

MAINE STATE LEGISLATURE

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Handwritten mark resembling a stylized '3' or '7' with 'A 218' written below it.

L.D. 2021

DATE: 5/5/99

(Filing No. H-455)

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CRIMINAL JUSTICE

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
119TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1414, L.D. 2021, Bill, "An Act to Establish the Commission to Propose an Alternative Process for the Payment of Forensic Examinations for Sexual Assault Victims"

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

'Resolve, to Establish the Commission to Propose an Alternative Process for Forensic Examinations for Sexual Assault Victims'

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 an Alternative Process for Forensic Examinations of Sexual Assault Victims; and

Whereas, this resolve is necessary to conduct an immediate review of the current forensic examination process and to identify methods to better support victims who have already suffered from the crimes committed against them; and

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

COMMITTEE AMENDMENT

5 of 9

2 **Sec. 1. Commission established. Resolved:** That the Commission
3 to Propose an Alternative Process for Forensic Examinations for
4 Sexual Assault Victims, referred to in this resolve as the
5 "commission," is established; and be it further

6 **Sec. 2. Commission membership. Resolved:** That the commission
7 consists of 14 members appointed as follows:

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

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

14 3. One member of the House of Representatives who sits on
15 the Joint Standing Committee on Judiciary, appointed by the
16 Speaker of the House;

17 4. The Commissioner of Public Safety or the commissioner's
18 designee;

19 5. The President of the Maine Prosecutors Association or
20 the president's designee;

21 6. The Victims Services Coordinator for the Department of
22 Corrections;

23 7. The Director of the Victims' Compensation Program;

24 8. The legislative chair for the Maine Coalition Against
25 Sexual Assault or the chair's designee;

26 9. The President of the Maine Chiefs of Police Association
27 or the president's designee;

28 10. The Director of the Bureau of Children and Family
29 Services, Department of Human Services or the director's designee;

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

32 12. A Sexual Assault Nurse Examiner, appointed by the
33 President of the Senate;

34 13. A member of the Maine Emergency Physicians Association,
35 appointed by the Speaker of the House; and
36

14. A survivor of sexual assault, appointed by the Speaker of the House; and be it further

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

Sec. 4. Appointments. Resolved: That appointments of members to the commission must be made no later than 30 days after the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. The chairs of the commission shall call and convene the first meeting of the commission no later than July 1, 1999; and be it further

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

1. Review the current process for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims;

2. Identify the forensic examination, medical treatment and reimbursement needs of sexual assault victims;

3. Review other states' processes for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims. This review must focus on how and by whom examinations are provided, whether reporting is required and what source of funding pays for the examinations and necessary medical treatment; and

4. If appropriate, make necessary recommendations to propose changes to the State's current process for providing forensic examinations, medical treatment and reimbursement for these services to sexual assault victims; and be it further

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

Sec. 7. Expenses. Resolved: That the legislative members of the commission are entitled to receive the legislative per diem and reimbursement of necessary expenses for their attendance at authorized meetings of the commission. Other members of the commission who are not otherwise compensated by their employers or other entities whom they represent are entitled to receive

reimbursement of necessary expenses and a per diem equal to the legislative per diem for their attendance at authorized meetings of the commission; and be it further

Sec. 8. Report. Resolved: That, by December 15, 1999, the commission shall submit a report of its findings, together with any recommendations for legislation, to the Joint Standing Committee on Criminal Justice. The Joint Standing Committee on Criminal Justice may report out legislation during the Second Regular Session of the 119th Legislature concerning the findings and recommendations of the commission. If the commission requires a limited extension of time to conclude its study and make its report, it may apply to the Legislative Council, which may grant the extension; and be it further

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

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

1999-00

LEGISLATURE

Commission to Propose an Alternative Process for the Payment of Forensic Examinations for Sexual Assault Victims

Personal Services	\$1,980
All Other	2,300

Provides funds for the per diem and expenses of legislative members and other eligible members for 6 meetings of the Commission to Propose an Alternative Process for the Payment of Forensic Examinations for Sexual Assault Victims and to print the required report.

2 **LEGISLATURE**
3 **TOTAL**

\$4,280

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

6
7 Further amend the resolve by inserting at the end before the
8 summary the following:

10 **FISCAL NOTE**

11 **1999-00**

12 **APPROPRIATIONS/ALLOCATIONS**

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16 General Fund \$4,280

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18 This resolve includes an additional General Fund
19 appropriation of \$4,280 in fiscal year 1999-00 for the
20 Legislature for the per diem and expenses of legislative members
21 and other eligible members of the Commission to Propose an
22 Alternative Process for the Payment of Forensic Examinations for
23 Sexual Assault Victims and to print the required report.

24
25 The additional costs associated with providing staffing
26 assistance to the commission during the interim between
27 legislative sessions can be absorbed by the Legislature utilizing
28 existing budgeted resources. If an extension of the reporting
29 deadline is granted and the commission requires staffing
30 assistance during the legislative session, the Legislature may
31 require an additional General Fund appropriation to contract for
32 staff services.

33
34 The additional costs associated with serving on the study
35 commission can be absorbed by the Department of Corrections, the
36 Department of Human Services, the Department of the Attorney
37 General and the Department of Public Safety utilizing existing
38 budgeted resources.'

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41 **SUMMARY**

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43 This amendment replaces the bill. The amendment creates a
44 resolve to establish the Commission to Propose an Alternative
45 Process for Forensic Examinations for Sexual Assault Victims.
46 The commission, with the assistance of experts and interested
47 parties, shall review the current process for providing forensic
48 examinations, medical treatment and reimbursement for these
49 services to sexual assault victims; identify needs of sexual
50

COMMITTEE AMENDMENT "A" to H.P. 1414, L.D. 2021

2 assault victims; review other states' processes for providing
forensic examinations; and make necessary recommendations to
4 propose changes to the State's current process. The commission
shall report its findings to the Joint Standing Committee on
6 Criminal Justice by December 15, 1999. The amendment also adds a
fiscal note to the resolve.