



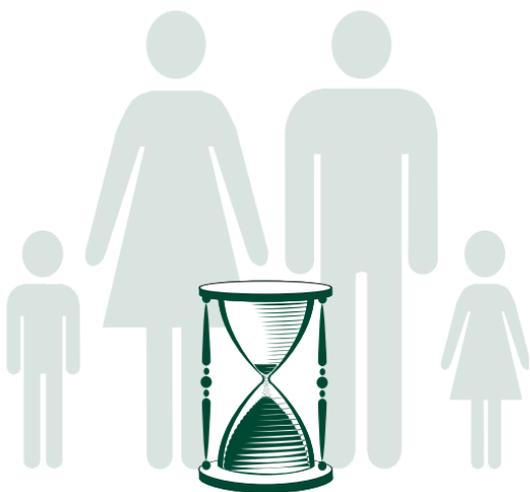
Victim Friendly Guide to Maine Court Ordered Restitution

Victim Services is committed to the premise that the crime victims are the real customers of the department. Victims will receive the rights and respect to which they are entitled.



Information Guide To Maine Court Ordered Restitution

A handbook for Victims of Crime on
Maine Court Ordered Restitution



This handbook was prepared by the Maine Department of Corrections Victim Services. The information in this guide does not represent legal advice.

Information Guide To Maine Court Ordered Restitution

This pamphlet has been provided by the office of Victim Services to provide general information regarding Court Ordered Restitution for victims of crime in the State of Maine. The information provided is not written in “legal language” and is not legal advice. The information provided is for victims’ general information purposes only.

Legal definitions and information can be obtained by going to Title 17-A (the Maine Criminal Code) on the website at <http://janus.state.me.us/legis/statutes/> or reviewing the Maine Criminal Statutes book which can be purchased by calling **207-666-8291**. The restitution part of the law is in chapter 54 under Title 17-A.

Attorneys can be contacted for legal advice by looking in your local yellow pages under Lawyers. If you are unable to afford an attorney you may call Pine Tree Legal at **207-774-8211** or the Volunteer Lawyers Project at **1-800-442-4293** for information about the legal services provided.



Definitions:

Offender: Any person or organization convicted of a crime. The offender is the person who committed the crime and is criminally convicted by the Court for breaking the law. The offender may be ordered to pay restitution as part of the sentence as reimbursement to the victim for losses including out of pocket expenses.

Victim: Any person or organization 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.

Indictment or Complaint: Felony (Murder, Class A, B & C) charges must be prosecuted by Indictment and require the Grand Jury process unless waived. Misdemeanor (Class D & E) charges are submitted by a complaint. These include documentation submitted to the Court by the District Attorney's office that outlines the charges and describes the crime committed by the offender and names the victim. Indictments are prosecuted in Superior Court and Complaints are prosecuted in District Court.

Judgment and Commitment: Court document outlining the offender's sentence and order for restitution, including the amount of restitution, if applicable. If the offender is placed on Probation as part of the sentence the conditions of Probation will be attached outlining the amount of restitution ordered and when the restitution is due, assuming the restitution is a condition of the Probation. (Example Page 10)

Court Ordered Restitution: Monetary reimbursement ordered at the offender's sentencing. Restitution can be a combination of services or monetary reimbursement by an offender to the victim of the crime for the economic loss. Maine Law prohibits restitution to be ordered for pain and suffering.

Economic Loss: Amount of money the victim has to pay for their expenses as a result of the crime. Economic loss includes but is not limited to clean-up expense, property loss, work loss, replacement services loss, medical and counseling expenses, and burial costs. Restitution can not be ordered for "Non-economic detriment". "Non-economic detriment" includes pain and suffering.

Negotiated Plea Bargain: Agreement reached by the District Attorney's Office and the offender prior to sentencing. The offender pleads guilty and the agreed upon sentence is imposed by the Judge without having a trial.

Stand Alone Order: Restitution is ordered to be paid on the Judgment and Commitment, with or without Probation. If there is no probation, the District Attorney's Office collects the restitution. If there is probation, the Department of Corrections collects the restitution ordered. Regardless of whether or not there is probation, the Department of Corrections collects restitution ordered to be paid by an offender incarcerated in a Department of Corrections facility by taking a portion of all money received or earned by the offender.

