

MAINE STATE LEGISLATURE

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JUDICIARY

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

COMMITTEE AMENDMENT "A" to H.P. 1287, L.D. 1751, Bill, "An Act to Amend the Maine Commission on Domestic Abuse"

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 §12004-I, sub-§74-C, as amended by PL 1995, c. 694, Pt. D, §6 and affected by Pt. E, §2, is further amended to read:

74-C. Maine Expenses 19-A MRSA
Public Safety Commission Only §4013
on Domestic
and Sexual
Abuse

Sec. 2. 19-A MRSA §4013, as amended by PL 1997, c. 597, §§2 and 3 and affected by c. 507, §4, is further amended to read:

§4013. Maine Commission on Domestic and Sexual Abuse

There is created the Maine Commission on Domestic and Sexual Abuse, as established by Title 5, section 12004-I, subsection 74-C, referred to in this section as the "commission."

1. Composition; chair. The commission is composed as follows.

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

COMMITTEE AMENDMENT

- 2 (1) Two members, appointed by the Governor, who are
3 representatives of the statewide coalition of family
4 ~~crisis-services~~ domestic violence projects;
- 6 (1-A) Two members, appointed by the Governor, who are
7 representatives of the statewide coalition of sexual
8 assault centers;
- 10 (2) ~~Two members~~ One member, appointed by the Governor,
11 ~~one of whom has experience counseling abusers,~~ who are
12 ~~representatives~~ is a representative of the family
13 ~~counseling-profession~~ mental health profession;
- 14 (3) One member, appointed by the Governor, who is a
15 representative of victims of domestic violence;
- 16 (3-A) One member, appointed by the Governor, who is a
17 representative of victims of sexual assault;
- 18 (4) Two members, appointed by the Governor, one of
19 whom has experience representing victims of domestic
20 abuse, who are attorneys with experience in domestic
21 relations cases;
- 22 (5) One ~~person~~ member, appointed by the Governor, who
23 was a victim of domestic abuse and used the court
24 system;
- 25 (5-A) One member, appointed by the Governor, who was a
26 victim of sexual assault and used the court system;
- 27 (6) One member, appointed by the Governor, who is a
28 district attorney or assistant district attorney;
- 29 (7) One member, appointed by the Governor, who is
30 chief of a municipal police department;
- 31 (8) One member, appointed by the Governor, who is a
32 county sheriff;
- 33 (8-A) One member, appointed by the Governor, who is
34 the statewide coordinator of a statewide coalition to
35 end domestic violence;
- 36 (8-B) One member, appointed by the Governor, who is
37 the executive director of a statewide coalition against
38 sexual assault;

- 2 (8-C) The Attorney General or the Attorney General's
 designee;
- 4 (8-D) The Chief of the Maine State Police or the
 chief's designee;
- 6 (9) The Commissioner of Public Safety or the
8 commissioner's designee; and
- 10 (9-A) The Commissioner of Human Services or the
 commissioner's designee;
- 12 (9-B) The Commissioner of Mental Health, Mental
14 Retardation and Substance Abuse Services or the
 commissioner's designee;
- 16 (9-C) The Commissioner of Education or the
18 commissioner's designee;
- 20 (9-D) The Commissioner of Labor or the commissioner's
 designee;
- 22 (9-E) The Commissioner of Corrections or the
24 commissioner's designee;
- 26 (9-F) One member, appointed by the Governor, who has
 experience working in batterers' intervention programs;
28 and
- 30 (10) Up to 8 members-at-large, appointed by the
 Governor.

32 B. The Chief Justice of the Supreme Judicial Court is
34 requested to appoint one person to serve the commission in
36 an advisory capacity.

38 **2. Terms of office.** The members serve 3-year terms.

40 **3. Powers and duties.** The commission shall advise and
42 assist the executive, legislative and judicial branches of State
44 Government on issues related to domestic and sexual abuse. The
46 commission may make recommendations on legislative and policy
48 actions, including training of the various law enforcement
50 officers, prosecutors and judicial officers responsible for
 enforcing and carrying out the provisions of this chapter, and
 may undertake research development and program initiatives
 consistent with this section. The entire commission shall meet
 at least 2 times a year. Subcommittees of the commission may
 meet as necessary. The commission may accept funds from the
 Federal Government, from a political subdivision of the State or

from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this subsection.

