

MAINE STATE LEGISLATURE

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AMS

L.D. 524

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DATE: 6-13-01

(Filing No. H-715)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

HOUSE AMENDMENT "A" to H.P. 403, L.D. 524, Bill, "An Act to Fund Sexual Assault and Domestic Violence Intervention and Prevention"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 5 MRSA c. 316-B is enacted to read:

CHAPTER 316-B

SEXUAL ASSAULT FORENSIC EXAMINER ADVISORY BOARD

§3360-N. Sexual Assault Forensic Examiner Advisory Board established; membership

1. Establishment and membership. The Sexual Assault Forensic Examiner Advisory Board, referred to in this chapter as the "board," established under section 12004-J, subsection 13, is established within the Department of the Attorney General. The board consists of 13 members appointed by the Attorney General. Members must include the following:

- A. One physician licensed to practice medicine in the State;
- B. One member of the State Board of Nursing;
- C. One sexual assault nurse examiner;

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2 D. One representative from a sexual assault center;

4 E. One member from a statewide coalition against sexual assault;

6 F. One survivor of sexual assault;

8 G. One attorney from the Department of the Attorney General;

10 H. One employee of the Maine State Police Crime Laboratory;

12 I. One member from a statewide association of prosecutors;

14 J. One member from a statewide association of hospitals;

16 K. One member who is a forensic pediatric health care provider; and

18 L. Two public members.

20
22 2. Terms of appointment. The term of each member of the board is 3 years. When a vacancy occurs prior to the expiration of a term, the appointment to fill that vacancy is for the balance of the unexpired term. Notwithstanding this subsection, the Attorney General may appoint initial members of the board for terms of fewer than 3 years to ensure staggered terms.

28 3. Chair. The member to be appointed by the Attorney General pursuant to subsection 1, paragraph G shall act as the chair of the board.

32 4. Meetings. The board may not meet more than once a month.

34 5. Quorum. Five members of the board constitute a quorum.

36 **§3360-O. Duties**

38 The board shall advise and assist the State in promoting and supporting the statewide creation, growth and sustainability of sexual assault forensic examiner programs. The board shall provide advice and assistance regarding training, technical assistance, standards and resources to the sexual assault forensic examiner programs.

44 **§3360-P. Administration**

46
48 The Department of the Attorney General shall provide general administrative oversight for the board's policies and responsibilities. When appropriate, the Department of the Attorney General may employ personnel necessary to carry out the

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purposes of the board; lease, rent or acquire adequate equipment and facilities; accept federal funds or grants that are available to carry out or implement the board's objectives; and provide technical assistance and training to sexual assault forensic examiners.

Sec. 2. 5 MRSA §12004-J, sub-§13 is enacted to read:

<u>13.</u>	<u>Sexual</u>	<u>Expenses</u>	<u>5 MRSA</u>
<u>Criminal</u>	<u>Assault</u>	<u>Only</u>	<u>§3360-N</u>
<u>Justice</u>	<u>Forensic</u>		
	<u>Examiner</u>		
	<u>Advisory</u>		
	<u>Board</u>		

Sec. 3. 36 MRSA §1811, first ¶, as amended by PL 1999, c. 401, Pt. X, §1 and affected by §5, is further amended to read:

A tax is imposed on the value of all tangible personal property and taxable services sold at retail in this State. The rate of tax is 7% ~~10%~~ on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43; 7% on the value of rental of living quarters in any hotel, rooming house, tourist or trailer camp; 10% on the value of rental for a period of less than one year of an automobile; 7% on the value of prepared food sold in establishments that are licensed for on-premises consumption of liquor pursuant to Title 28-A, chapter 43; and 5% on the value of all other tangible personal property and taxable services. Value is measured by the sale price, except as otherwise provided.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	2001-02	2002-03
ATTORNEY GENERAL, DEPARTMENT OF THE		
Administrative - Attorney General		
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$19,066	\$56,457
All Other	12,264	29,283

Provides for the appropriation of funds effective March 1, 2002 to

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2 establish one Research
Assistant position and
4 related costs for the sexual
assault forensic examiner
6 program.