Motion: A request for action filed with the Court outlining specific alleged non-compliance with an order and could be in regard to the lack of restitution payments paid by the offender. A Motion to Enforce Payment of Restitution would bring the offender back to Court. If the offender is on probation a motion to revoke probation for lack of restitution payments would also bring the offender back to Court.

Restitution:

Restitution can be granted for out of pocket expenses or economic loss for the victim of the crime or the dependent of a deceased victim. Restitution can also be ordered for any person, firm, organization, corporation or government entity which has provided recovery to the victim. The victim's losses have to be determined and noted prior to the sentencing in order for the District Attorney's Office to review and request the offender be ordered to pay restitution as part of the offender's sentence.

Restitution can be ordered for expenses such as counseling costs, medical bills, property damage, fraud, funeral expenses, loss of wages and other out of pocket expenses. Once the Court determines that the victim has an economic loss restitution can be imposed as part of the offender's sentence. Restitution is ordered by the Court as a condition of the sentencing to be paid either through the Maine Department of Corrections as a Condition of Probation or through the District Attorney's Office in the County that prosecuted the offender. Generally, the offender is prosecuted and goes to the Court in the County where the crime was committed.

An income withholding order can be issued by the sentencing Judge. An income withholding order allows the Court to order a portion of the offender's income to go directly from the offender's paycheck to be applied toward the restitution order. (Example page 11) Bail money posted in the name of the offender can be applied toward restitution by the sentencing Judge. Bail money can not be applied toward restitution if the bail was posted in someone's name other than the offender.

Restitution as a Condition of Probation:

When an offender is paying restitution as a condition of Probation the restitution payments are monitored by the Supervising Probation Officer. Probation Officers are assigned to an offender according to the offender's residential address. Once a collection is made from an offender, the payment is sent out to the named victims from the Department of Corrections Central office, Augusta, Maine. If the amount of restitution ordered is an "Up To", the amount of restitution was indefinite at the time of sentencing. In the case of an "Up To" order of restitution, the victim provides documentation to Department of Corrections concerning the amount of restitution.

For instance the Court could order "Up To" \$5,000.00 for the victim's counseling expenses and the Department of Corrections would obtain receipts for the counseling services received and would pay restitution according to the cost of counseling.

In some cases the full amount of restitution is not paid by the offender. Failing to pay restitution is a Violation of Probation. A motion to revoke probation can be filed by the Probation Officer summoning the Offender to Court to answer to the violation of Probation for non-payment of restitution. A result of the motion could be a Revocation ending Probation and the offender returning to jail or prison to serve the rest of the suspended sentence; a partial Revocation continuing Probation; or a termination of Probation. The offender may prove to the Court an inability to pay restitution and the restitution may be terminated. If the restitution order is terminated because of inability to pay the offender is not required to pay the restitution.

If the offender's incarceration period and Probation has ended and the restitution hasn't been paid in full, some District Attorney's Offices throughout the State will attempt to collect restitution. They file a Motion to Enforce Payment of Restitution if there is a stand alone order on the Judgment and Commitment ordering restitution. You may call the District Attorney's Office where the case was prosecuted and inquire if the District Attorney's Office will bring the offender back to Court. Victim Services would be pleased to assist, if requested.

Restitution collection if the offender is in Prison or County Jail:

If the offender is sentenced to the custody of the Maine Department of Corrections (felony sentence greater than 9 months) 25% of all the offender's funds received or earned each month will be taken, until the active restitution order has been paid in full or the offender is released from the custody of the Department of Corrections.

Each prison facility works in collaboration with the Department of Corrections Victim Services to establish accurate restitution records and balances due on active restitution cases.

If the offender is sentenced to the custody of a county jail, 25% of all funds received or earned will be taken toward the restitution obligation.

