

MAINE STATE LEGISLATURE

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L.D. 1933

DATE: 3/7/2000

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CRIMINAL JUSTICE

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "B" to S.P. 687, L.D. 1933, Bill, "An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies"

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

'Resolve, to Establish the Commission to Propose a Process for the Sharing of Information Between Schools, Criminal Justice Agencies and Other Agencies Responsible for the Health and Welfare of Juveniles'

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, this resolve establishes the Commission to Propose a Process for the Sharing of Information Between Schools, Criminal Justice Agencies and Other Agencies Responsible for the Health and Welfare of Juveniles; and

Whereas, this resolve is necessary to conduct an immediate review of the current information-sharing process and to identify methods to help juveniles; and

Whereas, many juveniles are in need of intervention and special support in order to succeed in school and society; and

2 **Whereas,** the collaboration and cooperation of schools,
state agencies and parents are necessary to create and maintain
4 individualized plans to ensure the success and the rehabilitation
of juveniles; and

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

12 **Sec. 1. Commission established. Resolved:** That the Commission
to Propose a Process for the Sharing of Information Between
14 Schools, Criminal Justice Agencies and Other Agencies Responsible
for the Health and Welfare of Juveniles, referred to in this
16 resolve as the "commission," is established; and be it further

18 **Sec. 2. Commission membership. Resolved:** That the commission
consists of 16 members as follows:

20 1. One member of the Senate who sits on the Joint Standing
22 Committee on Criminal Justice, appointed by the President of the
Senate;

24 2. One member of the House of Representatives who sits on
26 the Joint Standing Committee on Criminal Justice, appointed by
the Speaker of the House;

28 3. One member of the House of Representatives who sits on
30 the Joint Standing Committee on Education and Cultural Affairs,
appointed by the Speaker of the House;

32 4. A representative of the Maine Superintendents
34 Association, appointed by the President of the Senate;

36 5. A representative of the Maine Principals' Association,
appointed by the President of the Senate;

38 6. A representative of the Maine Education Association,
40 appointed by the Speaker of the House;

42 7. A member of a parent-teacher organization, appointed by
the Speaker of the House;

44 8. The Chief Judge of the District Court or the chief
46 judge's designee;

48 9. The Commissioner of Corrections or the commissioner's
designee;

2 10. The Commissioner of Education or the commissioner's
designee;

4 11. The Commissioner of Human Services or the
6 commissioner's designee;

8 12. The Commissioner of Mental Health, Mental Retardation
and Substance Abuse Services or the commissioner's designee;

10 13. The President of the Maine Prosecutors Association or
12 the president's designee;

14 14. The President of the Maine Association of Criminal
Defense Lawyers or the president's designee;

16 15. The President of the Maine Chiefs of Police or the
18 president's designee; and

20 16. The President of the Maine Sheriffs' Association or the
22 president's designee; and be it further

Sec. 3. Chairs. Resolved: That the Senate member is the
24 Senate chair and the first named House member is the House chair;
and be it further

26 **Sec. 4. Appointments. Resolved:** That appointments of members
28 of the commission must be made no later than 30 days after the
effective date of this resolve. Appointing authorities shall
30 notify the Executive Director of the Legislative Council once the
selections have been made. The chairs of the commission shall
32 call and convene the first meeting of the commission no later
than July 1, 2000; and be it further

34 **Sec. 5. Duties. Resolved:** That the commission shall invite the
36 participation of experts and interested parties, gather
information and request necessary data from public and private
38 entities in order to:

40 1. Review the current laws and processes for sharing
information about juveniles;

42 2. Identify the information needs of agencies with respect
44 to their ability to provide for the health and welfare of
juveniles, including the creation and maintenance of
46 individualized plans to ensure the success and the rehabilitation
of juveniles; and

48 3. Make necessary recommendations to propose changes to the
50 current laws and processes regarding the sharing of information
among schools, criminal justice agencies and other agencies

2 responsible for the health and welfare of juveniles; and be it
further

4 **Sec. 6. Staff assistance. Resolved:** That upon approval of the
Legislative Council, the Office of Policy and Legal Analysis
6 shall provide necessary staffing services to the commission; and
be it further

