intervention program in which the defendant in a criminal proceeding involving the victim has enrolled or will enroll; or</p> <p>F. The domestic violence center serving the same county as the certified domestic violence program in which the defendant in a criminal proceeding involving the victim has enrolled or will enroll.</p>

<p>Limited exception for bail conditions ⇨</p>	<p>3. Limited disclosure as part of bail condition or court order. A bail commissioner, judge, justice, court clerk, law enforcement officer or attorney for the State may disclose a victim's current address or location to the defendant or accused person, or the attorney or authorized agent of the defendant or accused person, as part of a bail condition or court order restricting contact with the victim only when it is clear that the defendant already knows the victim's current address or location or when the victim requests that such bail condition or court order be issued and the victim requests that the current address or location be specified.</p>
<p>Limited exception for discovery ⇨</p>	<p>4. Limited disclosure pursuant to discovery. An attorney for the State may withhold the current address or location of a victim from the defendant, or the attorney or authorized agent of the defendant, if the attorney for the State has a good faith belief that such disclosure may compromise the safety of the victim.</p>
<p>Victim's request for release/escape notifications is protected ⇨</p>	<p>5. Disclosure of victim's request for notice prohibited. In no case may a victim's request for notification of the defendant's release under section 2106 be disclosed except to those employees of the agency to which the defendant is committed and the office of the attorney for the State with which the request was filed in order for those persons to perform their official duties under this chapter.</p>

Victims have a right to receive confidential advocacy services, with some exceptions.

<p>To understand this law, we need to look at Title 16 provisions, below.</p>	<p>17-A MRSA §2109. Certain Communications by Victims Confidential.</p> <p>The following communications are privileged from disclosure.</p> <p>1. To sexual assault counselor. Communications by a victim, as described in Title 16, section 53-A, subsection 2, to a sexual assault counselor, as defined in Title 16, section 53-A, subsection 1, paragraph B, are privileged from disclosure as provided in Title 16, section 53-A, subsection 2.</p> <p>2. To advocate. Communications by a victim, as defined in Title 16, section 53-B, subsection 1, paragraph B, to an advocate, as defined in Title 16, section 53-B, subsection 1, paragraph A, are privileged from disclosure as provided in Title 16, section 53-B, subsection 2, subject to exceptions in Title 16, section 53-B, subsection 3.</p> <p>3. To victim witness advocate or victim witness coordinator. Communications by a victim, as defined in Title 16, section 53-C, subsection 1, paragraph B, to a victim witness advocate or a victim witness coordinator, as defined in Title 16, section 53-C, subsection 1, paragraph C, are privileged from disclosure as provided in Title 16, section 53-C, subsection 2, subject to exceptions in Title 16, section 53-C, subsection 3.</p> <p style="text-align: center;">∞</p> <p>16 MRSA §53-A. Privileged Communications to Sexual Assault Counselors</p> <p>1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.</p>
<p>Maine sexual assault resource centers fit this definition ⇨</p>	<p>A. "Rape crisis center" means any publicly or privately funded agency, institution or facility existing in this State, having as its purpose to reduce the trauma of sexual assault to sexual assault victims and their families through crisis intervention, counseling, medical and legal information and dissemination of educational information pertaining to sexual assault.</p> <p>B. "Sexual assault counselor" means a person who:</p> <p>(1) Has undergone a program of training from a rape crisis center that includes, but is not limited to: law, medicine, societal attitudes, crisis intervention, counseling techniques and referral services; and</p>

<p>Communications are privileged except for mandated reports or victim allows/requests ⇒</p> <p>The court can also order disclosure ⇒</p> <p>Criminal justice agencies can share criminal history records with sexual assault advocates ⇒</p> <p>Domestic violence resource centers and tribal advocacy centers fit this definition ⇒</p> <p>Criminal justice agencies can share criminal history records with domestic or family violence advocates ⇒</p>	<p>(2) Is either a staff member, paid or unpaid, or under the supervision of a staff member of a rape crisis center.</p> <p>C. "Confidential criminal history record information" has the same meaning as in section 703, subsection 2.</p> <p>D. "Criminal justice agency" has the same meaning as in section 703, subsection 4</p> <p>2. Privileged communications. Except with regard to reporting, cooperating in an investigation or giving evidence pursuant to Title 22, chapter 958-A or 1071, or except at the request, or with the consent of, the victim of sexual assault, a sexual assault counselor may not be required to testify in any civil or criminal action, suit or proceeding at law or in equity about any information that the sexual assault counselor may have acquired in providing sexual assault counseling services. A sexual assault counselor or a rape crisis center may not be required to disclose to the court any records, notes, memoranda or documents containing confidential communications. When a court in the exercise of sound discretion determines the disclosure necessary to the proper administration of justice, information communicated to, or otherwise learned by, that sexual assault counselor in connection with the provision of sexual assault counseling services is not privileged and disclosure may be required.</p> <p>3. Confidential criminal history record information. A Maine criminal justice agency, whether directly or through any intermediary, may disseminate confidential criminal history record information to a sexual assault counselor for the purpose of planning for the safety of a victim of sexual assault. A sexual assault counselor who receives confidential criminal history record information pursuant to this subsection shall use it solely for the purpose authorized by this subsection and may not further disseminate the information.</p> <p style="text-align: center;">∞</p> <p>16 MRSA §53-B. Privileged communications to victim advocate; family violence</p> <p>1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.</p> <p>A. "Advocate" means an employee of or volunteer for a nongovernmental or Maine tribal program for victims of domestic or family violence who:</p> <p>(1) Has undergone at least 30 hours of training; and</p> <p>(2) As a primary function with the program gives advice to, counsels or assists victims, supervises employees or volunteers who perform that function or administers the program.</p> <p>A-1. "Confidential communications" means all information, whether written or oral, transmitted between a victim and a domestic violence advocate in the course of the working relationship. "Confidential communications" includes, but is not limited to, information received or given by the advocate in the course of the working relationship, advice, records, reports, notes, memoranda, working papers, electronic communications, case files, history and statistical data, including name, date of birth and social security number, that personally identify the victim.</p> <p>A-2. "Confidential criminal history record information" has the same meaning as in section 703, subsection 2.</p> <p>A-3. "Criminal justice agency" has the same meaning as in section 703, subsection 4.</p> <p>B. "Victim" means a victim of domestic or family violence.</p> <p>1-A. Confidential criminal history record information. A Maine criminal justice agency, whether directly or through any intermediary, may disseminate confidential criminal history record information to an advocate for the purpose of planning for the safety of a victim of domestic violence. An advocate who receives</p>
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<p>Communications are privileged unless the victim consents OR one the exceptions below applies ⇨</p> <p>Exception for mandated reports ⇨</p> <p>The court can order disclosure ⇨</p> <p>Exception for death/incapacitation investigations ⇨</p> <p>Broad definition of "victim witness advocate" or "victim witness coordinator" which would apply to prosecution-based professionals ⇨</p> <p>Communications are privileged unless the victim consents OR an exception applies ⇨</p>	<p>confidential criminal history record information pursuant to this subsection shall use it solely for the purpose authorized by this subsection and may not further disseminate the information.</p> <p>2. Privileged communication. Communications are privileged from disclosure as follows.</p> <p>A. A victim may refuse to disclose and may deny permission to an advocate to disclose confidential written or oral communications between the victim and the advocate and written records, notes, memoranda or reports concerning the victim.</p> <p>B. Except as provided in subsection 3, a victim, advocate or advocate's agency may not be required through oral or written testimony or through production of documents to disclose to a court in criminal or civil proceedings or to any other agency or person confidential communications between the victim and the advocate.</p> <p>3. Exceptions. A person may not be required to publicly disclose the address or location of a domestic or family violence shelter or safe house, except that privileged communications may be disclosed in the following cases:</p> <p>A. When disclosure is required under Title 22, chapter 958-A or 1071 and that disclosure is in accordance with the provisions of either chapter;</p> <p>B. When a court in the exercise of its discretion determines the disclosure of the information necessary to the proper administration of justice, an inspection of records may be held in camera by the judge to determine whether those records contain relevant information. This proceeding does not entitle an opposing party to examine the records unless those records are made available by the court; or</p> <p>C. When a victim dies or is incapable of giving consent and disclosure is required for an official law enforcement investigation or criminal proceeding regarding the cause of that victim's death or incapacitation.</p> <p style="text-align: center;">∞</p> <p>17-A MRSA §53-C. Privileged communications to governmental victim witness advocates or coordinators</p> <p>1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.</p> <p>A. "Crime" means a criminal offense in which there is a victim, as defined in this section.</p> <p>B. "Victim" means:</p> <p>(1) A person against whom a crime has been committed;</p> <p>(2) The immediate family of a victim of a crime if:</p> <p>(a) The underlying crime is one of domestic violence or sexual assault or one in which the family suffered serious physical trauma or serious financial loss; or</p> <p>(b) Due to death, age or physical or mental disease, disorder or defect, the victim is unable to participate as allowed under this chapter.</p> <p>C. "Victim witness advocate" or "victim witness coordinator" means an employee of or volunteer for a district attorney, the Attorney General or the United States Attorney whose primary job function is to advise, counsel or assist victims or witnesses of crimes, to supervise other employees or volunteers who perform that function or to administer the program.</p> <p>2. Privileged communications. Communications are privileged from disclosure as follows.</p> <p>A. A victim may refuse to disclose and may deny permission to a victim witness</p>
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<p>Exception for information shared with prosecutors ⇨</p> <p>Exception for mandated reports ⇨</p> <p>The court can order disclosure ⇨</p> <p>Exception for death/incapacitation investigations ⇨</p> <p>Exception for "exculpatory evidence" or evidence favorable to the defendant that could be used to prove innocence ⇨</p>	<p>advocate or coordinator to disclose confidential written or oral communications between the victim and the advocate or coordinator and written records, notes, memoranda or reports concerning the victim.</p> <p>B. Except as provided in subsection 3, a victim, advocate or coordinator or the victim advocate's or coordinator's employer may not be required, through oral or written testimony or through production of documents, to disclose to a court in criminal or civil proceedings or to any other agency or person confidential communications between the victim and the advocate or coordinator.</p> <p>3. Exceptions. Privileged communications may be disclosed in the following cases:</p> <p>A. Disclosure may be made to the district attorney, Attorney General or the United States Attorney or their assistants;</p> <p>B. When disclosure is required under Title 22, chapter 958-A or 1071 and that disclosure is in accordance with either chapter;</p> <p>C. When a court in the exercise of its discretion determines the disclosure of information necessary to the proper administration of justice, an inspection of records may be held in camera by the judge to determine whether those records contain relevant information. This proceeding does not entitle an opposing party to examine the records unless those records are made available by the court;</p> <p>D. When a victim dies or is incapable of giving consent and disclosure is required for an official law enforcement investigation or criminal proceeding regarding the cause of that victim's death or incapacitation; or</p> <p>E. Evidence of an exculpatory nature must be disclosed to the criminal defendants pursuant to the Maine Rules of Unified Criminal Procedure, Rule 16.</p>
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<p>Names of minor victims of sexual offenses are protected from public disclosure.</p>	
	<p>30-A MRSA §288. Disclosure of minor victims of sexual offenses</p> <p>The Legislature finds that publicity given to the identity of minor victims of sexual offenses causes intense shame and humiliation for which abused children are particularly ill-prepared and may cause severe and permanent emotional harm to the victim of such an offense.</p> <p>Therefore district attorneys, their assistants and employees and other law enforcement officials shall refrain from any unnecessary pretrial public disclosure of information that may identify a minor victim of an offense under Title 17-A, chapter 11 or 12 or Title 17-A, section 556.</p>