Paying Restitution through the District Attorney's Office:

Offenders may be ordered to pay the restitution through the District Attorney's Office in the County of sentencing when they are not on probation. Some District Attorney's Offices have a designated clerk to enforce and oversee the collection of restitution, monitor payments to their office and are responsible for filing Court documents for Non-payment of restitution when appropriate. Motions filed by the District Attorney's Office to Enforce Payment of Restitution order the offenders to return to Court. If the offender fails to appear after the District Attorney's Office files the Motion to Enforce Payment of Restitution and has sent notice to the last known address of the offender, a warrant could be issued with the bail set in the amount of restitution owed. If the offender does appear at Court, he/she has to advise the Court why he/she has not been paying the restitution and are usually given time to pay on a payment plan. The Judge could impose a sanction for a willful failure to pay restitution which could include a sentence equivalent to one day in jail for every \$5 that is owed in restitution for up to six months in jail. However, motions to enforce payment of restitution filed with the Court are usually continued to provide the offender additional time to pay the restitution balance. The Prosecutor for the State would be the District Attorney. In a case prosecuted by the Attorney General's Office, that office would handle the motion.

Victims' Compensation:

The Maine Crime Victims' Compensation Program, Department of the Attorney General, may cover certain victim expenses relating to the crime. The crime has to have been committed after January 1, 1993 and covers victims' expenses including but not limited to lost work wages, medical bills, counseling and funeral expenses. Expenses not covered include property losses and compensation for pain and suffering. In some cases Victims' Compensation may pay certain expenses on behalf of the victim. An offender can be ordered to pay restitution to reimburse Victims' Compensation for the money paid out on behalf of the victim. To obtain more information please visit the website at www.maine.gov/ag or call **800-903-7882** for an application and instructions.

Civil Suit:

A victim may try to be compensated by filing a civil suit. The victim who is filing the civil suit would be considered the plaintiff and the person owing the restitution would be the defendant. If you file the civil suit paperwork after the offender has been ordered to pay restitution by the sentencing court, you will not need to prove the defendant is guilty. You can confirm the finding of guilt by obtaining the J&C (Judgment and Commitment) which can be requested from the Court in which the criminal sentencing took place.

If you choose to file a civil suit you can obtain

A Guide to Small Claims Proceedings in the
Maine District Court at your local District

Court. There is a \$45.00 fee to file the

paperwork for a civil suit in small

claims court. You can also obtain an

Attorney but the fees will vary.

Please contact an Attorney for

specific amounts. When you

locate an Attorney and schedule

an appointment the first consultation

may be free. Be sure to inquire

about the consultation fee when

making your initial appointment
with your Attorney.



General Restitution Information:

If the Court ordered an offender to pay you restitution in the past please call Victim Services for further information. You may need to update your records to receive your restitution if your name or mailing address has changed. The Department of Corrections will make attempts to locate you if you are entitled to restitution. If the Department of Corrections is unsuccessful in locating your current address the restitution paid by the offender may be or may have been sent to Abandoned Property and will be held for you until you or your estate claim the restitution. Abandoned Property is managed by the Treasurer for the State of Maine and can be accessed at unclaimed.property@maine.gov.

Restitution that has been paid on your behalf will be held for you at the Department of Corrections unless it is sent to Abandoned Property to be held on your behalf as stated above.



Restitution orders are not dischargeable through bankruptcy under the U.S.

Bankruptcy Code. This means an offender may file bankruptcy but this action does not affect the restitution obligation, restitution is still owed by the offender.

Restitution is reimbursement for loss and not additional income for a victim. Restitution is not taxable and can not be considered income.

Contact information for the District Attorney's Offices, District Courts, Superior Courts and additional numbers follow. Examples are provided for additional assistance. Please note this information is not intended for legal advice, and the information is provided for victims of crime in the State of Maine only.

