

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 372

H.P. 292

House of Representatives, January 30, 2003

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

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Speaker COLWELL of Gardiner.  
Cosponsored by Senator ROTUNDO of Androscoggin and  
Representatives: LERMAN of Augusta, MAILHOT of Lewiston, McNEIL of Rockland,  
O'BRIEN of Lewiston, SUSLOVIC of Portland, Senators: President DAGGETT of Kennebec,  
GAGNON of Kennebec, MAYO of Sagadahoc.

2           **Sec. 1. Commission established. Resolved:** That the Commission  
to Improve Community Safety and Sex Offender Accountability,  
4 referred to in this resolve as "the commission," is established;  
and be it further

6           **Sec. 2. Commission membership. Resolved:** That the commission  
consists of the following 11 members:

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10           1. One member of the Senate, appointed by the President of  
the Senate;

12           2. Two members of the House of Representatives, appointed  
by the Speaker of the House;

14           3. One representative of the Department of Corrections,  
16 appointed by the Commissioner of Corrections;

18           4. One representative of the Department of Public Safety's  
Sex Offender Registry Office, appointed by the Commissioner of  
20 Public Safety;

22           5. One representative of the Office of the Attorney  
General, appointed by the Attorney General;

24           6. Two members appointed by the President of the Senate as  
26 follows:

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

30           B. One representative of people who provide direct support  
32 services to victims of sexual assault; and

34           7. Three members appointed by the Speaker of the House of  
Representatives as follows:

36           A. One representative of defense attorneys;

38           B. One representative of victims of sexual assault; and

40           C. One representative of municipal or county law  
42 enforcement; and be it further

44           **Sec. 3. Appointments; chairs; meetings. Resolved:** That all  
appointments must be made no later than 30 days following the  
46 effective date of this resolve. The Executive Director of the  
Legislative Council must be notified by all appointing  
48 authorities once the selections have been made. The Senate  
member is the Senate chair and the first-named House of  
50 Representatives member is the House chair. The Executive

2 Director of the Legislative Council shall call and convene the  
first meeting of the commission no later than 15 days after  
4 appointments of all members. The commission may hold a total of  
6 meetings, one of which may be a public hearing; and be it  
further

6  
8 **Sec. 4. Duties. Resolved:** That the commission shall invite the  
participation of experts and interested parties, gather  
10 information and request necessary data from public and private  
entities to examine and recommend any changes to current laws  
12 governing the sentencing, registration, release and placement of  
sex offenders.

14 In conducting its study, the commission shall:

16 1. Define and establish minimum standards for notification  
and guidelines concerning notification of sex offenders to the  
18 public;

20 2. Examine matters concerning the management of offenders,  
including the risk assessment that is currently used to assess  
22 offenders upon release, the necessity of prerelease discharge  
plans and the benefits of treatment while in corrections  
24 facilities; and

26 3. Examine issues regarding registration, including the  
current time period allowed offenders before they must register  
28 with local law enforcement agencies.

30 The commission's study may include any other issues the  
commission determines appropriate; and be it further

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34 **Sec. 5. Staff assistance. Resolved:** That upon approval of the  
Legislative Council, the Office of Policy and Legal Analysis  
36 shall provide necessary staffing services to the commission; and  
be it further

38 **Sec. 6. Compensation. Resolved:** That the members of the  
commission who are Legislators are entitled to the legislative  
40 per diem, as defined in the Maine Revised Statutes, Title 3,  
section 2, and reimbursement for necessary expenses incurred for  
42 their attendance at authorized meetings of the commission. Other  
members of the commission who are not otherwise compensated by  
44 their employers or other entities that they represent are  
entitled to receive reimbursement of necessary expenses incurred  
46 for their attendance at authorized meetings; and be it further

48 **Sec. 7. Funding. Resolved:** That the commission may seek and  
accept outside funds to advance its work. Prompt notice of  
50 solicitation and acceptance of funds must be sent to the

2 Legislative Council. All funds accepted must be forwarded to the  
3 Executive Director of the Legislative Council along with an  
4 accounting record that includes the amount of funds, date the  
5 funds were received, from whom the funds were received and the  
6 purpose and any limitation on the use of the funds. The  
7 Executive Director of the Legislative Council administers any  
8 funds received; and be it further

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10 **Sec. 8. Report. Resolved:** That the commission shall submit a  
11 report that includes its findings and recommendations, including  
12 legislation, to the Joint Standing Committee on Criminal Justice  
13 during the Second Regular Session of the 121st Legislature no  
14 later than January 2, 2004. If the commission requires an  
15 extension of time to complete its report, it may apply to the  
16 Legislative Council, which may grant the extension. The  
17 commission is authorized to introduce legislation related to its  
18 report to the Second Regular Session of the 121st Legislature at  
19 the time of submission of its report; and be it further

20 **Sec. 9. Budget. Resolved:** That the cochairs of the  
21 commission, with assistance from the commission's staff, shall  
22 administer the commission's budget. Within 10 days after its  
23 first meeting, the commission shall present a work plan and  
24 proposed budget to the Legislative Council for approval. The  
25 commission may not incur expenses that would result in the  
26 commission's exceeding its approved budget. Upon request from  
27 the commission, the Executive Director of the Legislative council  
28 shall promptly provide the commission chairs and staff with a  
29 status report on the commission's budget, expenditures incurred  
30 and paid and available funds.

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#### SUMMARY

35 This resolve establishes the Commission to Improve Community  
36 Safety and Sex Offender Accountability.