Other forms of evidentiary privilege that may apply to certain crime victims and provisions that apply to serving as a witness, the disclosure of police reports to victims, and victim medical records:

M.R.E. §402 – Limits evidence regarding a victim’s sexual history (also called the “rape shield”)

M.R.E. §413 – Provides protection against disclosure of a witness’s location, employment

M.R.E. §502 – Lawyer-Client Privilege

M.R.E. §503 – Health Care Provider/Mental Health Care Provider Privilege

16 MRSA §251 – Requires witness to be paid, including mileage

16 MRSA §801 – Allows investigative records, including police reports, to be disclosed to crime victims, a victim’s attorney or agent, or a sexual assault counselor or advocate
 5 MRSA §200-E – Requires medical providers to furnish crime victim medical records to prosecutors

GENERAL DEFINITION OF “VICTIM”

General definition of “victim” for purposes of victim rights laws.	
	<p>17-A MRSA §2101. Definitions As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.</p> <p>1. Crime. "Crime" means a criminal offense in which, as defined, there is a victim.</p> <p>2. Victim. "Victim" means:</p> <p>A. A person who is the victim of a crime; and</p> <p>B. The immediate family of a victim of a crime if:</p> <p>(1) The underlying crime is one of domestic violence or sexual assault or one in which the family suffered serious physical trauma or serious financial loss; or</p> <p>(2) Due to death, age, physical or mental disease, disorder or defect, the victim is unable to participate as allowed under this chapter.</p> <p>As used in this paragraph, "immediate family" means the spouse, domestic partner, parent, child, sibling, stepchild or stepparent of the victim.</p>
<p>Note that for some victim rights provisions, a different or more narrow definition of “victim” may apply.</p>	

THE RIGHT TO NOTIFICATION/INFORMATION

Victims have a right to information about the criminal case.	
<p>Broad definition of victim applies here ⇒</p>	<p>17-A MRSA §2102. Victims to be notified</p> <p>1. Information provided to victim. The attorney for the State shall make a good faith effort to inform each victim of the following:</p> <p>A. The details of a plea agreement, including a deferred disposition, before it is submitted to the court;</p> <p>B. The right to comment on a plea agreement, including a deferred disposition, pursuant to section 2103;</p> <p>C. The proposed dismissal or filing of an indictment, information or complaint pursuant to the Maine Rules of Unified Criminal Procedure, Rule 48, before that action is taken;</p> <p>D. The time and place of the trial;</p> <p>E. The time and place of sentencing;</p> <p>F. The right to participate at sentencing pursuant to section 2104;</p> <p>F-1 The termination of probation pursuant to section 1804, subsection 6;</p>

<p>In 2021, two new provisions were passed in separate bills with the "F-1" subsection designation.</p>	<p>F-1 The final disposition of the charges against the defendant, including the amount of deductions to time served that a defendant has accumulated as of the date of sentencing. On or before the date of sentencing, the attorney for the State shall obtain information about the deductions to time served from each correctional facility at which a defendant was detained prior to sentencing on the relevant charges; and</p> <p>G. The right to comment on the proposed early termination of probation, early termination of administrative release or conversion of probation to administrative release, pursuant to section 2105. -</p> <p>2. Pamphlets. When providing notice under subsection 1, the attorney for the State shall offer to provide the victim with a pamphlet containing this chapter, Title 5, chapter 316-A and Title 15, sections 812 and 6101. In addition, the attorney for the State, as part of any victim and witness support program that attorney administers under Title 30-A, section 460, shall provide the victim with a pamphlet outlining in everyday language the provisions set out in this chapter, Title 5, chapter 316-A and Title 15, sections 812 and 6101. The attorney for the State may use the pamphlet printed and distributed by the Department of Corrections or another pamphlet that meets the criteria in this section.</p>
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<p>Victims of violent/serious crimes have additional rights to information and notification.</p>	
<p>These provisions only apply to victims of violent/serious crimes.</p>	<p>15 MRSA §6101. Victim involvement in criminal proceedings</p> <p>1. Notice to victims. Whenever practicable, the attorney for the State shall make a good faith effort to inform the victims and families of victims of crimes of domestic violence and sexual assault and crimes in which the victim or the victim's family suffered serious physical trauma or serious financial loss of:</p> <p>A. The victim advocate and the victims' compensation fund pursuant to Title 5, chapter 316-A;¹</p> <p>B. The victim's right to be advised of the existence of a negotiated plea agreement before that agreement is submitted to the court pursuant to Title 17-A, section 1173;</p> <p>C. The time and place of the trial, if one is to be held;</p> <p>D. The victim's right to make a statement or submit a written statement at the time of sentencing pursuant to Title 17-A, section 1174 upon conviction of the defendant; and</p> <p>E. The final disposition of the charges against that defendant.</p> <p>2. Notice to court. Whenever practicable, the attorney for the State shall make a good faith effort to inform the court about the following:</p> <p>A. If there is a plea agreement, the victim's or the victim's family's position on the plea agreement; or</p> <p>B. If there is no plea agreement, the victim's or the victim's family's position on sentencing.</p>

THE RIGHT TO BE HEARD: PLEA AGREEMENTS

Victims have a right to address the court when pleas are submitted.	
Broad definition of victim applies here ⇨	<p>17-A MRSA §2103. Plea agreement procedure</p> <p>When a plea agreement is submitted to the court pursuant to the Maine Rules of Unified Criminal Procedure, Rule 11A(b), the attorney for the State shall disclose to the court any and all attempts made to notify each victim of the plea agreement and any objection to the plea agreement by a victim. A victim who is present in court at the submission of the plea may address the court at that time.</p>

THE RIGHT TO BE HEARD: SENTENCING

Victims have a right to provide a victim impact statement at sentencing.	
Broad definition of victim applies here ⇨	<p>17-A MRSA §2104. Sentencing procedure</p> <p>1. Participation by victim. The victim must be provided the opportunity to participate at sentencing by:</p> <p>A. Making an oral statement in open court; or</p> <p>B. Submitting a written statement to the court either directly or through the attorney for the State. A written statement must be made part of the record.</p> <p>An attorney for the victim may submit a written statement or make an oral statement on the victim's behalf.</p> <p>2. Consideration of victim's statements. The court shall consider any statement made under subsection 1, along with all other appropriate factors, in determining the sentence.</p> <p>3. Participation by interested person. An interested person, including, but not limited to, a member of the victim's family who is not immediate family of the victim, a close friend of the victim, a community member and other interested person, does not have a right to participate at sentencing. Participation by such interested persons is a matter for the court's discretion in determining what information to consider when sentencing.</p>

THE RIGHT TO BE HEARD: EARLY TERMINATION OF PROBATION

Victims have a right to be heard on motions to terminate probation/administrative release.	
Broad definition of victim applies here ⇨	<p>17-A MRSA §2105. Termination or conversion procedure</p> <p>When the attorney for the State receives notice of a motion seeking early termination of probation or early termination of administrative release or seeking to convert probation to administrative release, the attorney for the State shall disclose to the court any attempts made to notify each victim of the motion to terminate or convert and any objection to the motion by a victim. If a hearing is held on the motion by the court and the victim is present in court, the victim may address the court at that time.</p>