STATE OF MAINE <input type="checkbox"/> SUPERIOR COURT <input type="checkbox"/> DISTRICT COURT JUDGMENT AND COMMITMENT			
Docket No.	County/Location	Date	Deft
State of Maine v. Defendant's Name		Residence	
Offense(s) charged:		Charged by: <input type="checkbox"/> indictment <input type="checkbox"/> information <input type="checkbox"/> complaint	
Plea(s) <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Not Guilty		Date of Violation(s):	
Offense(s) convicted:		Committed on: <input type="checkbox"/> plea <input type="checkbox"/> jury verdict <input type="checkbox"/> court finding	
IT IS ADJUDGED THAT THE DEFENDANT IS GUILTY OF THE OFFENSES AS SHOWN ABOVE AND CONVICTED.			
<input type="checkbox"/> IT IS ADJUDGED THAT THE DEFENDANT BE HEREBY COMMITTED TO THE SHERIFF OF THE WITHIN NAMED COUNTY OR HIS AUTHORIZED REPRESENTATIVE WHO SHALL WITHOUT NEEDLESS DELAY REMOVE THE DEFENDANT TO: <ul style="list-style-type: none"> <input type="checkbox"/> The custody of the Commissioner of the Department of Corrections, at a facility designated by the Commissioner, to be punished by imprisonment for a term of _____ <input type="checkbox"/> The County jail to be punished by imprisonment for a term of _____ <input type="checkbox"/> This sentence to be served (consecutively to) (concurrently with) _____ <input type="checkbox"/> Execution stayed to on or before _____ at _____ (a.m.) (p.m.) 			
<input type="checkbox"/> IT IS ORDERED THAT ALL (BUT) _____ OF THE SENTENCE (AS IT RELATES TO CONFINEMENT) AS IT RELATES TO THE _____ BE SUSPENDED AND THE DEFENDANT BE PLACED ON A PERIOD OF <input type="checkbox"/> PROBATION <input type="checkbox"/> ADMINISTRATIVE RELEASE FOR A TERM OF _____ (YEARS) (MONTHS) UPON CONDITIONS ATTACHED HERE TO AND INCORPORATED BY REFERENCE HEREIN. <input type="checkbox"/> SAID PROBATION TO COMMENCE (_____) (UPON COMPLETION OF THE UNSUSPENDED TERM OF IMPRISONMENT). <input type="checkbox"/> SAID ADMINISTRATIVE RELEASE TO COMMENCE IMMEDIATELY. THE DEFENDANT SHALL SERVE THE INITIAL PORTION OF THE FOREGOING SENTENCE AT _____			
<input type="checkbox"/> IT IS ORDERED THAT THE DEFENDANT, HAVING BEEN CONVICTED OF A <input type="checkbox"/> SEX OFFENSE OR <input type="checkbox"/> SEXUALLY VIOLENT OFFENSE, SATISFY ALL REQUIREMENTS IN THE SEX OFFENDER REGISTRATION & NOTIFICATION ACT, 14-A M.R.S. Ch. 1101. THE DEFENDANT MUST SUBMIT TO THE TAKING OF FINGERPRINTS AND A PHOTOGRAPH AS SPECIFIED IN THE NOTICE OF DUTY TO REGISTER.			
<input type="checkbox"/> IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF \$ _____ AS A FINE TO THE CLERK OF THE COURT, PLUS APPLICABLE SURCHARGES AND ASSESSMENTS OF: <ul style="list-style-type: none"> <input type="checkbox"/> 10% (EIT 7496) <input type="checkbox"/> 1% (EIT 910/09) <input type="checkbox"/> 1% SURCHARGE (EIT 0801/01) <input type="checkbox"/> 9% (EIT 07/04/04) <input type="checkbox"/> \$30.00 <input type="checkbox"/> \$125.00 SURCHARGE (29-A M.R.S.A. §2411) <input type="checkbox"/> \$10 (7 M.R.S.A.) <input type="checkbox"/> 10% (17 M.R.S.A.) <input type="checkbox"/> \$10 ASSESSMENT(S) plus <input type="checkbox"/> \$25 ASSESSMENT(S) totalling \$ _____ (5 M.R.S.A. § 3364-4) All but \$ _____ suspended. Execution/payment stayed to pay in full by _____ or warrant to issue. To pay \$ _____ per week / month beginning _____ or warrant to issue. TOTAL DUE: \$ _____ (To be filled in by cashier). 			