8 **Sec. 7. Expenses. Resolved:** That the legislative members of
10 the commission are entitled to receive the legislative per diem
and reimbursement of necessary expenses for their attendance at
12 the authorized meetings of the commission. Other members of the
commission who are not otherwise compensated by their employers
14 or other entities that they represent are entitled to receive
reimbursement of necessary expenses for their attendance at
16 authorized meetings of the commission; and be it further

18 **Sec. 8. Report. Resolved:** That the commission shall submit a
report with any implementing legislation to the First Regular
20 Session of the 120th Legislature by November 1, 2000. If the
commission requires a limited extension of time to conclude its
22 study and make its report, it may apply to the Legislative
Council, which may grant the extension; and be it further

24 **Sec. 9. Budget. Resolved:** That the chairs of the commission,
26 with assistance from commission staff, shall administer the
commission budget. Within 10 days after its first meeting, the
28 commission shall present a work plan and proposed budget to the
Legislative Council for approval. The commission may not incur
30 expenses that would result in the commission exceeding its
approved budget. Upon request from the commission, the Executive
32 Director of the Legislative Council shall provide the commission
chairs and staff with a status report of the commission budget,
34 expenditures incurred and paid and available funds; and be it
further

36 **Sec. 10. Appropriation. Resolved:** That the following funds are
38 appropriated from the General Fund to carry out the purposes of
this resolve.

40
42 **2000-01**

44 **LEGISLATURE**

46 **Commission to Propose a Process for**
48 **the Sharing of Information Between**
Schools, Criminal Justice Agencies
and Other Agencies Responsible for
the Health and Welfare of Juveniles

50

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2	Personal Services	\$990
	All Other	3,800

4 Provides funds for the per diem and expenses
6 of legislative members and expenses for
8 other eligible members of the Commission to
10 Propose a Process for the Sharing of
12 Information Between Schools, Criminal
Justice Agencies and Other Agencies
Responsible for the Health and Welfare of
Juveniles and to print the required report.

14 **LEGISLATURE**

14	TOTAL	<u>\$4,790</u>
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16 **Emergency clause.** In view of the emergency cited in the
18 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 **2000-01**

26 **APPROPRIATIONS/ALLOCATIONS**

28	General Fund	\$4,790
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30 This resolve includes a General Fund appropriation of \$4,790
32 in fiscal year 2000-01 for the Legislature for the per diem and
34 expenses of legislative members and expenses of other eligible
36 members of the Commission to Propose a Process for the Sharing of
Information Between Schools, Criminal Justice Agencies and Other
Agencies Responsible for the Health and Welfare of Juveniles and
to print the required report.

38 The additional costs associated with providing staffing
40 assistance to the commission during the interim between
42 legislative sessions can be absorbed by the Legislature utilizing
44 existing budgeted resources. If an extension of the reporting
46 deadline is granted and the commission requires staffing
assistance during the legislative session, the Legislature may
require an additional General Fund appropriation to contract for
staff services.

48 The additional costs associated with serving as members of
50 the commission can be absorbed by the Judicial Department, the
Department of Corrections, the Department of Education, the

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2 Department of Human Services and the Department of Mental Health,
Mental Retardation and Substance Abuse Services utilizing
4 existing budgeted resources.'

6 **SUMMARY**

8 This amendment replaces the bill and is the minority report
of the Joint Standing Committee on Criminal Justice. The
10 amendment creates a 16-member study commission to review the
current laws and processes for sharing information about
12 juveniles; to identify the information needs of agencies with
respect to their ability to provide for the health and welfare of
14 juveniles, including the creation and maintenance of
individualized plans to ensure the success and the rehabilitation
16 of juveniles; and to make necessary recommendations to propose
changes to the current laws and processes regarding the sharing
18 of information among schools, criminal justice agencies and other
agencies responsible for the health and welfare of juveniles.
20 The commission shall report its findings and any recommended
legislation to the First Regular Session of the 120th Legislature
22 by November 1, 2000. The amendment also adds a fiscal note.