THE RIGHT TO NOTIFICATION: RELEASE/ESCAPE

<p>Victims have a right to request notification of release or escape after conviction.</p>	
<p>Includes defendants sentenced to prison and defendants committed to institutional confinement due to criminal insanity or lack of competence to stand trial ⇒</p> <p>Broad definition of victim applies here as well as protective order plaintiffs ⇒</p> <p>Victims must request notification through the prosecutor's office ⇒</p>	<p>17-A MRSA §2106. Notification of defendant's release or escape</p> <p>Upon complying with subsection 1, a victim of a crime of murder or of a Class A, Class B or Class C crime or of a Class D crime under chapters 9, 11 and 12 for which the defendant is committed to the Department of Corrections or to a county jail or is committed to the custody of the Commissioner of Health and Human Services either under Title 15, section 103 after having been found not criminally responsible by reason of insanity or under Title 15, section 101-D after having been found incompetent to stand trial must receive notification of the defendant's unconditional release and discharge from institutional confinement upon the expiration of the sentence or upon release from commitment under Title 15, section 101-D or upon discharge under Title 15, section 104-A; must receive notification of any conditional release of the defendant from institutional confinement, including probation, supervised release for sex offenders, parole, furlough, work release, funeral or deathbed visit, supervised community confinement, home release monitoring or similar program, administrative release or release under Title 15, section 104-A; and must receive notification of the defendant's escape from the Department of Corrections, the custody of the Commissioner of Health and Human Services or the county jail to which the defendant is committed. For purposes of this section, "victim" also includes a person who has obtained under Title 19-A, section 4007 an active protection order or approved consent agreement against the defendant.</p> <p>1. Request for notification. A victim who wishes to receive notification must file a written request for that notification of the defendant's release or escape under this section with the office of the attorney for the State. The attorney for the State shall forward this request form to the Department of Corrections or to the state mental health institute or to the county jail to which that defendant is committed. Notwithstanding this subsection, a victim who wishes to receive notification regarding a defendant who is committed to the Department of Corrections may file a request for notification of the defendant's release directly with the Department of Corrections.</p> <p>2. Notification of victim. The Department of Corrections or the state mental health institute or the county jail to which the defendant is committed shall keep the victim's written request for a notification under subsection 1 in the file of the defendant and shall notify the victim by mail of any impending release as soon as the release date is set or, if the defendant has escaped, by the quickest means reasonably practicable. This notification must be mailed to the address provided in the request or any subsequent address provided by the victim.</p> <p>3. Contents of notification upon release. If the defendant is being released, the notification required by this section must contain:</p> <p>A. The name of the defendant;</p> <p>B. The nature of the release authorized, whether it is a conditional release, including probation, supervised release for sex offenders, parole, furlough, work release, funeral or deathbed visit, supervised community confinement, home release monitoring or a similar program, administrative release or release under Title 15, section 104-A, or an unconditional release and discharge upon release from commitment under Title 15, section 101-D or upon the expiration of a sentence or upon discharge under Title 15, section 104-A;</p> <p>C. The anticipated date of the defendant's release from institutional confinement and any date on which the defendant must return to institutional confinement, if applicable;</p> <p>D. The geographic area to which the defendant's release is limited, if any;</p> <p>E. The address at which the defendant will reside; and</p>

	<p>F. The address at which the defendant will work, if applicable.</p> <p>4. Contents of notification upon escape. If the defendant has escaped, the notice required by this section must contain the name of the defendant, the manner of escape, the place from which the defendant escaped and the date of the escape.</p> <p>5. Termination of notification requirement. The notification requirement under this section ends when:</p> <p>A. Notification has been provided of an unconditional release or discharge upon the expiration of the sentence or upon release under Title 15, section 101-D or upon discharge under Title 15, section 104-A; or</p> <p>B. The victim has filed a written request for a notification under subsection 1 with the Department of Corrections or the state mental health institute or the county jail to which the defendant is committed asking that no further notification be given.</p> <p>6. Liability. Neither the failure to perform the requirements of this chapter nor compliance with this chapter subjects the attorney for the State, the Commissioner of Corrections, the Department of Corrections, the Commissioner of Health and Human Services, the institution for the care and treatment for persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or the residential program that provides care and treatment for persons who have intellectual disabilities or autism to which the defendant is committed by the Commissioner of Health and Human Services or the county jail or the employees or officers of the attorney for the State, the Commissioner of Corrections, the Department of Corrections, the Commissioner of Health and Human Services, the state mental health institution for the care and treatment for persons with mental illness to which the defendant is committed by the Commissioner of Health and Human Services or the residential program that provides care and treatment for persons who have intellectual disabilities or autism to which the defendant is committed by the Commissioner of Health and Human Services or the county jail to liability in a civil action.</p>
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Victims have a right to request notification of defendant's release on preconviction bail.	
<p>These provisions apply to domestic violence, sexual assault, and stalking victims ⇨</p> <p>Notification of release must be made within one hour ⇨</p>	<p>17-A MRSA §2107. Notification of defendant's release on preconviction bail</p> <p>1. Contact information for victim of certain crimes. In the case of an alleged crime involving domestic violence, sexual assault under chapter 11 or stalking, the arresting law enforcement officer shall obtain the victim's contact information and provide that information to the jail to which the defendant is delivered.</p> <p>2. Notification of victim of certain crimes by jail or law enforcement agency. In a case of an alleged crime involving domestic violence, sexual assault under chapter 11 or stalking, the jail to which the defendant is delivered shall notify the victim of the defendant's release on preconviction bail under Title 15, chapter 105-A as soon as possible but no later than one hour after the defendant's release. If the defendant is released on preconviction bail before being delivered to a jail, the arresting law enforcement agency shall notify the victim as provided in this section.</p> <p>3. Method of notification. Notification under subsection 2 must be made by a telephone call either directly to the victim or as provided in subsection 5. In the event that the jail has not succeeded in contacting the victim after the jail has exercised due diligence in attempting to contact the victim, notification of the defendant's release must be made to the law enforcement agency that investigated the report of domestic violence, sexual assault under chapter 11 or stalking. That law enforcement agency shall make a reasonable attempt to notify the victim of the defendant's release on preconviction bail.</p>

<p>If the victim is a minor, an adult must be notified ⇒</p>	<p>4. Request by victim to not be notified. Notwithstanding subsection 2, a victim of an alleged crime described in subsection 1 may request in writing that the jail or arresting law enforcement agency not notify the victim of the defendant's release on preconviction bail.</p> <p>5. Notification based on age of victim. Notification under this section to an adult victim must be made to the victim. Notification to a minor victim must be made to an adult who is the victim's parent or legal guardian or, if a parent or legal guardian is not available, to another immediate family member of the victim unless the jail or arresting law enforcement agency reasonably believes that it is in the best interest of the minor victim to be notified directly.</p> <p>6. Liability. Neither the failure to perform the requirements of this section nor compliance with this section subjects the State, the arresting law enforcement agency, the jail to which the defendant was delivered, the Department of Corrections or officers or employees of the law enforcement agency, jail or Department of Corrections to liability in a civil action.</p> <p>For purposes of this section, "crime involving domestic violence" has the same meaning as in Title 15, section 1003, subsection 3-A and includes those crimes under section 152, subsection 1, paragraph A, section 208 and section 208-B when the victim is a family or household member as defined in Title 19-A, section 4002, subsection 4.</p>
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THE RIGHT TO NOTIFICATION: POST-CONVICTION DNA ANALYSIS

<p>Victims have a right to be notified when the defendant files a post-conviction motion for DNA analysis.</p>	
<p>Allows anyone imprisoned for more than one year to move for DNA analysis ⇒</p>	<p>15 MRSA §2137. Postjudgment of conviction motion for DNA analysis; new trial based on analysis results</p> <p>1. Motion. A person who has been convicted of and sentenced for a crime under the laws of this State that carries the potential punishment of imprisonment of at least one year and for which the person is in actual execution of either a pre-Maine Criminal Code sentence of imprisonment, including parole, or a sentencing alternative pursuant to Title 17-A, section 1502, subsection 2 that includes a term of imprisonment or is subject to a sentence of imprisonment that is to be served in the future because another sentence must be served first may file a written postjudgment of conviction motion in the underlying criminal proceeding moving the court to order DNA analysis of evidence in the control or possession of the State that is related to the underlying investigation or prosecution that led to the person's conviction and a new trial based on the results of that analysis as authorized by this chapter. For criminal proceedings in which DNA testing was conducted before September 1, 2006, the person may file a written postjudgment of conviction motion in the underlying criminal proceeding moving the court for a new trial based on the results of the DNA testing already conducted using the standard set forth in this chapter if the DNA test results show that the person is not the source of the evidence.</p> <p>15 MRSA §2138. Motion; process</p> <p>1. Filing motion. A person authorized in section 2137 who chooses to move for DNA analysis shall file the motion in the underlying criminal proceeding. The motion must be assigned to the trial judge or justice who imposed the sentence unless that judge or justice is unavailable, in which case the appropriate chief judge or chief justice shall assign the motion to another judge or justice. Filing and service must be made in accordance with Rule 49 of the Maine Rules of Unified Criminal Procedure.</p> <p style="text-align: center;">∞</p> <p>13. Victim notification. When practicable, the attorney for the State shall make a good faith effort to give written notice of a motion under this section to the</p>

