

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1751

H.P. 1287

House of Representatives, March 27, 2001

An Act to Amend the Maine Commission on Domestic Abuse.

Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative NORBERT of Portland. (GOVERNOR'S BILL)
Cosponsored by Senator RAND of Cumberland and
Representatives: BAGLEY of Machias, BRUNO of Raymond, COLWELL of Gardiner,
MITCHELL of Vassalboro, SCHNEIDER of Durham, Senators: FERGUSON of Oxford,
O'GARA of Cumberland, YOUNGBLOOD of Penobscot.

Be it enacted by the People of the State of Maine as follows:

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Sec. 1. 19-A MRSA §4013, sub-§1, ¶A, as amended by PL 1997, c. 507, §2, is further amended to read:

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

(1) Two members, appointed by the Governor, who are representatives of the statewide coalition of ~~family crisis-services~~ domestic violence projects;

(1-A) Two members, appointed by the Governor, who are representatives of the statewide coalition of sexual assault services;

~~(2) Two members~~ One member, appointed by the Governor, ~~one of whom has experience counseling abusers,~~ who are ~~representatives~~ is a representative of the ~~family counseling profession~~ a mental health profession;

(3) One member, appointed by the Governor, who is a representative of victims of domestic violence;

(3-A) One member, appointed by the Governor, who is a representative of victims of sexual assault;

(4) Two members, appointed by the Governor, one of whom has experience representing victims of domestic abuse, who are attorneys with experience in domestic relations cases;

(5) ~~One person~~ member, appointed by the Governor, who was a victim of domestic abuse and used the court system;

(5-A) One member, appointed by the Governor, who was a victim of sexual assault and used the court system;

(6) One member, appointed by the Governor, who is a district attorney or assistant district attorney;

(7) One member, appointed by the Governor, who is chief of a municipal police department;

(8) One member, appointed by the Governor, who is a county sheriff;

2 (8-A) One member, appointed by the Governor, who is
3 the statewide coordinator of a statewide coalition to
4 end domestic violence;

5 (8-B) One member, appointed by the Governor, who is
6 the executive director of a statewide coalition against
7 sexual assault;

8 (8-C) The Attorney General or the Attorney General's
9 designee;

10 (8-D) The Chief of the Maine State Police or the
11 chief's designee;

12 (9) The Commissioner of Public Safety or the
13 commissioner's designee; and

14 (9-A) The Commissioner of Human Services or the
15 commissioner's designee;

16 (9-B) The Commissioner of Mental Health, Mental
17 Retardation and Substance Abuse Services or the
18 commissioner's designee;

19 (9-C) The Commissioner of Education or the
20 commissioner's designee;

21 (9-D) The Commissioner of Labor or the commissioner's
22 designee;

23 (9-E) The Commissioner of Corrections or the
24 commissioner's designee; and

25 (10) Up to 8 members-at-large, appointed by the
26 Governor.

27 **Sec. 2. 19-A MRS §4013, sub-§4,** as enacted by PL 1997, c.
28 507, §3 and affected by §4, is amended to read:

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

34 A. The chair of the commission shall appoint members of the
35 panel who have experience in providing services to victims
36 of domestic abuse and shall include at least the following:
37 the Chief Medical Examiner, a physician, a nurse, a law
38 enforcement officer, the Commissioner of Human Services, the

2 Commissioner of Corrections, the Commissioner of Public
4 Safety, a judge as assigned by the Chief Justice of the
6 Supreme Judicial Court, a representative of the Maine
8 Prosecutors Association, an assistant attorney general
10 responsible for the prosecution of homicide cases designated
12 by the Attorney General, an assistant attorney general
14 handling child protection cases designated by the Attorney
16 General, a victim-witness advocate, a mental health service
18 provider, a facilitator of a certified batterers'
20 intervention program under section 4014 and 3 persons
22 designated by a statewide coalition for family crisis
24 services. Members who are not state officials serve a
26 2-year term without compensation, except that of those
28 initially appointed by the chair, 1/2 must be appointed for
30 a one-year term.

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

40 C. The panel shall collect and compile data related to
42 domestic abuse.

44 D. In any case subject to review by the panel, upon oral or
46 written request of the panel, any person that possesses
48 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.

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

64 The commission shall submit a report on the panel's activities,
66 conclusions and recommendations to the joint standing committee
68 of the Legislature having jurisdiction over judiciary matters by
70 ~~January 1, 1999~~ January 30, 2002 and ~~annually~~ biannually
72 thereafter.

SUMMARY

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4 This bill makes changes to the composition of the Maine
Commission on Domestic Abuse and requires the commission to
report biannually to the Legislature.