

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Establish an Elder Victims Restitution Fund**

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

**Sec. 1. 18-A MRSA §2-105**, as enacted by PL 1979, c. 540, §1, is amended to read:

### **§ 2-105.No taker**

If there is no taker under the provisions of this Article, the intestate estate passes to the State, except that an amount of funds included in the estate up to the total amount of restitution paid to the decedent pursuant to a court order for a crime of which the decedent was the victim passes to the Elder Victims Restitution Fund established in Title 34#A, section 1214#A.

**Sec. 2. 18-A MRSA §2-806** is enacted to read:

### **§ 2-806. Effect of criminal conviction on intestate succession, wills, joint assets, beneficiary designations and other property acquisition when restitution is owed to the decedent**

A person who has been convicted of a crime of which the decedent was a victim is not entitled to the following benefits to the extent that the benefits do not exceed the amount of restitution the person owes to the decedent as a result of the sentence for the crime:

- (a). Any benefits under the decedent's will or under this Article;
- (b). Any property owned jointly with the decedent;
- (c). Any benefit as a beneficiary of a bond, life insurance policy or other contractual arrangement in which the principal obligee or the person upon whose life the policy is issued is the decedent; and
- (d). Any benefit from any acquisition of property in which the decedent had an interest.

**Sec. 3. 34-A MRSA §1214-A** is enacted to read:

### **§ 1214-A. Elder Victims Restitution Fund**

The Elder Victims Restitution Fund, referred to in this section as "the fund," is established for the purpose of compensating elder victims of financial crimes.

**1. Definition.** As used in this section, unless the context otherwise indicates, the term "elder victim" means a victim of a crime who is 65 years of age or older.

**2. Administration.** The Victim Services Coordinator under section 1214 shall administer the fund. All administrative costs of the fund must be absorbed by the department.

**3. Funding.** Money collected pursuant to Title 18#A, section 2#105 must be deposited into the fund.

**4. Use.** The fund may be used for the payment of claims of elder victims of financial crimes who are entitled to receive restitution from offenders as a result of the sentences for the crimes in cases in which those offenders are not meeting their restitution obligations.

**5. Rules.** The commissioner may adopt rules, which are routine technical rules pursuant to Title 5, chapter 375, subchapter 2#A, to carry out the purposes of this section.

Effective 90 days following adjournment of the 125th  
Legislature, First Regular Session, unless otherwise indicated.