Victim notification provision ⇨	victim of the person described in subsection 1 or to the victim's family if the victim is deceased. The notice must be by first-class mail to the victim's last known address. Upon the victim's request, the attorney for the State shall give the victim notice of the time and place of any hearing on the motion and shall inform the victim of the court's grant or denial of a new trial to the person.
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THE RIGHT TO RESTITUTION

<p>Victims have a right to be compensated for financial losses caused by the crime.</p>	
<p>Victims are not entitled to restitution for losses that have been covered by other sources ⇨</p> <p>These provisions address the categories</p>	<p>17-A MRSA §2001. Purpose</p> <p>The Legislature finds and declares that the victims of crimes often suffer losses through no fault of their own and for which there is no compensation. It also finds that repayment, in whole or in part, by the offender to the victim of the offender's crime can operate to rehabilitate the offender in certain instances. It is the purpose of this chapter to encourage the compensation of victims by the person most responsible for the loss incurred by the victim, the offender. Restitution by the offender can serve to reinforce the offender's sense of responsibility for the offense, to provide the offender the opportunity to pay the offender's debt to society and to the offender's victim in a constructive manner and to ease the burden of the victim as a result of the criminal conduct.</p> <p>The Legislature recognizes that a crime is an offense against society as a whole, not only against the victim of the crime, and that restitution for victims is therefore ancillary to the central objectives of the criminal law. It intends restitution to be applied only when other purposes of sentencing can be appropriately served.</p> <p>The Legislature does not intend the use of restitution to result in preferential treatment for offenders with substantial financial resources.</p> <p>17-A MRSA §2002. Definitions</p> <p>As used in this chapter, unless the context otherwise indicates, the following words have the following meanings.</p> <p>1. Collateral source. "Collateral source" means a source of benefits or advantages for economic loss resulting from a crime, which the victim has received, or which is readily available to the victim from:</p> <ul style="list-style-type: none"> A. The Government of the United States or any agency thereof, a state or any of its political subdivisions or an instrumentality of 2 or more states unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this chapter; B. Social security, Medicare and Medicaid; C. Workers' compensation; D. Wage continuation programs of any employer; E. Proceeds of a contract of insurance payable to the victim for loss that the victim sustained because of the criminal conduct; or F. A contract providing prepaid hospital and other health care services or benefits for disability. <p>2. Dependent. "Dependent" means an individual who is wholly or partially dependent upon the victim for care or support and includes a child of the victim born after the victim's death.</p> <p>3. Economic loss. "Economic loss" includes economic detriment consisting of environmental clean-up expense, property loss, allowable expense, work loss, replacement services loss and, if injury causes death, dependent's economic loss</p>

<p>of losses eligible for restitution ⇒</p>	<p>and dependent's replacement services loss. Noneconomic detriment is not loss. Economic detriment is loss although caused by pain and suffering or physical impairment. "Economic loss" includes expenses of an emergency response by any public agency and critical investigation expenses.</p> <p>A. "Allowable expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training, counseling services and other remedial treatment and care, and nonmedical remedial care and treatment rendered in accordance with a recognized religious method of healing. The term includes reasonable and customary charges incurred for expenses in any way related to funeral, cremation and burial. It does not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semiprivate accommodations, unless other accommodations are medically required.</p> <p>B. "Critical investigation expense" means a necessary expense incurred by a government or by a victim while investigating or prosecuting suspected criminal conduct. "Critical investigation expense" is limited to the cost of an audit or other financial analysis when that analysis is necessary to determine whether and to what extent a victim has suffered financial harm from criminal conduct by an employee or other person in a position of trust and the cost of analysis of suspected illegal drugs.</p> <p>C. "Dependent's economic loss" means loss after a decedent's death of contributions of things of economic value to the decedent's dependents, not including services they would have received from the decedent if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of decedent's death.</p> <p>D. "Dependent's replacement loss" means loss reasonably incurred by dependents after a decedent's death in obtaining ordinary and necessary services in lieu of those the decedent would have performed for their benefit if the decedent had not suffered the fatal injury, less expenses of the dependents avoided by reason of the decedent's death and not subtracted in calculating dependent's economic loss.</p> <p>E. "Environmental clean-up expense" means any reasonable expense incurred for products and services needed to clean up any harm or damage caused to the environment, including any harm or damage caused by chemicals; to restore the environment to its previous condition prior to any harm or damage; and to properly dispose of chemicals and other materials, including those used in the manufacture of scheduled drugs in violation of chapter 45.</p> <p>F. "Expense of an emergency response" means reasonable costs incurred by a public agency in reasonably making an appropriate emergency response to the incident, including a response to a suspected unlawful methamphetamine laboratory under section 1124, but only includes those costs directly arising because of the response to the particular incident. Reasonable costs include the costs of providing police, firefighting, rescue and emergency medical services at the scene of the incident, as well as the compensation for the personnel, including trained laboratory personnel, responding to the incident. "Public agency" means the State or any county, municipality, district or public authority located, in whole or in part, within this State that provides or may provide laboratory services or police, firefighting, ambulance or other emergency services.</p> <p>G. "Property loss" means the value of property taken from the victim, or of property destroyed or otherwise broken or harmed. A property loss includes the value of taxes or other obligations due to the government that have not been paid. "Property loss" also includes, in cases involving a violation of chapter 45, the value of money or other consideration given or offered in exchange for scheduled drugs by a law enforcement officer or another at the direction of a law enforcement officer that are not, in fact, recovered by the State at the time of sentencing, regardless of whether other money or items of value are sought, acquired or forfeited pursuant to Title 15, chapter 517. In cases involving a violation of chapter 45, the court must make a finding that the property loss is specifically related to that case.</p>
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<p>Restitution can include money reimbursement OR work or service provided to the victim ⇒</p> <p>The definition of victim includes both direct victims AND governmental agencies, including the Victims' Compensation Program ⇒</p> <p>Every case involving a victim is eligible for restitution so long as the victim and/or the government has financial loss ⇒</p> <p>The court is required to make findings when restitution is not ordered ⇒</p>	<p>H. "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income but for the benefit of the injured person or the injured person's family, if the injured person had not been injured.</p> <p>I. "Work loss" means loss of income from work the injured person would have performed if the injured person had not been injured and expenses reasonably incurred by the injured person in obtaining services in lieu of those the injured person would have performed for income, reduced by any income for substitute work actually performed by the injured person or by income the injured person would have earned in available appropriate substitute work the injured person was capable of performing but unreasonably failed to undertake. For a victim of a human trafficking offense as defined in Title 5, section 4701, subsection 1, paragraph C, "work loss" includes pay or benefits unfairly or illegally withheld from the victim by the offender or any unfair labor agreement under Title 26, section 629, as defined by rules adopted by the Department of Labor.</p> <p>4. Noneconomic detriment. "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and other nonpecuniary damage.</p> <p>5. Offender. "Offender" means an individual or an organization convicted of a crime.</p> <p>6. Restitution. "Restitution" means:</p> <p>A. Monetary reimbursement, in whole or in part, for economic loss;</p> <p>B. Work or service provided to a victim for economic loss; or</p> <p>C. Any combination of service or monetary reimbursement by an offender to the victim of the offender's crime or to other authorized claimants, either directly or indirectly.</p> <p>7. Victim. "Victim" means a government that suffers economic loss or a person who suffers personal injury, death or economic loss as a result of a crime or the good faith effort of any person to prevent a crime.</p> <p>17-A MRSA §2003. Mandatory consideration of restitution</p> <p>1. Inquiry as to victim's financial loss. The court shall, whenever practicable, inquire of a prosecutor, law enforcement officer or victim with respect to the extent of the victim's financial loss and shall order restitution when appropriate. The order for restitution must designate the amount of restitution to be paid and the person or persons to whom the restitution must be paid.</p> <p>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 2005, the court shall state in open court or in writing the reasons for not imposing restitution.</p> <p>3. Restitution required. In any prosecution for a crime committed prior to the effective date of this chapter, or any amendment to this chapter, the court may, with the consent of the defendant, require the defendant to make restitution in accordance with this chapter as amended.</p> <p>17-A MRSA §2004. Authorized claimants</p> <p>Restitution may be authorized for:</p> <p>1. Victim. The victim or a dependent of a deceased victim;</p> <p>2. County. The county where the offense was prosecuted if the victim voluntarily refuses restitution or if the identity of the victim cannot be ascertained;</p>
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<p>"Failure to report" is a common response to trauma ⇨</p> <p>The defendant bears the burden to prove inability to pay ⇨</p> <p>This provision addresses when DOC collects restitution versus when the prosecutor's office collects ⇨</p>	<p>3. Person providing recovery. Any person, firm, organization, corporation or government entity that has provided recovery to the victim as a collateral source, but only to the extent that such recovery was actually made; and</p> <p>4. Person acting on behalf of victim. Any person legally authorized to act on behalf of the victim.</p> <p>17-A MRSA §2005. Criteria for restitution</p> <p>1. Restitution authorized. Restitution may be authorized, in whole or in part, as compensation for economic loss. In determining the amount of restitution authorized, the following must be considered:</p> <p>A. The contributory misconduct of the victim;</p> <p>B. Failure to report the crime to a law enforcement officer within 72 hours after its occurrence, without good cause for failure to report within that time; and</p> <p>C. The present and future financial capacity of the offender to pay restitution.</p> <p>2. Restitution not authorized. Restitution is not authorized:</p> <p>A. To a victim without that victim's consent;</p> <p>B. To a victim who is an accomplice of the offender;</p> <p>C. To a victim who has otherwise been compensated from a collateral source, but economic loss in excess of the collateral compensation may be authorized; and</p> <p>D. When the amount and method of payment of monetary restitution or the performance of service restitution creates an excessive financial hardship on the offender or dependent of the offender. In making this determination, all relevant factors must be considered, including, but not limited to, the following:</p> <p>(1) The number of the offender's dependents;</p> <p>(2) The minimum living expenses of the offender and the offender's dependents;</p> <p>(3) The special needs of the offender and the offender's dependents, including necessary travel expense to and from work;</p> <p>(4) The offender's present income and potential future earning capacity; and</p> <p>(5) The offender's resources, from whatever source.</p> <p>3. Exception. The provisions of subsection 2, paragraph D do not apply to an offender that is an organization.</p> <p>4. Burdens of proof. An offender who asserts a present or future incapacity to pay restitution has the burden of proving the incapacity by a preponderance of the evidence. On appeal of a restitution order, the offender has the burden of demonstrating that the incapacity was proven as a matter of law.</p> <p>17-A MRSA §2006. Time and method of restitution</p> <p>When restitution is authorized, and the offender is not committed to the Department of Corrections and does not receive a sentence that includes a period of probation, the time and method of payment or of the performance of the services must be specified by the court and 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 committed to the Department of Corrections or receives a sentence that includes a period of probation, monetary compensation must be paid to the Department of Corrections and the time and method of payment must be determined by the Department of Corrections during the term of commitment or the period of probation unless at the time of sentencing the court has specified the time and method of payment. Once any term of commitment to the Department of Corrections or period of probation is</p>
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<p>Restitution is still owed after the death of the victim ⇒</p> <p>"Joint and several" means that all offenders are liable for the full amount until the entire amount is paid ⇒</p>	<p>completed and if the restitution ordered has not been paid in full, the offender is subject to the provisions of section 2011 and, in the event of a default, the provisions of section 2015. 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.</p> <p>17-A MRSA §2007. Income withholding order</p> <p>1. Instructions for employer. When restitution is required of an offender who will not be commencing service of a period of institutional confinement, who does not receive a sentence that includes a period of probation and who is employed, the court shall, at the time of ordering restitution, enter a separate order for income withholding. When restitution is required of an offender who receives a sentence that includes a period of probation and who is employed, upon application of the offender's probation officer, the court shall 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 determined pursuant to section 2006 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:</p> <p>A. Immediately begin to withhold the offender's income when the offender is usually paid;</p> <p>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</p> <p>C. Identify each amount sent to the agency by indicating the court's docket number.</p> <p>2. Term of order. The income withholding order is effective as long as the order for restitution upon which it is based is effective, including after a defendant is no longer in the custody or under the supervision of the Department of Corrections and has not paid the restitution in full as described in section 2011, or until further order of the court.</p> <p>17-A MRSA §2008. Deceased victims</p> <p>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. If an offender is an heir, beneficiary or recipient of the victim's estate, any restitution paid to the estate under this section may not benefit the offender but must be distributed to any other heir, beneficiary or recipient as if the distribution of the estate's assets did not include the offender or, if the victim's estate has no heir, beneficiary or recipient other than the offender, the restitution must be paid to the Victims' Compensation Fund under Title 5, chapter 316-A or the Victims' Property Compensation Fund under Title 5, chapter 316-C, determined by whether the restitution is for underlying injury or property damage.</p> <p>17-A MRSA §2009. Victim unable to be located</p> <p>If the location of a victim cannot, with due diligence, be ascertained, the money collected as restitution must be forwarded to the Treasurer of State to be handled as unclaimed property.</p> <p>17-A MRSA §2010. Joint and several order</p> <p>If the victim's financial loss has been caused by more than one offender, the order must designate that the restitution is to be paid on a joint and several basis, unless the court specifically determines that one defendant should not equally share the burden. The agency collecting restitution pursuant to a joint and several order may, after the full amount of restitution has been collected and disbursed to the victim, continue to collect payments from an offender who has not paid an</p>
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equal share of the restitution and may disburse the money collected to any other offender who has paid more than an equal share of the restitution.

