

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SMC
RONS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

L.D. 1889

Date: 4-18-18

(Filing No. H-476)

JUDICIARY

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1321, L.D. 1889, Bill, "An Act To Increase Safety for Maine Citizens by Amending the Definition of "Likelihood of Serious Harm" in the Laws Governing Mental Health and Hospitalization To Include Consideration of a Person's Potential for Future Serious Harm"

Amend the bill by striking out the title and substituting the following:

'Resolve, To Establish the Blue Ribbon Commission on Community Safety'

Amend the bill by striking out everything after the title and before the summary and inserting 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, the purpose of the Blue Ribbon Commission on Community Safety is to explore appropriate methods to identify individuals who pose a significant risk of serious bodily injury or death to themselves or to other persons and to intervene to diminish the risk without unnecessarily infringing on the civil liberties of those identified individuals; and

Whereas, the study must be initiated before the 90-day period expires to allow the study to be completed and a report submitted in time for submission to the next legislative session; 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

Sec. 1. Commission established. Resolved: That the Blue Ribbon Commission on Community Safety, referred to in this resolve as "the commission," is established; and be it further

COMMITTEE AMENDMENT

R O F S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 10 members as follows:

- 1. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature;
- 2. Two members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature;
- 3. The Attorney General or the Attorney General's designee;
- 4. The Commissioner of Public Safety or the commissioner's designee;
- 5. A representative of law enforcement, appointed by the President of the Senate;
- 6. A forensic psychiatrist or a psychiatrist with experience treating patients who have been involved in the criminal justice system, appointed by the President of the Senate;
- 7. An attorney with expertise in constitutional law and the rights of patients voluntarily and involuntarily committed to psychiatric hospitals or residential care facilities, appointed by the Speaker of the House; and
- 8. A representative of Disability Rights Maine to represent mental health consumers, appointed by the Speaker of the House; and be it further

Sec. 3. Chairs. Resolved: That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the commission; and be it further

Sec. 4. Appointments; convening of commission. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The President of the Senate and the Speaker of the House shall notify the Executive Director of the Legislative Council once all appointments have been completed. When the appointment of all members has been completed, the chairs shall call and convene the first meeting of the commission. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the commission to meet and conduct its business; and be it further

Sec. 5. Duties. Resolved: That the commission shall make recommendations to help identify individuals who pose a significant risk of serious bodily injury or death to themselves or other persons, referred to in this resolve as "individuals who pose a risk to public safety," and to intervene to diminish the risk without unnecessarily infringing upon the civil liberties of those individuals. In making those recommendations, the commission shall:

- 1. Gather information concerning existing policies and procedures in the State for the identification and treatment of individuals who pose a risk to public safety and existing legal procedures for government intervention to diminish the risk, including information regarding whether existing policies and procedures can be used more effectively; and
- 2. Identify and evaluate the merits of alternative approaches for the identification and treatment of individuals who pose a risk to public safety as well as alternative policies

COMMITTEE AMENDMENT

ROFS

COMMITTEE AMENDMENT "A" to H.P. 1321, L.D. 1889

1 and legal procedures that can be implemented to alleviate the risk without unnecessarily
2 infringing upon the civil liberties of those individuals, including but not limited to:

3 A. Determining whether the legal standard for involuntary commitment should be
4 altered; and

5 B. Determining whether a process for the issuance of community protection orders
6 that temporarily prevent individuals who pose a risk to public safety from possessing
7 firearms or other deadly weapons should be available and, if so, the appropriate legal
8 standards and due process protections to be included in that process; and be it further

9 **Sec. 6. Staff assistance. Resolved:** That, notwithstanding Joint Rule 353, the
10 Legislative Council shall provide necessary staffing services to the commission; and be it
11 further

12 **Sec. 7. Authorized meetings. Resolved:** That the commission may hold no
13 more than 6 meetings; and be it further

14 **Sec. 8. Report. Resolved:** That the commission shall submit a report no later
15 than November 7, 2018 that includes its findings and recommendations, including
16 suggested legislation, to the joint standing committee of the Legislature having
17 jurisdiction over judiciary matters. The joint standing committee of the Legislature
18 having jurisdiction over judiciary matters is authorized to introduce legislation to the First
19 Regular Session of the 129th Legislature related to the subject matter of the report.

20 **Emergency clause.** In view of the emergency cited in the preamble, this
21 legislation takes effect when approved.'

22 **SUMMARY**

23 This amendment replaces the bill with a resolve that establishes the Blue Ribbon
24 Commission on Community Safety to explore appropriate methods to identify individuals
25 who pose a significant risk of serious bodily injury or death to themselves or other
26 persons and to intervene to diminish the risk while preserving the civil liberties of such
27 individuals to the extent possible. The commission is required to submit a report by
28 November 7, 2018 that includes its findings and recommendations, including suggested
29 legislation, to the joint standing committee of the Legislature having jurisdiction over
30 judiciary matters. The joint standing committee of the Legislature having jurisdiction
31 over judiciary matters is authorized to introduce legislation to the First Regular Session of
32 the 129th Legislature related to the subject matter of the report.

33 **FISCAL NOTE REQUIRED**

34 (See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 1889

LR 2989(02)

An Act To Increase Safety for Maine Citizens by Amending the Definition of "Likelihood of Serious Harm" in the Laws Governing Mental Health and Hospitalization To Include Consideration of a Person's Potential for Future Serious Harm

Fiscal Note for Bill as Amended by Committee Amendment *A (H-776)*

Committee: Judiciary

Fiscal Note Required: Yes

Fiscal Note

Legislative Cost/Study

Legislative Cost/Study

The general operating expenses of this study are projected to be \$1,125 in fiscal year 2017-18 and \$2,125 in fiscal year 2018-19. The Legislature's budget includes approximately \$7,000 in fiscal year 2017-18 and \$10,000 in fiscal year 2018-19 for legislative studies. Whether these amounts are sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature. The additional costs of providing staffing assistance to the study during the interim can be absorbed utilizing existing budgeted staff resources.

Fiscal Detail and Notes

Additional costs to the Department of Public Safety and the Office of the Attorney General associated with serving on the Commission can be absorbed within existing budgeted resources.