

MAINE STATE LEGISLATURE

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L.D. 1471

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DATE: June 1, 1995 (Filing No. S- 208)

CRIMINAL JUSTICE

Reported by: Senator BENOIT of Franklin for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 533, L.D. 1471, Bill, "An Act to Protect the Rights of Children Who Have Been Victims of Sexual Abuse"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 17-A MRSA §254-A is enacted to read:

§254-A. Written notification not to pursue charges for sexual abuse of a minor

A prosecutor who elects not to commence a juvenile or criminal proceeding for an alleged violation of section 254 shall, at the request of a parent, surrogate parent or guardian of the alleged victim, inform that person in writing of the reason for not commencing the proceeding.'

COMMITTEE AMENDMENT

RDG

COMMITTEE AMENDMENT "A" to S.P. 533, L.D. 1471

2 Further amend the bill by inserting at the end before the
statement of fact the following:

4 **FISCAL NOTE**

6 This bill requires prosecutors to provide written
notification in certain circumstances. The additional mailing
8 and other miscellaneous costs associated with this requirement
are expected to be minor. Pursuant to the mandate preamble, the
10 2/3 vote of all members elected to each House exempts the State
from the constitutional requirement to fund 90% of the additional
12 local costs of this state mandate.'

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16 **STATEMENT OF FACT**

18 This amendment is the majority report of the Joint Standing
Committee on Criminal Justice. This amendment replaces the bill
and requires that, if requested to do so, a prosecutor who
20 decides not to pursue a case involving alleged child sexual abuse
provide written notification to the parent, surrogate parent or
22 guardian of the alleged victim of the reasons why the case is not
being pursued. The amendment also adds a fiscal note to the bill.