17-A MRSA §2011. Former Department of Corrections' clients owing restitution

An offender is responsible for paying any restitution outstanding at the time the term of commitment to the Department of Corrections or period of probation is completed. An offender who has complied with the time and method of payment of monetary compensation determined by the Department of Corrections during the period of probation shall continue to make payments to the Department of Corrections in accordance with that payment schedule unless modified by the court pursuant to section 2014 or 2015. An offender who has not complied with the time and method of payment of monetary compensation determined by the Department of Corrections during the period of probation must be returned to the court for further disposition pursuant to section 2015. An offender who is unconditionally released and discharged from institutional confinement with the Department of Corrections upon the expiration of the sentence must, upon application of the office of the attorney for the State, be returned to the court for specification by the court of the time and method of payment of monetary compensation, which may be ordered paid to the office of the attorney for the State who prosecuted the case or to the clerk of the court. Prior to the offender's release and discharge, the Department of Corrections shall provide the office of the attorney for the State who prosecuted the case written notice as to the amount of restitution outstanding. An income withholding order issued pursuant to section 2007 remains effective and enforceable until the restitution is paid in full, even after an offender is no longer in the custody or under the supervision of the Department of Corrections.

17-A MRSA §2012. Restitution deducted from judgment in civil action

Any restitution ordered and paid must be deducted from the amount of any judgment awarded in a civil action brought by the victim against the offender based on the same facts. If the restitution ordered and made was work restitution, the reasonable value of the services may be deducted from any such judgment.

17-A MRSA §2013. Post-conviction relief

If, in any judicial proceeding following conviction, a court issues a final judgment invalidating the conviction, the judgment may include an order that any or all of a restitution payment that the convicted person paid pursuant to the sentence for that conviction be returned to the convicted person.

17-A MRSA §2014. Modification of restitution

A convicted person who cannot make restitution payments in the manner ordered by the court or determined by the Department of Corrections pursuant to section 2006 shall move the court for a modification of the time or method of payment or service to avoid a default. The court may modify its prior order or the determination of the Department of Corrections to reduce the amount of each installment or to allow additional time for payment or service.

17-A MRSA §2015. Default

1. Return to court. An offender who has been sentenced to make restitution and has defaulted in payment or service thereof must be returned to court to explain the failure to pay or perform the service.

2. Reports. A probation officer having knowledge of a default in restitution by an offender shall report the default to the office of the attorney for the State. An attorney for the State having knowledge of a default in restitution by an offender shall report the default to the court. If the restitution was a condition of probation, the attorney for the State may file a motion to enforce payment of restitution or, with the written consent of the probation officer, a motion to revoke probation under section 1811. If the restitution was not a condition of probation, the attorney for the State may file a motion to enforce payment of restitution.

3. Motion to enforce payment of restitution. Either the attorney for the State

or the court may initiate a motion to enforce payment of restitution. Notification for the hearing on the motion must be sent by regular mail to the offender's last known address. If the offender does not appear for the hearing after proper notification has been sent, the court may issue a bench warrant.

A. Unless the offender shows by a preponderance of the evidence that the default was not attributable to an intentional or knowing refusal to obey the court's order or to a failure on the offender's part to make a good-faith effort to obtain the funds required to make payment, the court shall find that the default was unexcused and may commit the offender to the custody of the sheriff until all or a specified part of the restitution is paid. The length of confinement in a county jail for unexcused default must be specified in the court's order and may not exceed one day for every \$5 of unpaid restitution or 6 months, whichever is shorter. An offender committed for nonpayment of restitution is given credit toward the payment of restitution for each day of confinement that the offender is in custody, at the rate specified in the court's order. The offender is also given credit for each day that the offender has been detained as the result of an arrest warrant issued pursuant to this section. An offender is responsible for paying any restitution remaining after receiving credit for confinement and detention. A default on the remaining restitution is also governed by this section

B. If it appears that the default is excusable, the court may give the offender additional time for payment or may reduce the amount of each installment.

C. The confinement ordered under this subsection must be nonconcurrent with any judgment of conviction involving a term of imprisonment.

4. Forfeiture of bail. When an offender who has been sentenced to make restitution and has defaulted in payment or service of the restitution is declared in forfeiture of bail in the proceeding brought under this section pursuant to Title 15, section 1094, the obligation and sureties of the defendant must be enforced pursuant to Title 15, section 1094 and the district attorney shall use the proceeds to satisfy the offender's restitution obligation. Any proceeds from the forfeited bail remaining after the offender's restitution obligation has been satisfied must be used in accordance with Title 15, section 224-A, subsection 2.

5. Collection. Upon any default, execution may be levied and other measures authorized for the collection of unpaid civil judgments may be taken to collect the unpaid restitution. A levy of execution does not discharge an offender confined to a county jail under subsection 3 for unexcused default until the full amount of the restitution has been collected.