IT IS ORDERED THAT THE DEFENDANT FORFEIT AND PAY THE SUM OF \$ _____ AS RESTITUTION, THROUGH THE (DEPARTMENT OF CORRECTIONS) (DISTRICT ATTORNEY'S OFFICE) FOR THE BENEFIT OF _____, (17-A M.R.S.A. § 1152-2-A)

Execution/payment stayed to pay in full by _____ or warrant to issue.

<input type="checkbox"/> IT IS ORDERED PURSUANT TO APPLICABLE STATUTES, THAT THE DEFENDANT'S MOTOR VEHICLE OPERATOR'S LICENSE OR PERMIT TO OPERATE, RIGHT TO OPERATE A MOTOR VEHICLE AND RIGHT TO APPLY FOR AND OBTAIN A LICENSE AND/OR THE DEFENDANT'S RIGHT TO REGISTER A MOTOR VEHICLE IS SUSPENDED IN ACCORDANCE WITH NOTICE OF SUSPENSION INCORPORATED HEREIN.	
<input type="checkbox"/> IT IS ORDERED THAT THE DEFENDANT PERFORM _____ HOURS OF COMMUNITY SERVICE WORK WITHIN _____ (WEEKS) (MONTHS) FOR THE BENEFIT OF _____.	
<input type="checkbox"/> IT IS ORDERED THAT THE DEFENDANT PAY \$ _____ FOR EACH DAY SERVED IN THE COUNTY JAIL, TO THE TREASURER OF THE ABOVE NAMED COUNTY. (UP TO \$80.00/DAY) (17-A M.R.S.A. § 1341) <ul style="list-style-type: none"> <input type="checkbox"/> Execution/payment stayed to pay in full by _____ or warrant to issue. 	
<input type="checkbox"/> IT IS ORDERED THAT THE DEFENDANT SHALL PARTICIPATE IN ALCOHOL AND OTHER DRUG EDUCATION, EVALUATION AND TREATMENT PROGRAMS FOR MULTIPLE OFFENDERS ADMINISTERED BY THE OFFICE OF SUBSTANCE ABUSE. (29 M.R.S.A. § 1312-B) (20-D-1). (29-A M.R.S.A. § 2411) (50-F).	
<input type="checkbox"/> IT IS ORDERED THAT THE DEFENDANT FORFEIT TO THE STATE THE FIREARM USED BY THE DEFENDANT DURING THE COMMISSION OF THE OFFENSE(S) SHOWN ABOVE. (17-A M.R.S.A. § 1158)	
<input type="checkbox"/> IT IS ORDERED THAT THE DEFENDANT BE UNCONDITIONALLY DISCHARGED. (17-A M.R.S.A. § 1201) <p style="font-size: small;">If the defendant has been convicted of an applicable offense listed in 25 M.R.S.A. § 1574, then the defendant shall submit to having a DNA sample drawn. The DNA sample may be drawn at any time following the commencement of the straight term or initial unsuspended portion of the term of imprisonment. If there is a period of probation but no immediate imprisonment, the DNA sample may be drawn at any time following commencement of the probation period as directed by the probation officer.</p>	
IT IS FURTHER ORDERED THAT THE CLERK DELIVER A CERTIFIED COPY OF THIS JUDGMENT AND COMMITMENT TO THE SHERIFF OF THE ABOVE NAMED COUNTY OR HIS AUTHORIZED REPRESENTATIVE AND THAT THE COPY SERVE AS THE COMMITMENT OF THE DEFENDANT. REASONS FOR IMPOSING CONSECUTIVE SENTENCES ARE CONTAINED IN THE COURT RECORD OR IN ATTACHMENTS HERETO.	
A TRUE COPY, ATTEST: _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Clerk Judge/Justice </div>	
I understand the sentence imposed herein and acknowledge receipt of a copy of this JUDGMENT AND COMMITMENT. I hereby acknowledge that the disclosure of my Social Security number on this form is mandatory under 36 M.R.S.A. § 5276-A. My Social Security number will be used to facilitate the collection of any fine that has been imposed upon me in this action if that fine remains unpaid as of the time I am due to State of Maine income tax refund. My Social Security number also may be used to facilitate the collection of money I may owe the State of Maine as a result of having had an attorney appointed to represent me. Collection of any fine or reimbursement of money which I owe to the State of Maine will be accomplished by offsetting money I owe to the State against my State of Maine income tax refund. <p style="text-align: center;">Social Security Number _____</p>	
Date: _____	Defendant Address: _____
RETURN	
By virtue of the within JUDGMENT AND COMMITMENT I have this day delivered the within-named Defendant to the _____	
Date: _____	Deputy _____
By virtue of this warrant, the within-named Defendant has been removed to and received at the _____ on this day.	
Date: _____	Authorized Officer/Sgt., M.C.C./Warden M.S.P.

