

MAINE STATE LEGISLATURE

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DATE: 3-19-98

(Filing No. H-974)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1277, L.D. 1807, Bill, "An Act to Provide for Commitment of Sexually Violent Predators"

Amend the bill by striking out the title and substituting the following:

'Resolve, to Create a Program for the Control, Care and Treatment of Sexually Violent Predators'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature finds there exists an extremely dangerous group of sexually violent predators who have a mental abnormality or personality disorder and who have a significant likelihood to engage in repeated acts of sexual violence unless the State provides an effective intervention mechanism; and

Whereas, the Legislature finds that the current criminal justice system inadequately addresses the special needs of sexually violent predators and the risks they present to society; and

Whereas, the Legislature finds that there is an urgent need for a program that provides for the control, care and treatment of sexually violent predators; and

COMMITTEE AMENDMENT

2 **Whereas**, in the judgment of the Legislature, these facts
4 create an emergency within the meaning of the Constitution of
6 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
safety; now, therefore, be it

8 **Sec. 1. Commission established. Resolved:** That the Commission
to Implement a Program for the Control, Care and Treatment of
10 Sexually Violent Predators, referred to in this resolve as the
"commission," be established; and be it further

12 **Sec. 2. Membership. Resolved:** That the commission consist of
14 13 members appointed as follows.

16 1. The President of the Senate shall appoint 3 members from
the Senate who either serve on the Joint Standing Committee on
18 Judiciary or the Joint Standing Committee on Criminal Justice or
who are interested in developing a program for the control, care
20 and treatment of sexually violent offenders. The first Senate
member named is the Senate Chair.

22 2. The Speaker of the House of Representatives shall
24 appoint 10 members from the House of Representatives who either
serve on the Joint Standing Committee on Judiciary or the Joint
26 Standing Committee on Criminal Justice or who are interested in
developing a program for the control, care and treatment of
28 sexually violent offenders. The first House member named is the
House Chair; and be it further

30 **Sec. 3. Appointments. Resolved:** That all appointments must be
32 made no later than 30 days following the effective date of this
resolve. The appointing authorities shall notify the Executive
34 Director of the Legislative Council upon making their
appointments. When the appointment of all members is complete,
36 the chairs of the commission shall call and convene the first
meeting of the commission no later than May 15, 1998; and be it
38 further

40 **Sec. 4. Duties. Resolved:** That the commission shall develop a
plan to implement a program to provide for the control, care and
42 treatment of sexually violent predators. The plan must include
at least the following: a description of proposed facilities,
44 appropriate treatment modalities, personnel requirements, legal
and practical procedures for using the program, an estimate of
46 the population of sexually violent predators that would be
eligible to participate in the program and costs and funding
48 estimates. In developing the plan, the commission shall:

2 1. Seek input from the Department of Corrections, the
4 Department of Mental Health, Mental Retardation and Substance
Abuse Services, the Judicial Department and other state agencies;

6 2. Examine programs for the control, care and treatment of
sexually violent predators in other jurisdictions;

8 3. Review legal parameters applicable to such programs;

10 4. Examine the financial implications of program options;

12 5. Review the potential sexually violent predator
14 population estimates; and

16 6. Invite the participation of experts and interested
18 parties; and be it further

Sec. 5. Staff assistance. Resolved: That the commission shall
20 request staffing and clerical assistance from the Legislative
Council; and be it further

Sec. 6. Reimbursement. Resolved: That the commission members
24 are entitled to receive the legislative per diem, as defined in
the Maine Revised Statutes, Title 3, section 2, for each day's
26 attendance at meetings of the commission and reimbursement for
travel and other necessary expenses for attendance at meetings of
28 the commission. The Executive Director of the Legislative
Council shall administer the commission's budget; and be it
30 further

Sec. 7. Report. Resolved: That the commission shall submit
32 its report with any accompanying legislation to the Joint
34 Standing Committee on Judiciary by October 15, 1998. If the
commission requires an extension of time to make its report, it
36 may apply to the Legislative Council, which may grant the
extension; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are
40 appropriated from the General Fund to carry out the purposes of
this resolve.

42 **1997-98** **1998-99**

44 **LEGISLATURE**

46 **Commission to Implement a Program**
48 **for the Control, Care and Treatment**
of Sexually Violent Predators

2	Personal Services	\$1,430	\$3,575
	All Other	1,300	3,750

4
6 Provides funds for the per diem and expenses of members and miscellaneous costs, including printing, of the Commission to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators.

14	LEGISLATURE		
16	TOTAL	\$2,730	\$7,325

18 **Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.'

20 Further amend the bill by inserting at the end before the summary the following:

22 **FISCAL NOTE**

24		1997-98	1998-99
26	APPROPRIATIONS/ALLOCATIONS		
28	General Fund	\$2,730	\$7,325

30 The Legislature will require additional General Fund appropriations of \$2,730 and \$7,325 in fiscal years 1997-98 and 1998-99, respectively, for the per diem and expenses of members and miscellaneous costs, including printing, of the Commission to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators. The additional costs associated with providing staffing and clerical assistance to the commission can be absorbed by the Legislature utilizing existing budgeted resources.

40 The additional costs associated with providing input to the commission can be absorbed by the Judicial Department, the Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services utilizing existing budgeted resources.'

48 **SUMMARY**

50 This amendment replaces the bill. It creates a 13-member

COMMITTEE AMENDMENT "A" to H.P. 1277, L.D. 1807

2 study commission to develop a plan for the control, care and
treatment of sexually violent predators. The President of the
4 Senate and the Speaker of the House of Representatives will
appoint the members from the Senate and House and select the
6 cochairs. The commission will report to the Joint Standing
Committee on Judiciary by October 15, 1998; the Legislative
8 Council may extend the reporting date.

10 The amendment also adds an appropriation section and a
fiscal note to the bill.

COMMITTEE AMENDMENT