6. Organizations. When restitution is imposed on an organization, the person or persons authorized to make disbursements from the assets of the organization shall pay the restitution from the organization's assets. Failure to do so may subject the person or persons to court action pursuant to this section.

7. Payments. Payments made pursuant to this section must be made to the same agency to which the restitution was required to be paid under section 2006 or section 2011, except that if the offender is no longer in the custody or under the supervision of the Department of Corrections the payments must be made to the office of the attorney for the State who prosecuted the case or the clerk of the court, as ordered by the court.

17-A MRSA §2016. Work program release; restitution

1. Work program; payment of restitution and fines. 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, or participate in an industry program under Title 34-A, section 1403, subsection 9 or any other program administered by the Department of Corrections or a sheriff by which a prisoner is able to generate money, unless the prisoner consents to pay at least 25% of the prisoner's gross weekly wages or other money generated 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 or other money generated 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 or other money generated 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 cannot be located, the correctional facility shall forward the funds, as provided in section 2009, to the Treasurer of State to be handled as unclaimed property.

2. Payment of restitution or fines from other sources. A prisoner, other than one addressed by subsection 1, who receives money, from any 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 cannot be located, the correctional facility shall forward the funds, as provided in section 2009, to the Treasurer of State to be handled as unclaimed property. Money received by the prisoner and directly deposited into a telephone call account established by the Department of Corrections for the sole purpose of paying for use of the department's client telephone system is not subject to this subsection, except that 25% of any money received by the prisoner and transferred from the telephone call account to the department's general client account at the time of the prisoner's discharge or transfer to supervised community confinement must be collected and disbursed as provided in this subsection.

3. Restitution; absolute. The requirements imposed on a prisoner by this section to pay restitution and fines during incarceration apply regardless of whether:

- A. The court order to pay restitution or fines constitutes a sentence or is imposed as a condition of probation;
- B. Payment has been stayed in the court order;
- C. The court has specified a time and method of payment pursuant to section 1708, subsection 1 or section 2006; or
- D. The person's incarceration resulted from a revocation of probation.

17-A MRSA §2017. Waiver of issue of excessiveness

If a defendant at the time of sentencing has consented to the imposition by the sentencing court of a specific amount of restitution, the defendant is thereafter precluded from seeking to attack the legality or propriety of the amount of restitution ordered if that amount does not exceed the specific amount consented to by the defendant.

17-A MRSA §2018. Restitution for benefit of victim

When compensation is awarded from the Victims' Compensation Fund pursuant to Title 5, chapter 316-A or the Victims' Property Compensation Fund pursuant to Title 5, chapter 316-C, the amount of any restitution ordered to be paid to or for the benefit of the victim and collected as part of a sentence imposed must be paid by the agency collecting the restitution in an amount not to exceed the amount of the payments from the fund, directly to the fund if, when added to the payments from the fund, the restitution exceeds the victim's actual loss.

17-A MRSA §2019. Civil remedy upon default

Upon the request of the attorney for the State or a person entitled to restitution under an order of restitution, the clerk shall enter the order of restitution in the same manner as a judgment in a civil action. When entered under this section, the order of restitution is deemed to be a money judgment. Upon default, the order to make restitution is enforceable in accordance with Title 14, chapter 502 by any person entitled to restitution under the order.

<p>Basic eligibility requirements ⇨</p> <p>Dependents may be eligible ⇨</p>	<p>17-A MRSA §3360-A. Victims' Compensation Board established; compensation</p> <p>1. Establishment and membership. There is established within the Department of the Attorney General the Victims' Compensation Board. The board consists of 5 members appointed by the Attorney General. One member must be a physician licensed to practice medicine in the State; one member must be an attorney licensed to practice law in the State; one member must be experienced in working with victims of crime; and, beginning July 1, 2022, one member must be knowledgeable about insurance claims regarding property damage or replacement and one member must represent the public.</p> <p>2. Terms of appointment. The term of each member is 3 years. The Attorney General shall make initial appointments for the following terms: one member for an initial term of 3 years, one member for an initial term of 2 years and one member for an initial term of one year. When a vacancy occurs prior to the expiration of a term, the appointment to fill that vacancy is for the balance of the unexpired term.</p> <p>3. Chair. Annually, the members shall elect a chair from among the members.</p> <p>4. Compensation. Members of the board are entitled to the legislative per diem plus compensation for actual and necessary expenses.</p> <p>5. Meetings. The board may not meet more than once a month.</p> <p>6. Quorum. Two members of the board constitute a quorum and, beginning July 1, 2022, 3 members of the board constitute a quorum.</p> <p>7. Rules. The board may adopt rules pursuant to the Maine Administrative Procedure Act to carry out the purposes of this chapter and, beginning July 1, 2022, the purposes of chapter 316-C. Rules adopted pursuant to this subsection are routine technical rules as defined by chapter 375, subchapter 2-A.</p> <p>8. Duties. The board shall perform the duties assigned to it in this chapter and, effective July 1, 2022, the duties assigned in chapter 316-C.</p> <p>17-A MRSA §3360-B. Award of compensation; eligibility</p> <p>1. Eligibility of victims. The board may award compensation to any individual who:</p> <ul style="list-style-type: none">A. Suffers personal injury as a direct result of a crime specified in section 3360, committed within the jurisdiction of the State;B. Has been sexually assaulted within this State in violation of Title 17-A, chapter 11 without regard to whether bodily injury or the threat of bodily injury occurred;C. Would otherwise be eligible for compensation, even though:<ul style="list-style-type: none">(1) The criminal conduct occurred in this State but within the exclusive jurisdiction of the United States;(2) The personal injury resulted from conduct that violates a criminal law of the United States; or(3) The crime occurred in another state, but only if the person is a resident of this State and the other state does not have a victim compensation program for which residents of this State are eligible, and the person would have been eligible under this chapter if the conduct had occurred in this State; orD. Is a resident of this State and suffers personal injury as a direct result of a crime specified in section 3360, subsection 3, paragraph F committed outside of the United States. <p>2. Eligibility of financial dependents. The board may award compensation for the benefit of a surviving family or household member for lost wages of a person</p>
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<p>Surviving family members may be eligible ⇨</p>	<p>who dies as a direct result of a crime if the family or household member was financially dependent on the deceased person or the deceased person had contributed substantially and regularly to the support of the surviving family or household member.</p>
<p>Report to law enforcement required ⇨</p>	<p>3. Eligibility for payment of mental health treatment for family members. The board may award compensation for the benefit of a surviving family or household member of a person who dies or suffers catastrophic injury as a direct result of a crime, a family or household member who witnessed a crime or a family or household member of a sexual assault victim for unreimbursed mental health treatment expenses directly related to the crime.</p>
<p>Claim must be filed within three years ⇨</p>	<p>17-A MRSA §3360-C. Requirements and exclusions</p> <p>1. Compensation. Compensation may not be paid for any crime unless:</p> <p>A. The crime was reported to a law enforcement officer within 5 days of the occurrence or discovery of the crime or of the resultant injury; and</p>
<p>Cooperation is required ⇨</p>	<p>B. The claim was filed with the board within 3 years of the occurrence of the injury or compensable loss, or within 60 days of the discovery of injury or compensable loss, whichever is later.</p> <p>2. Cooperation. Compensation may not be paid:</p> <p>A. To any claimant who does not fully cooperate with the board or with the reasonable requests of law enforcement officers or prosecution authorities; or</p>
<p>Exclusion for causing or contributing to injuries ⇨</p>	<p>B. To or on behalf of any person who violated a criminal law that caused or contributed to the injury or death for which compensation is sought, except when the person was the victim of a criminal homicide and the claimant was not involved in the criminal conduct.</p>
<p>Board has discretion to waive certain requirements ⇨</p>	<p>3. Exception. The board may waive the time requirements of subsection 1 for good cause shown and shall waive the time requirements on behalf of a child or when the claimant is a child and the crime and the claim have been properly reported to law enforcement officers and the board by an adult who becomes aware of the crime and of the compensable injury.</p>
<p>The Victims' Compensation Program provides forms to make the process easy and often helps with documentation ⇨</p>	<p>17-A MRSA §3360-D. Claims</p> <p>1. Submission of claims. Claims are submitted to the board as follows.</p> <p>A. Claims must be in writing.</p> <p>B. Claims must specify the date, the nature and circumstances of the crime and the law enforcement agency to which the crime was reported.</p> <p>C. Claims must include documentation of all eligible expenses and losses for which the claimant seeks compensation, including but not limited to medical reports, records and bills, funeral bills and employment records when lost wages are sought.</p> <p>D. Claims must include records related to insurance, workers' compensation, federal and state entitlement and assistance programs.</p>
	<p>2. Release of records. A signed application for benefits under this chapter is effective under state law to authorize the release of health care, mental health, employment and wage information pertinent to the claim. Additionally, the claimant shall provide the board with other information or the release of such other information as the board determines is reasonably necessary to decide the claim.</p> <p>Upon request of the board pursuant to the claimant's application for compensation, health care providers and health plans, insurers or other persons who pay or discharge the costs of health care must submit directly to the board any information that is required to support a claimant's application or that is necessary to process a claim for payment.</p>