8 **DEPARTMENT OF THE ATTORNEY
GENERAL
TOTAL**

\$31,330 \$85,740

10 **HUMAN SERVICES, DEPARTMENT OF**

12 **Purchased Social Services**

14 All Other \$594,198 \$1,032,344
16
18 Provides funds for
school-based sexual assault
20 and domestic violence
prevention education.

22 **Purchased Social Services**

24 All Other \$522,002 \$906,913
26
28 Provides funds for
community-based sexual
30 assault and domestic violence
prevention education.

32 **Purchased Social Services**

34 All Other \$561,206 \$974,149
36
38 Provides funds for direct
services to victims of sexual
assault or domestic violence
in Maine.

40 **Purchased Social Services**

42 All Other \$695,594 \$1,213,718
44
46 Provides funds to sustain
sexual assault and domestic
48 violence intervention and
prevention efforts, including
infrastructure support,
capital needs of agencies and

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2 As amended, the bill includes General Fund appropriations
totalling \$2,504,330 in fiscal year 2001-02 and \$4,337,864 in
fiscal year 2002-03.

4
6 As amended, this bill includes General Fund appropriations
of \$2,373,000 and \$4,127,124 in fiscal years 2001-02 and 2002-03,
respectively, for the Department of Human Services to contract
8 with community-based agencies to provide school-based and
community-based sexual assault and domestic violence prevention
10 education and to sustain the efforts already in place to protect
Maine citizens from domestic violence and sexual assault and to
12 provide services to victims of those crimes.

14 As amended, this bill includes General Fund appropriations
of \$31,330 and \$85,740 in fiscal years 2001-02 and 2002-03,
16 respectively, for the Department of the Attorney General for a
Research Assistant position and related costs for the sexual
18 assault forensic examiner program.

20 As amended, this bill also includes General Fund
appropriations of \$100,000 and \$125,000 in fiscal years 2001-02
22 and 2002-03, respectively, for the Department of Public Safety
for staffing and associated costs for the new violence against
24 women initiative.

26 The increase in the tax on alcoholic beverages sold in
licensed establishments will increase sales and use tax
28 collections by \$2,639,337 in fiscal year 2001-02 and \$4,570,984
in fiscal year 2002-03. The increase of these tax collections
30 will increase the amounts transferred to the Local Government
Fund for state-municipal revenue sharing in those years by
32 \$134,606 and \$233,120, respectively. The resulting net increase
of General Fund revenue will be \$2,504,731 in fiscal year 2001-02
34 and \$4,337,864 in fiscal year 2002-03.

36 The Department of the Attorney General will incur some
additional costs to provide general administrative oversight to
38 the Sexual Assault Forensic Examiner Advisory Board. These costs
can be absorbed within the department's existing budgeted
40 resources.

42 The additional costs associated with serving as members on
the Sexual Assault Forensic Examiner Advisory Board can be
44 absorbed by the affected state departments and agencies utilizing
existing budgeted resources.

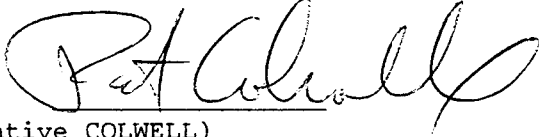
46
48 The Governor's proposed supplemental, "Part 2", budget
includes funding for the Department of Public Safety for the
domestic violence initiative. This estimate of the fiscal impact

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2 may need to be adjusted based on final legislative actions on the
"Part 2" budget.

4
6 **SUMMARY**

8 This amendment increases the tax on the value of liquor sold
in licensed establishments from 7% to 10%. The amendment also
10 creates a Sexual Assault Forensic Examiner Advisory Board within
the Department of the Attorney General.

12
14 SPONSORED BY: 
(Representative COLWELL)

16 TOWN: Gardiner

18