STATE OF MAINE
_____, ss.

DISTRICT/SUPERIOR COURT
Located at:
Criminal Action
Docket No.

STATE OF MAINE)
)
)
)
)
)
)

Defendant)

INCOME WITHHOLDING ORDER
(17-A M.R.S.A. §1326-B)

It is ORDERED that _____, employer of the defendant herein shall withhold from defendant's income the sum of \$_____ (per week) (bi-weekly) (per month) and forward it to the District Attorney's Office at _____.

The withholding shall begin with the defendant's next pay period.

The withheld amount shall be forwarded to the District Attorney's Office within seven (7) days of withholding.

Each sum submitted to the District Attorney's Office shall be identified with the court docket number (this number is located at the top of this page).

Dated:

JUDGE, MAINE DISTRICT/SUPERIOR COURT

Contact Numbers

Androscoggin

District Attorney	
Auburn	784-1397
Lewiston.....	784-3313
District Court	783-5401
Superior Court.....	783-5450

Aroostook

District Attorney	
Caribou.....	498-2557
Houlton	532-4294
District Court	
Caribou.....	493-3144
Houlton	532-2147
Superior Court	
Caribou.....	498-8125
Houlton	532-6563

Cumberland

District Attorney	
Portland	871-8384
District Court	822-4204
Superior Court.....	822-4105

Franklin

District Attorney	
Farmington.....	778-5890
District Court	778-8200
Superior Court.....	778-3346

Hancock

District Attorney	
Ellsworth.....	667-4621
District Court	667-7141
Superior Court.....	667-7176

Kennebec

District Attorney	
Augusta	623-1156
District Court	287-8075
Superior Court.....	624-5800

Knox

District Attorney
 Rockland 594-0424
 District Court 596-2240
 Superior Court..... 594-2576

Lincoln

District Attorney
 Wiscasset..... 882-7312
 District Court 882-6363
 Superior Court..... 882-7517

Oxford

District Attorney
 South Paris 743-8282
 District Court 743-8942
 Superior Court..... 743-8936

Penobscot

District Attorney
 Bangor..... 942-8552
 District Court 941-3040
 Superior Court..... 561-2300

Piscataquis

District Attorney
 Dover-Foxcroft 564-2181
 District Court 564-2240
 Superior Court..... 564-8419

Sagadahoc

District Attorney
 Bath 443-8204
 District Court 442-0200
 Superior Court..... 443-9733

Somerset

District Attorney
 Skowhegan..... 474-2423
 District Court 474-9518
 Superior Court..... 474-5161

Waldo

District Attorney
 Belfast 338-2512
 District Court 338-3107
 Superior Court..... 338-1940

Washington

District Attorney	
Machias	255-4425
Calais	454-3159
District Court	454-2055
Superior Court.....	255-3326

York

District Attorney	
Alfred	324-8001
Biddeford	282-3006
Springvale	324-1174
York.....	351-1964
District Court	363-1230
Superior Court.....	324-5122

National Domestic Violence Hotline

1-800-799-SAFE

Maine Dept. of Human Services

1-800-452-1999

U.S. Attorney's Office Victim Information

1-800-984-6377

Sipayik Human Services – Tribal Victim Information

1-207-853-2600

Statewide Sexual Assault Support Hotline

1-800-871-7741

Maine Lawyers Referral System

1-207-622-1460

Office of the Attorney General Maine Victims' Compensation Program

1-800-903-7882

Maine Department of Corrections

Victim Services

1~800~968~6909