<p>Confidentiality provisions ⇨</p>	<p>3. Forms. The board may provide forms for the submission of claims and claims information.</p> <p>4. Confidentiality. All records and information obtained by or in the possession of the Department of the Attorney General concerning an application for or an award of compensation under this chapter are confidential and may not be disclosed. However, the Attorney General may provide access to those records and information to the board for use in the board's official duties; those records and information remain confidential in the possession of the board. The records or information may, at the sole discretion of the Attorney General or designee of the Attorney General, be disclosed to:</p> <p>A. Law enforcement officers to assist them with the discharge of their official duties;</p> <p>B. The courts and the Department of Corrections to provide them with information to assess, collect and disburse restitution;</p> <p>C. A claimant who has requested a hearing before the board or who has appealed a final decision of the board; and</p> <p>D. Other persons to carry out the purposes of this chapter.</p>
<p>Total compensation is capped at \$15,000 ⇨</p>	<p>17-A MRSA §3360-E. Payment of awards; limits</p> <p>The board may award compensation to a claimant of up to \$15,000 for actual and unreimbursed losses and eligible expenses of any person who is sexually assaulted or who suffers personal injury or death as the result of a crime specified in section 3360, subsection 3.</p> <p>An award of compensation for the benefit of a family or household member is derivative of the claim of the victim. The total compensation paid for all claims arising from the crime against the victim may not exceed \$15,000.</p>
<p>Family members can seek death-related expenses ⇨</p>	<p>Within the limits specified in this section, when a person dies as the direct result of a specified crime, any individual who pays or who is legally responsible for medical, medically related, funeral or burial expenses may seek compensation for those unreimbursed expenses incurred by the individual. A provider of medical or funeral services may not seek reimbursement directly.</p> <p>The board, in its sole discretion, may disburse funds awarded directly to the claimant or to the individuals or entities who provided the services for which compensation was awarded. In the case of more than one family or household member, the board may apportion the total compensation as the board determines.</p>
<p>Victims have a right to be heard on their claims ⇨</p>	<p>17-A MRSA §3360-F. Determination of award</p> <p>1. Hearings. The board may hold a hearing on any claim and the board shall hold a hearing if requested by the claimant. The claimant may address the board at a hearing on the claim and the board may take testimony under oath.</p> <p>2. Information. In addition to the material and information required by law and by the board, the claimant may provide the board with any other information pertinent to the nature or the amount of the claim. The board shall receive and consider information provided by law enforcement agencies and prosecution authorities and, at its sole discretion, may receive and consider relevant information from any other source.</p> <p>3. Determination of award. The board shall determine by a preponderance of the evidence whether a specified crime occurred, whether the personal injury or death was the result of that criminal conduct, the amount of eligible expenses and losses suffered by the claimant, whether to award compensation and the amount of the compensation. In determining the amount of compensation to be paid, the board shall consider the amount available to pay victim compensation claims, the history of claims paid by the board, the number and amount of currently pending claims and the nature and cost of expenses submitted by the</p>

<p>Victims have a right to appeal Board decisions ⇨</p>	<p>claimant.</p> <p>4. Unanimous decision. The board shall determine action on a claim with a quorum participating on that claim, but any award of compensation requires the unanimous concurrence of all members present.</p> <p>5. Final decision. The board's final decision must contain reasons for the determination.</p> <p>17-A MRSA §3360-G. Appeal</p> <p>Only a claimant under this chapter may appeal a decision of the board. An appeal of the board's final decisions must be to the Superior Court as provided for other administrative actions under chapter 375, subchapter VII. Board decisions and the amount of awards must be upheld unless the court finds no rational basis for the decision or that the board abused its discretion.</p> <p>17-A MRSA §3360-H. Victims' Compensation Fund</p> <p>There is created a special fund, known as the "Victims' Compensation Fund," for the purpose of providing for the payment of claims arising under this chapter and for the payment of all necessary and proper expenses incurred by the board. The Attorney General shall administer the fund.</p> <p>All administrative costs of the board must be paid out of money collected pursuant to section 3360-I and deposited in the Victims' Compensation Fund. The fund may receive private donations, federal funds and state funds designated by law that may be used for the payment of claims and for administrative costs.</p> <p>17-A MRSA §3360-I. Funding sources</p> <p>As part of the sentence or fine imposed, the court shall impose an assessment of \$35 on any person convicted of murder, a Class A crime, a Class B crime or a Class C crime and \$20 on any person convicted of a Class D crime or a Class E crime, except that the court shall impose an assessment of \$1,000 on any person convicted of aggravated sex trafficking as described in Title 17-A, section 852, an assessment of \$500 on any person convicted of sex trafficking as described in Title 17-A, section 853, an assessment of \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of engaging a prostitute as described in Title 17-A, section 853-B and an assessment of \$500 on any person for the first conviction and \$1,000 for each subsequent conviction of patronizing prostitution of a minor or patronizing prostitution of a mentally disabled person as described in Title 17-A, section 855. Notwithstanding any other law, the court may not waive the imposition of the assessment required by this section. For purposes of collection and collection procedures, this assessment is considered part of the fine. At the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the Victims' Compensation Fund. All funds collected as a result of these assessments accrue to the Victims' Compensation Fund.</p> <p>When compensation is awarded from the Victims' Compensation Fund, the amount of any restitution ordered and paid as part of a sentence imposed that, when added to the award from the fund, exceeds the victim's actual loss must be paid to the fund, in an amount not to exceed the amount of the award. Similarly, the amount of any insurance, 3rd-party payment or recovery in a successful civil action against a person responsible for the eligible expenses and losses that, when added to the award from the fund, exceeds the victim's actual loss must be paid to the fund, in an amount not to exceed the amount of the award.</p> <p>The board may establish a reserve fund approved by the State Auditor and the Treasurer of State. At the end of every quarter, the Treasurer of State shall credit unreserved funds in excess of \$2,000,000 to the General Fund.</p> <p>17-A MRSA §3360-J. Use of funds</p> <p>1. Administrative expenses. Administrative expenses of the board may be paid from the Victims' Compensation Fund.</p>
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Only crimes that occur after January 1, 1993 are eligible ⇨

2. Judicial administrative expenses. Up to \$10,000 may be used the first year to defray the programming costs to integrate the Victims' Compensation Fund into the Judicial Department computer system.

17-A MRSA §3360-K. Effective dates

1. Penalty imposed. The assessments required by section 3360-I apply to penalties imposed for criminal conduct alleged to have occurred on or after January 1, 1993.

2. Compensation awarded. Notwithstanding the effective date of this chapter, the board may not award compensation for any crime that occurred prior to January 1, 1993.

3. Processing claims. Notwithstanding the effective date of this chapter, the board is not obligated to process or pay claims before June 1, 1993.

17-A MRSA §3360-L. Information

The Attorney General shall develop a fact sheet for victims with information about the victim advocate and victim compensation programs and shall make copies available to all prosecutors' offices and law enforcement agencies who shall provide that fact sheet for distribution to all victims of crimes and their families.

17-A MRSA §3360-M. Payment for forensic examinations for alleged victims of sexual assault

1. Payment. The board shall pay the costs of forensic examiner training as well as the costs of forensic examinations for alleged victims of sexual assault from the Victims' Compensation Fund. The board shall track expenditures for forensic examinations separately from all other expenditures. Forensic examination payments are not subject to any other provision of this chapter. For the purposes of this section, "sexual assault" means any crime enumerated in Title 17-A, chapter 11.

2. Forensic examination; forensic examiner training and education. The board shall determine by rule what a forensic examination may include for purposes of payment. An examination must include at least all services directly related to the gathering of forensic evidence and related testing and treatment for pregnancy and sexually transmitted diseases. The board shall pay a licensed hospital or licensed health care practitioner the actual cost of the forensic examination up to a maximum of \$750.

The cost of sexual assault forensic examiner training and education provided by the sexual assault forensic examiner program must be paid from the Victims' Compensation Fund in an amount that may not exceed \$50,000 per year.

3. Process for payment. A licensed hospital or licensed health care practitioner that performs forensic examinations for alleged victims of sexual assault shall submit a bill to the Victims' Compensation Board directly for payment of the forensic examinations. The hospital or health care practitioner that performs a forensic examination shall take steps necessary to ensure the confidentiality of the alleged victim's identity. The bill submitted by the hospital or health care practitioner may not identify the alleged victim by name but must be assigned a tracking number assigned by the manufacturer of the forensic examination kit. The hospital or health care practitioner that performs the examination may not bill the alleged victim or the alleged victim's insurer, nonprofit hospital or medical service organization or health maintenance organization for payment of the examination. The alleged victim is not required to report the alleged offense to a law enforcement agency.

4. Other reimbursement. The fact that forensic examinations are paid for separately through the Victims' Compensation Fund does not preclude alleged victims of sexual assault from seeking reimbursement for expenses other than those for the forensic examination. A victim seeking reimbursement from the Victims' Compensation Fund for expenses other than the forensic examination is subject to all other provisions of this chapter.

5. Rules. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

JUVENILE PROCEEDINGS

PROCEDURAL RIGHTS IN JUVENILE PROCEEDINGS

Victims have limited procedural rights in juvenile proceedings.

