

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2651

H.P. 1906

House of Representatives, March 23, 2000

Resolve, to Establish the Commission to Study Domestic Violence.

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Criminal Justice suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative McALEVEY of Waterboro.
Cosponsored by Senator MITCHELL of Penobscot and
Representatives: MAYO of Bath, MURPHY of Kennebunk, MUSE of South Portland,
O'BRIEN of Augusta, PEAVEY of Woolwich, POVICH of Ellsworth, SAXL of Portland,
Senator: MURRAY of Penobscot.

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

4
6 Whereas, domestic violence is a pervasive and atrocious
problem in Maine and nationwide; and

8 Whereas, for the health and well-being of the people of
Maine, it is imperative that reasonable and sound measures be
taken to alleviate the problem of domestic violence; and

10
12 Whereas, in order to adequately address the problem of
domestic violence, it needs to be determined what the issues and
problems are and what reasonable and sound measures need to be
taken; and

14
16 Whereas, this determination needs to be undertaken as soon
as possible so that the problem of domestic violence may be
alleviated quickly; and

18
20 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

22
24 **Sec. 1. Commission established. Resolved:** That the Commission
to Study Domestic Violence, referred to in this resolve as the
"commission," is established; and be it further

26
28 **Sec. 2. Commission membership. Resolved:** That the commission
consists of the following members:

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

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36 2. Two members of the House of Representatives who sit on
the Joint Standing Committee on Criminal Justice, appointed by
the Speaker of the House;

38
40 3. One member of the Maine Association of Clerks of Courts,
selected by that association;

42
44 4. One member of the Maine Sheriffs Association, selected
by that association;

46
48 5. One member of the Maine Chiefs of Police Association,
selected by that association;

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

4 7. The President of the Maine Prosecutors Association, or
6 the president's designee;

8 8. The Director of the Maine Coalition to End Domestic
Violence, or the director's designee;

10 9. The Director of Violence No More, or the director's
12 designee;

14 10. The Chair of the Maine Commission on Domestic Abuse, or
the chair's designee;

16 11. The Victims Service Coordinator for the Department of
18 Corrections;

20 12. One representative of Parents of Murdered Children,
Maine Chapter, appointed by the Maine chapter leader;

22 13. One member of the Department of Corrections, Division
24 of Probation and Parole, appointed by the Commissioner of
Corrections;

26 14. The Commissioner of Public Safety, or the
28 commissioner's designee, who serves as an ex officio, nonvoting
member; and

30 15. The Attorney General or the Attorney General's
32 designee, who serves as an ex officio, nonvoting member.

34 The commission shall ask the Chief Justice of the Supreme
36 Judicial Court to designate a judge or retired judge from the
District Court to serve on the commission as a voting member and
38 shall request the State Court Administrator, or the
administrator's designee, to serve on the commission as a
nonvoting member; and be it further

40 **Sec. 3. Chairs. Resolved:** That the first named Senate member
42 is the Senate chair of the commission and the first named House
of Representatives member is the House chair of the commission;
44 and be it further

46 **Sec. 4. Appointments; meetings. Resolved:** That all
48 appointments must be made no later than 30 days following the
effective date of this resolve. The appointing authorities shall
50 notify the Executive Director of the Legislative Council upon
making their appointments. When the appointment of all members

2 is complete, the chairs of the commission shall call and convene
3 the first meeting of the commission no later than 30 days after
4 all appointments have been made. The commission may hold up to 8
5 meetings; and be it further

6 **Sec. 5. Duties. Resolved:** That the commission shall invite the
7 participation of experts and interested parties, gather
8 information and request necessary data from public and private
9 entities in order to study the problem of domestic violence and
10 determine methods of alleviating this problem, including, but not
11 limited to:

12 1. Strengthening protection from abuse orders, including
13 improving communication between the courts, law enforcement and
14 other appropriate government agencies regarding notice and
15 verification of protection from abuse orders;

16 2. Increasing enforcement of probation and bail conditions;

17 3. Increasing education in elementary and secondary schools
18 to heighten awareness of domestic violence;

19 4. Examining the handling of all aspects of domestic
20 violence cases from investigation to prosecution to movement
21 through the court system; and

22 5. Examining sentencing practices; and be it further

23 **Sec. 6. Staff assistance. Resolved:** That, upon approval of the
24 Legislative Council, the Office of Policy and Legal Analysis
25 shall provide necessary staffing services to the commission. If
26 requested by the commission, the Department of Public Safety, the
27 Department of Corrections and the Office of the Attorney General
28 also shall provide assistance; and be it further

29 **Sec. 7. Compensation. Resolved:** That the members of the
30 commission who are Legislators are entitled to the legislative
31 per diem, as defined in the Maine Revised Statutes, Title 3,
32 section 2, and reimbursement for necessary expenses incurred for
33 their attendance at authorized meetings of the commission. Other
34 members of the commission who are not otherwise compensated by
35 their employers or other entities that they represent are
36 entitled to receive reimbursement of necessary expenses incurred
37 for their attendance at authorized meetings; and be it further

38 **Sec. 8. Report. Resolved:** That the commission shall submit
39 its report, together with any necessary implementing legislation,
40 to the joint standing committee of the Legislature having
41 jurisdiction over criminal justice matters no later than

2 December 5, 2001. The joint standing committee of the
Legislature having jurisdiction over criminal justice matters may
4 introduce a bill during the Second Regular Session of the 120th
Legislature. If the commission requires a limited extension of
6 time to conclude its work, it may apply to the Legislative
Council, which may grant the extension; and be it further

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

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

24 **2000-01**

26 **LEGISLATURE**

28 **Commission to Study Domestic
Violence**

30

32	Personal Services	\$660
	All Other	2,400

34 Provides funds for the per
diem and expenses of
36 legislative members and
expenses of other eligible
38 members of the Commission to
Study Domestic Violence.

40

42 **LEGISLATURE
TOTAL**

\$3,060

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

46

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SUMMARY

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6 This resolve establishes the Commission to Study Domestic
8 Violence and requires the commission to study the problem of
10 domestic violence and determine methods of alleviating this
12 problem through better communication between the courts and law
14 enforcement and other government agencies, stricter bail and
16 probation conditions, education in elementary and secondary
 schools and improved procedures for domestic violence cases from
 investigation to sentencing. The commission is required to
 submit a report to the joint standing committee of the
 Legislature having jurisdiction over criminal justice matters for
 consideration in the Second Regular Session of the 120th
 Legislature.