

**ACTS, 1985. – Chaps. 658, 659.**

place thereof the following section:–

Section 32. Any check issued by the state treasurer or by any agent or agency of the commonwealth, other than checks issued in payment of obligations of the state board of retirement and the teachers' retirement board, which is not presented for payment within one year from its date shall be payable only at the office of the state treasurer. On the thirtieth day of June in each year the comptroller shall transfer to the abandoned property fund all funds which are identified by the state treasurer as funds of the commonwealth which have remained in the unclaimed check fund for at least one year. On such date, the comptroller also shall refund to the unemployment compensation fund and to each applicable account of monies separately accounted for by the comptroller as other than commonwealth monies, such amounts which in the opinion of the state treasurer represent all monies of such unemployment compensation fund or such account which have remained in the unclaimed check fund for at least one year. All checks issued in payment of obligations of the state board of retirement and the teachers' retirement board shall be payable only in accordance with the provisions of subdivision (3) of section eleven of chapter thirty-two.

Approved December 24, 1985.

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**Chapter 658. AN ACT RELATIVE TO THE ARTICLES OF ORGANIZATION OF PUBLIC UTILITIES.**

Be it enacted, etc., as follows:

Paragraph (a) of section 6 of chapter 164 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by striking out clause (5) and inserting in place thereof the following clause:–

(5) the par value of the shares, which may be one hundred dollars, fifty dollars, twenty-five dollars, twenty dollars, ten dollars, five dollars, one dollar or such other amount as the department shall authorize.

Approved December 24, 1985.

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**Chapter 659. AN ACT RELATIVE TO THE PENALTY FOR THE DESTRUCTION OF A SHIP OR VESSEL.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 108 of chapter 266 of the General Laws, as appearing in the 1984 Official Edition, is hereby amended by inserting after the word "years", in line 5, the words:– or imprisonment in a jail for not more than two and one-half years.

**SECTION 2.** Said section 108 of said chapter 266, as so appearing, is

**ACTS, 1985. – Chap. 660.**

hereby further amended by adding the following six paragraphs:–

A person found guilty of violating this section shall, in addition to any other punishment, be ordered to make restitution to the insurer or owner for any financial loss sustained as a result of the commission of the crime except as hereinafter provided. Restitution shall be imposed in addition to incarceration or fine. In the case of an indigent defendant, the court may determine that the interests of the victim and of justice would not be served by ordering such restitution. In such case, the court shall make specific written findings of the evidence presented which militated against the imposition of restitution.

The court shall, after conviction, conduct an evidentiary hearing to ascertain the extent of the damages or financial loss suffered as a result of the defendant's crime and may then determine the amount and method of restitution. In so determining, the court shall consider the financial resources of the defendant and the burden restitution will impose on the defendant. The defendant's present and future ability to make such restitution shall be considered.

A defendant ordered to make restitution may petition the court for remission from any payment of restitution or from any unpaid portion thereof. If the court finds that the payment of restitution due will impose an undue financial hardship on the defendant or his family, the court may grant remission from any payment of restitution or modify the time and method of payment.

If a defendant who is required to make restitution defaults in any payment of restitution or installment thereof, the court may hold him in contempt unless said defendant has made a good faith effort to make restitution. If the defendant has made such good faith effort, the court may, upon motion of the defendant, modify the order requiring restitution by:

- (a) providing for additional time to make any payment in restitution;
- (b) reducing the amount of any payment in restitution or installment thereof;
- (c) granting a remission from any payment of restitution or part thereof.

Restitution shall not be authorized to a party whom the court determines to be aggrieved, without such party's consent.

Approved December 24, 1985.

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**Chapter 660. AN ACT RELATIVE TO THE PAR VALUE OF SHARES IN CREDIT UNIONS.**

Be it enacted, etc., as follows:

**SECTION 1.** Section 10 of chapter 171 of the General Laws is hereby amended by striking out the second sentence, as amended by chapter 56 of the acts of 1985, and inserting in place thereof the following sentence:– Shares shall be of a par value of not less than five dollars but not more than twenty-five dollars each and shall be subscribed and paid