<p>Victims are entitled to information about the proceeding, regardless of whether the matter was open to the public ⇒</p>	<p>15 MRSA §3308. Juvenile case records; inspection and sealing</p> <p>1. Inspection.</p> <p>1-A. Confidentiality. Juvenile case records are confidential and may not be disclosed, disseminated or inspected except as expressly authorized by this Part.</p> <p>2. Hearings open to public. In the case of a hearing open to the general public under section 3307, the petition, the record of the hearing and the order of adjudication are open to public inspection, provided that any court subsequently sentencing the juvenile after the juvenile has become an adult may consider only murder and Class A, Class B and Class C offenses committed by the juvenile. The petition, the record of the hearing and the order of adjudication, regardless of whether the hearing is open to the general public under section 3307, are open to inspection by:</p> <p>A. The victim;</p> <p>B. If the victim is a minor, a parent or parents, guardian or legal custodian of the victim; and</p> <p>C. If the victim cannot act on the victim's own behalf due to death, age, physical or mental disease or disorder or intellectual disability or autism or other reason, an immediate family member, guardian, legal custodian of the victim or a licensed professional investigator under Title 32, chapter 89.</p> <p style="text-align: center;">∞</p>
<p>Victims are entitled to learn the identity of the juvenile who was charged, upon request ⇒</p>	<p>3-A. Disclosure of juvenile's identity to victims. Upon request, the identity of a juvenile subject to Juvenile Court proceedings must be disclosed by the Juvenile Court to:</p> <p>A. The victim;</p> <p>B. If the victim is a minor, a parent or parents, guardian or legal custodian of the victim; or C. If the victim cannot act on the victim's own behalf due to death, age, physical or mental disease or disorder or intellectual disability or autism or other reason, an immediate family member, guardian, legal custodian of the victim or a licensed professional investigator under Title 32, chapter 89.</p> <p style="text-align: center;">∞</p>
<p>Victims Compensation remains available in juvenile proceedings ⇒</p>	<p>9. Victims' Compensation Board. Notwithstanding any other provision of this section, juvenile case records must be open to inspection by or be disseminated to the Victims' Compensation Board if a juvenile is alleged to have committed an offense upon which an application to the board is based.</p>

THE RIGHT TO NOTIFICATION IN JUVENILE PROCEEDINGS

Victims have a right to request notification of release or escape after conviction.	
<p>This provision refers to the same DOC notification provision that applies in adult cases ⇨</p>	<p>15 MRSA §3007. Victims' rights</p> <p>In addition to any rights given to victims of juvenile crimes in this Part, the victim of a juvenile crime has the rights that a victim has under Title 17-A, section 2106.</p>

THE RIGHT TO RESTITUTION IN JUVENILE PROCEEDINGS

Victims have a limited right to restitution in juvenile proceedings.	
	<p>15 MRSA §3314-C. Juvenile restitution</p> <p>1. Definitions. Terms used in this section have the same meaning as in Title 17-A, section 2002, unless otherwise indicated.</p> <p>2. Mandatory consideration of restitution. This subsection applies to the mandatory consideration of restitution.</p> <p>A. The court shall, whenever practicable, inquire of a prosecutor, law enforcement officer or victim with respect to the extent of the victim's economic loss and shall order restitution when authorized and appropriate.</p> <p>B. The order for restitution must designate the amount of restitution to be paid, that the order may be subject to modification or termination pursuant to subsection 6 and the person or persons to whom restitution must be paid.</p> <p>C. In any case in which the court determines that restitution should not be imposed in accordance with the criteria set forth in subsection 3, the court shall state on the record or in writing the reasons for not imposing restitution.</p> <p>3. Criteria for juvenile restitution. The criteria for ordering restitution to be paid by a juvenile are as follows.</p> <p>A. Restitution as part of a juvenile disposition may be authorized, in whole or in part, as compensation for economic loss. In determining the amount of restitution a court is authorized to order a juvenile to pay, the court shall consider the following:</p> <p>(1) The contributory misconduct of the victim;</p> <p>(2) Failure by the victim to report the crime to a law enforcement officer within 72 hours after its occurrence, without good cause for failure to report within that time period; and</p> <p>(3) The present and future capacity of the juvenile to pay restitution.</p> <p>B. The court is not authorized to order that a juvenile pay restitution:</p> <p>(1) To a victim without that victim's consent;</p> <p>(2) To a victim who is an accomplice of the juvenile;</p> <p>(3) To a victim who has otherwise been compensated from a collateral source, but economic loss in excess of that collateral compensation may be authorized;</p> <p>(4) On a joint and several basis; or</p>

(5) When the amount and method of payment of monetary restitution places an excessive financial hardship on the juvenile or dependent of the juvenile. In making this determination, the court shall consider all relevant factors, including, but not limited to, the following:

(a) The impact a restitution order would have on a juvenile, the juvenile's dependents and the juvenile's family, with particular consideration given to whether or not the juvenile or the juvenile's parents or guardians have been determined to be indigent;

(b) The minimum living expenses of the juvenile and the juvenile's dependents, including any other persons who are actually dependent on the juvenile;

(c) The special needs of the juvenile and the juvenile's dependents, including necessary travel expenses to and from work;

(d) The juvenile's present income and potential future earning capacity;

(e) The juvenile's resources;

(f) The juvenile's age;

(g) The juvenile's educational obligations;

(h) The juvenile's participation in substance use disorder treatment or mental health treatment or both;

(i) The stability or transience of the juvenile's living situation;

(j) The juvenile's access to transportation;

(k) Work restrictions on juveniles as set forth in Title 26, chapter 7; and

(l) The confinement of the juvenile as part of the juvenile's disposition.

4. Authorized claimants. A court's order directing a juvenile to pay restitution is authorized only for:

A. The victim or victims, who must be natural persons, or a dependent of a deceased victim. A juvenile's obligation to pay restitution is not affected by the death of the victim to whom the restitution is due. In the case of the death of a victim, the money collected as restitution must be forwarded to the estate of the victim; and

B. Any person legally authorized to act on behalf of the victim.

5. Burdens of proof. At a hearing on a juvenile's capacity to pay restitution, there exists a rebuttable presumption that a juvenile who has not attained 16 years of age lacks the capacity to pay restitution. The State has the burden to rebut that presumption by a preponderance of the evidence. At a hearing in which a juvenile who has attained 16 years of age asserts a present or future incapacity to pay restitution, the juvenile has the burden of proving the incapacity to pay restitution by a preponderance of the evidence. On appeal of a restitution order, as part of a juvenile disposition, the juvenile has the burden of demonstrating that the court abused its discretion in ordering an amount of restitution.

6. Modification of orders on juvenile restitution. This subsection governs the modification of juvenile restitution orders.

A. A juvenile who is not able to make restitution payments in the manner ordered by the court shall move the court for a modification of the time or method of payment. If the juvenile establishes by a preponderance of the evidence that the juvenile is unable to pay restitution in the time and manner ordered, the court may modify its prior order to reduce the amount of each installment or to allow additional time for payment.

B. Upon motion of the juvenile, the juvenile's parent or parents or the juvenile's

	<p>guardian, and upon notice to the State and providing an opportunity for the victim to comment on the motion, pursuant to Title 17-A, sections 2102, 2104 and 2105, the court may review the restitution order and may modify its dispositional order to reduce or eliminate the amount of restitution ordered when the court determines that the juvenile has established by a preponderance of the evidence that payment of the current restitution order would, based on a substantial change in the juvenile's circumstances, constitute an excessive financial hardship on the juvenile or the juvenile's dependents. Additionally, if a court determines that a juvenile's failure to pay restitution was not willful and was excusable, the court may order that the juvenile complete court-approved community service to offset the juvenile's restitution obligations at an hourly rate set by the court that may be no less than the minimum wage established in Title 26, section 664.</p> <p>7. Enforcement of an order of juvenile restitution. Notwithstanding section 3314, subsection 7, to enforce an order of restitution upon a finding that the juvenile has inexcusably failed to comply with the order, the court may not order confinement as a remedial or punitive contempt sanction unless the juvenile has in fact attained 16 years of age. Upon a motion by the State to enforce the payment of restitution, the court may order, in addition to other remedial or punitive contempt sanctions for an inexcusable failure to pay restitution, that a juvenile complete court-approved community service at an hourly rate set by the court that may be no less than the minimum wage established in Title 26, section 664.</p>
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OTHER NOTABLE VICTIM RIGHTS PROVISIONS

Civil Remedies

Title 19-A Ch. 101 – Domestic violence protection from abuse orders

14 MRSA §6001 – Victims of domestic violence, sexual assault or stalking have special protections against evictions

14 MRSA §752-E – The statute of limitations for civil actions to recover the profits of a crime is three years

26 MRSA §850 -Victims of domestic violence, sexual assault, and stalking are entitled to special employment leave, including leave to participate in court proceedings

5 MRSA §4701 – Special civil remedies are available for victims of human trafficking

19-A MRSA §1653 – Special child custody considerations apply in domestic violence situations or where the child is the product of a sexual assault against the parent who birthed the child

Payment for Victim Examinations

24 MRSA §2986 – Forensic examinations for sexual assault are covered by Victims' Compensation

30-A MRSA §287 – Addresses physical examinations of crime victims and drug/alcohol testing

Special Funds for Crime Victims (not currently active)

5 MRSA §3360-S – Victims' Property Compensation Fund

34-A MRSA §1214-A – Elder Victims Restitution Fund

Special Procedures

25 MRSA §2803-B – Requires law enforcement agencies to establish procedures for domestic violence cases, including victim notification procedures

5 MRSA §19203-F – Victims of sexual assault are entitled to seek HIV testing of the Defendant after conviction