4. Domestic Abuse Homicide Review Panel. The commission shall establish the Domestic Abuse Homicide Review Panel, referred to in this subsection as the "panel," to review the deaths of persons who are killed by family or household members as defined by section 4002.

A. The chair of the commission shall appoint members of the panel who have experience in providing services to victims of domestic and sexual abuse and shall include at least the following: the Chief Medical Examiner, a physician, a nurse, a law enforcement officer, the Commissioner of Human Services, the Commissioner of Corrections, the Commissioner of Public Safety, a judge as assigned by the Chief Justice of the Supreme Judicial Court, a representative of the Maine Prosecutors Association, an assistant attorney general responsible for the prosecution of homicide cases designated by the Attorney General, an assistant attorney general handling child protection cases designated by the Attorney General, a victim-witness advocate, a mental health service provider, a facilitator of a certified batterers' intervention program under section 4014 and 3 persons designated by a statewide coalition for family crisis services. Members who are not state officials serve a 2-year term without compensation, except that of those initially appointed by the chair, 1/2 must be appointed for a one-year term.

B. The panel shall recommend to state and local agencies methods of improving the system for protecting persons from domestic and sexual abuse, including modifications of laws, rules, policies and procedures following completion of adjudication.

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

2 E. The proceedings and records of the panel are
confidential and are not subject to subpoena, discovery or
4 introduction into evidence in a civil or criminal action.
The commission shall disclose conclusions of the review
6 panel upon request, but may not disclose information,
records or data that are otherwise classified as
confidential.

8
The commission shall submit a report on the panel's activities,
10 conclusions and recommendations to the joint standing committee
of the Legislature having jurisdiction over judiciary matters by
12 ~~January--1,--1999~~ January 30, 2002 and ~~annually~~ biennially
thereafter.

14 **Sec. 3. 19-A MRSA §4014, sub-§1**, as amended by PL 1997, c.
16 292, §2 and affected by §3, is further amended to read:

18 **1. Rules establishing standards and procedures for**
certification. The Department of Corrections, referred to in
20 this section as the "department," shall adopt rules pursuant to
the Maine Administrative Procedure Act, in consultation with the
22 Maine Commission on Domestic and Sexual Abuse, that establish
standards and procedures for certification of batterers'
24 intervention programs. The department, in consultation with the
commission, shall review and certify programs that meet the
26 standards. Rules adopted pursuant to this subsection are major
substantive rules pursuant to Title 5, chapter 375, subchapter
28 II-A.'

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

32
34 **·FISCAL NOTE**

36 The Department of the Attorney General, the Judicial
Department, the Department of Public Safety, the Department of
38 Corrections and the Department of Human Services will incur some
minor additional costs to serve on the Maine Commission on
40 Domestic and Sexual Abuse and the Domestic Abuse Homicide Review
Panel. These costs can be absorbed within the departments'
42 existing budgeted resources.

44 The Department of Mental Health, Mental Retardation and
Substance Abuse Services, the Department of Education and the
46 Department of Labor will incur some minor additional costs to
serve on the Maine Commission on Domestic and Sexual Abuse.
48 These costs can be absorbed within the departments' existing
budgeted resources.'

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SUMMARY

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This amendment replaces the bill in order to change the name and duties of the Maine Commission on Domestic Abuse to cover both domestic and sexual abuse. The new name of the commission becomes the Maine Commission on Domestic and Sexual Abuse.

8

This amendment corrects the reference to members appointed by the Governor to represent the coalition of sexual assault centers.

12

This amendment adds one member, appointed by the Governor, who has experience working with batterers' intervention programs.

14

The amendment clarifies the language to require the commission to report to the joint standing committee of the legislature having jurisdiction over judiciary matters every 2 years, beginning January 30, 2002.

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20

The amendment also adds a fiscal note to the bill.

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