

MAINE STATE LEGISLATURE

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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 1317, L.D. 1867, Bill, "An Act to Protect Victims of Domestic Violence"

Amend the bill by striking out all of sections 1 to 4.

Further amend the bill in section 5 in subsection 8 in paragraph C in the last line (page 2, line 15 in L.D.) by inserting after the following: "." the following: 'The judge of probate shall issue a decision within 30 days of receiving the notification under paragraph B.'

Further amend the bill by inserting before section 6 the following:

'Sec. 6. 19-A MRSA §4013, sub-§1, ¶A, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

A. The Governor shall name the chair from among the following members:

(1) Two members, appointed by the Governor, who are representatives of the statewide coalition of family crisis services;

(2) Two members, appointed by the Governor, one of whom has experience counseling abusers, who are representatives of the family counseling profession;

(3) One member, appointed by the Governor, who is a representative of victims of domestic violence;

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(4) Two members, appointed by the Governor, one of whom has experience representing victims of domestic abuse, who are attorneys with experience in domestic relations cases;

(5) One person, appointed by the Governor, who was a victim of domestic abuse and used the court system;

(6) One member, appointed by the Governor, who is a district attorney or assistant district attorney;

(7) One member, appointed by the Governor, who is chief of a municipal police department;

(8) One member, appointed by the Governor, who is a county sheriff; and

(9) The Commissioner of Public Safety or the commissioner's designee; and

(10) Up to 8 members-at-large, appointed by the Governor.'

Further amend the bill in section 6 in subsection 4 in paragraph B in the first line (page 2, line 46 in L.D.) by striking out the following: "purpose of the"

Further amend the bill in section 6 in subsection 4 in paragraph B in the first line (page 2, line 46 in L.D.) by striking out the following: "is to" and inserting in its place the following: 'shall'

Further amend the bill in section 6 in subsection 4 by striking out all of paragraph C and inserting in its place the following:

'C. The panel shall collect and compile data related to domestic abuse.'

D. In any case subject to review by the panel, upon oral or written request of the panel, any person that possesses information or records that are necessary and relevant to a homicide review shall as soon as practicable provide the panel with the information and records. Persons disclosing or providing information or records upon the request of the panel are not criminally or civilly liable for disclosing or providing information or records in compliance with this paragraph.'

R. & S.

COMMITTEE AMENDMENT "P" to H.P. 1317, L.D. 1867

Further amend the bill in section 6 in subsection 4 in paragraph D in the first line (page 3, line 7 in L.D.) by striking out the following: "D." and inserting in its place the following: 'E.'

Further amend the bill in section 6 in subsection 4 in paragraph D in the next-to-last line (page 3, line 11 in L.D.) by inserting after the following: "disclose" the following: 'information, records or'

Further amend the bill in section 6 in subsection 4 in paragraph D in the next-to-last line (page 3, line 11 in L.D.) by striking out the following: "is" and inserting in its place the following: 'are'

Further amend the bill in section 6 in subsection 4 by inserting after paragraph D the following:

'The commission shall submit a report on the panel's activities, conclusions and recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 1999 and annually thereafter.'

Further amend the bill by striking out all of sections 7 and 8.

Further amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

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

FISCAL NOTE

The requirement that a Probate Judge issue a decision on whether to issue a marriage license to a person under the age of 16 years of age represents a state mandate pursuant to the Constitution of Maine. The additional local costs to county government are expected to be minor. General Fund appropriations will be required to fund at least 90% of the additional costs unless a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement.

The Department of Attorney General, the Department of Human Services, the Department of Public Safety, the Judicial Department, and the Department of Corrections will incur some minor costs to serve on the Domestic Abuse Homicide Review Panel.

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These cost can be absorbed within the respective department's existing budgeted resources.'

SUMMARY

This amendment deletes from the original bill the provisions amending the Maine Criminal Code, the study of the Maine Bail Code and the pilot project relating to judicial supervision of persons convicted of domestic abuse.

This amendment revises the duties of the Domestic Abuse Homicide Review Panel, appointed by the Maine Commission on Domestic Abuse, to include data collection and compilation. The panel's ability to collect information necessary and relevant to a homicide review is clarified. The language is similar to the medical examiner's authority to request and receive medical records. Persons providing information and records are not subject to criminal or civil liability for providing the information and records requested by the panel. Information, records and data that are otherwise confidential may not be disclosed by the panel or the commission. The commission must report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 1999 and every year after that. The report must describe the activities of the panel and the panel's conclusions and recommendations.