

# MAINE STATE LEGISLATURE

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M  
R. of S.

L.D. 372

DATE: 4-17-03

(Filing No. H-158)

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
121ST LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 292, L.D. 372, "Resolve, to Improve Community Safety and Sex Offender Accountability"

Amend the resolve by inserting after the title 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,** completion of the study established in this resolve to review policies affecting sentencing, registration, release and placement of sex offenders is of vital interest to the citizens of this State and must be completed as soon as possible; and

**Whereas,** immediate passage of this resolve is necessary to provide for full consideration of these important issues, timely completion of the study and submission of recommendations for consideration by the Second Regular Session of the 121st Legislature; 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'

Further amend the resolve in section 2 in the 2nd line (page 1, line 7 in L.D.) by striking out the following: "11" and inserting in its place the following: '18'

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2 Further amend the resolve in section 2 by striking out all  
of subsections 6 and 7 (page 1, lines 25 to 42 in L.D.) and  
4 inserting in their place the following:

6 '6. Five members appointed by the President of the Senate  
as follows:

8 A. One representative of a statewide coalition advocating  
for victims of sexual assault;

10 B. One representative of people who provide direct support  
12 services to victims of sexual assault;

14 C. One representative of people who provide direct services  
for sex offenders;

16 D. One representative of the Maine Civil Liberties Union;  
18 and

20 E. One representative of the Maine Chiefs of Police  
Association; and

22  
24 7. Six members appointed by the Speaker of the House of  
Representatives as follows:

26 A. One representative of the Maine Association of Criminal  
Defense Lawyers;

28 B. One representative of the Maine Prosecutors Association;

30 C. One representative of victims of sexual assault;

32 D. One representative of psychologists or psychiatrists who  
34 treat sex offenders;

36 E. One representative of the Maine Council of Churches; and

38 F. One representative of the Maine Sheriffs' Association.

40 The commission shall ask the Chief Justice of the Supreme  
Judicial Court to designate a judge or a justice to serve on the  
42 commission as a voting member; and be it further'

44 Further amend the resolve by striking out all of section 8  
and inserting in its place the following:

46  
48 '**Sec. 8. Report. Resolved:** That the commission shall submit a  
report that includes its findings and recommendations, including  
50 suggested legislation, to the Joint Standing Committee on  
Criminal Justice and Public Safety for consideration during the  
52 Second Regular Session of the 121st Legislature no later than  
December 1, 2003. If the commission requires an extension of

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2 time to complete its report, it may apply to the Legislative  
Council, which may grant the extension. Following receipt and  
4 review of the report, the Joint Standing Committee on Criminal  
Justice and Public Safety may report out legislation related to  
6 the study to the Second Regular Session of the 121st Legislature;  
and be it further'

8 Further amend the resolve by inserting after section 9 the  
following:

10 'Sec. 10. Appropriations and allocations. Resolved: That the  
12 following appropriations and allocations are made.

14 **LEGISLATURE**

16 **Commission to Improve Community Safety  
and Sex Offender Accountability**

18 Initiative: Provides a base allocation to authorize expenditures  
20 from the anticipation of collecting outside funds.

22	<b>Other Special Revenue Funds</b>	<b>2003-04</b>	<b>2004-05</b>
24	All Other	\$500	\$0
26	Other Special Revenue Funds Total	<u>\$500</u>	<u>\$0</u>

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

32 **SUMMARY**

34 This amendment makes the following changes to the resolve.

36 1. It expands the makeup of the Commission to Improve  
Community Safety and Sex Offender Accountability by adding  
38 members representing the Judicial Department, district attorneys,  
psychiatrists or psychologists who treat sex offenders, direct  
40 providers of services for sex offenders, the Maine Civil  
Liberties Union, the Maine Council of Churches and a 2nd local  
42 law enforcement officer.

44 2. It changes the reporting date of the commission from  
January 2, 2004 to December 1, 2003.  
46

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2 3. It authorizes the Joint Standing Committee on Criminal  
Justice and Public Safety to report out legislation to the Second  
Regular Session of the 121st Legislature.

4 4. It adds an emergency preamble and clause.

6 5. It incorporates an appropriations and allocations  
8 section.

10

**FISCAL NOTE REQUIRED**  
(See attached)

12

**COMMITTEE AMENDMENT**



**121st Maine Legislature  
Office of Fiscal and Program Review**

**LD 372**

**Resolve, to Improve Community Safety and Sex Offender Accountability**

**LR 0374(02)**

**Fiscal Note for Bill as Amended by Committee Amendment " "**

**Committee: Criminal Justice and Public Safety**

**Fiscal Note Required: Yes**

**Fiscal Note**

Current Costs - Legislative Study

	2003-04	2004-05	Projections 2005-06	Projections 2005-06
<b>Appropriations/Allocations</b>				
Other Special Revenue Funds	\$500	\$0	\$0	\$0

**Legislative Study**

The projected costs to fund the general operating expenses of this study are \$5,790 in fiscal year 2003-04. This bill authorizes the commission to accept outside funds to advance its work. This authorization may result in the collection of Other Special Revenue funds in fiscal year 2003-04. A base allocation of \$500 in fiscal year 2003-04 is included to authorize expenditures from this dedicated revenue. The Legislature has budgeted \$30,000 in fiscal year 2003-04 for legislative studies. Whether that amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. Costs associated with serving on the commission can be absorbed by the Department of Corrections, the Department of Public Safety and the Office of the Attorney General utilizing existing budgeted resources.